investigation and study into the reasons for, and the course of, the U.S. involvement in the war in Vietnam; to the Committee on Rules.

By Mr. BOLAND (for himself, Mr. ADAMS, Mr. ANDERSON of Tennessee, Mr. BEGICH, Mr. BIAGGI, Mr. BURTON of California, Mr. CLARK, Mr. COTTER, Mr. DERWINSKI, Mr. DONOHUE, Mr. DRINAN, Mr. GIBBONS, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. KOCH, Mr. LEGGETT, Mr. MINISH, Mr. NIX, Mr. PODELL, Mr. QUIE, Mr. RYAN, Mr. UDALL, Mr. WOLFF, and Mr. YATES):

H. Con. Res. 357. Concurrent resolution to create a select joint committee to conduct an investigation and study into the reasons for, and the course of, the U.S. involvement in the war in Vietnam; to the Committee on Rules.

By Mrs. HICKS of Massachusetts:

H. Con. Res. 358. Concurrent resolution requesting the President and the Secretary of State to urge the Government of the Union of Soviet Socialist Republics to release Ruth Aleksandrovich, a Soviet Jew, and other similarly situated persons from imprisonment reportedly resulting from their desire to emigrate from the Union of Soviet Socialist Republics to Israel, and to urge the Government of the Union of Soviet Socialist Republics to allow all persons desiring to leave that country to do so; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

231. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to naming a nuclear submarine in memory of Congressman William H. Bates; to the Committee on Armed Services.

232. Also, memorial of the Legislature of the State of Oregon, relative to removing debris in the Columbia River; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. FULTON of Tennessee introduced a bill (H.R. 9595) for the relief of Ruth W. Durrett, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

REMARKS OF F. EDWARD HÉBERT AT THE KEEL LAYING OF THE "L. MENDEL RIVERS" (SSN-686)

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. DOWNING. Mr. Speaker, last Saturday the keel of the nuclear attack submarine *L. Mendel Rivers* was laid at the Newport News Shipbuilding & Drydock Co. in Newport News, Va.

The distinguished chairman of the House Armed Services Committee, F. EDWARD HÉBERT, was the principal speaker at this significant ceremony and his remarks were timely, important, and eloquent. He praised our former beloved colleague for whom this submarine has been named as:

A man who loved his country and devoted the major energies of his public career to seeing that his country was prepared to counter any threat to its survival.

No truer words could be spoken.

Chairman Hébert also had interesting words about those persons who may be "fatigued in spirit" as far as our overall national defense is concerned. I think my colleagues will find his words most interesting:

REMARKS OF F. EDWARD HÉBERT

In dedicating this nuclear attack submarine to be named in honor of L. Mendel Rivers, we are paying his memory an honor that is richly deserved and singularly appropriate.

He was a man who loved his country and devoted the major energies of his public career to seeing that his country was prepared to counter any threat to its survival.

His contributions have left an indelible mark upon the Armed Forces of the United States. Therefore, it is only just that his name be honored by an instrument of our national security.

To honor him by naming this nuclear attack submarine for him is singularly appropropriate for a number of reasons.

MENDEL RIVERS RECOGNIZED THAT THE UNITED STATES IS ESSENTIALLY A MARITIME POWER

L. Mendel Rivers was always particularly aware that the United States is a maritime power and that command of the seas is, and always has been, central to its survival.

Mendel Rivers rarely wrote magazine articles. The lonely perseverance of the writer did not fit one of his restless nature. But in a rare magazine article several years ago he expressed his feelings about our dependence on the seas. His words bear repeating now.

"It is sometimes forgotten that the U.S. throughout most of its history has been essentially a maritime power. . . .

"The success of our foreign policy and to a considerable extent our economy has depended on control of the seas.

"These rather elemental facts have always been understood by the Congress as they were understood by the founding fathers and because of these facts the Congress has always taken a very special interest in our maritime posture and our naval power. In every war we have fought, save one, it is conceivable that we would have lost—in some case certain that we would have lost—without control of the seas. The exception would be the war with Mexico of 1846–48. Even in our own tragic War between the States, a blockade was crucial to the Union's success. In the Revolutionary War, we did not fully control the seas but our naval successes were essential to victory.

"In our early years, the Congress recognized that a naval power sufficient to protect our maritime commerce was essential to our economic well being. In our own day, it is equally true that our world position could not be maintained without our naval strength and that in warfare, limited or unlimited, a fundamental requirement is unshakable control of the seas."

MANY OF OUR NUCLEAR WARSHIPS BEING BUILT TODAY WERE AUTHORIZED BECAUSE MENDEL RIVERS TOOK THE INITIATIVE TO FORCE THEIR CONSTRUCTION

It is well known that Mendel Rivers fought hard for revitalization of the Navy during his years as Chairman of the House Armed Services Committee and made great efforts to convince the Congress and the American people that we should increase the rate of shipbuilding to replace the aging ships in our fleet.

But he was also totally committed to exploiting the advantages of nuclear propulsion for the Navy—not only for submarines, but for surface ships as well.

I think he would be particularly pleased to know that his name is being given to a nuclear ship.

Probably nowhere in the whole national defense area has the impact of Congress been so direct and so profound as in the area of the nuclear Navy.

Without the actions of the Joint Committee on Atomic Energy, the Committees on Armed Services, and the Appropriations Committees, the nuclear submarine would not have been developed as early as it was. And, of course, without the development of the nuclear submarine, we could not have had the Polaris submarine, the most invulnerable arm of our strategic deterrent.

In all of the Congressional action to bring about the development of the nuclear submarine, to bring about the development of Polaris, to hasten the development of faster and quieter submarines, and to hasten the application of nuclear power to the surface Navy, Mendel Rivers played a vigorous role.

Ten years ago the House Armed Services Committee took the initiative to change the frigate Truxtun from conventional to nuclear power. Our report at that time—which was issued before the first nuclear-powered surface ship had put to sea—said:

"The purpose of the change is to effect the Committee's desire to increase the number of surface naval vessels which will possess the invaluable ability to cruise with almost unlimited endurance."

In 1965, when he became Chairman of the House Armed Services Committee, Mendel Rivers started the long fight to get a reasonable nuclear-frigate program going.

Mendel Rivers, more than any other person, was responsible for the action in Congress a few years ago which substituted two nuclear frigates for two nonnuclear ships requested by the Department of Defense. These ships are the *California* and the *South Carolina*, which are now under construction here at Newport News along with the nuclear aircraft carriers *Nimitz* and *Eisenhower*.

At that time we also got the Defense Department to agree with a program of five additional nuclear frigates.

However, last month somebody in the Pentagon got the idea that we should not build those frigates.

It was announced that the Department would not build the two frigates, DLGN's 41 and 42, for which advanced procurement funds had already been appropriated. Our Committee refused to accept this disregard of the will of Congress. In the recently passed Military Procurement Authorization bill we limited the use of a portion of Naval ship construction funds to the construction of these DLGN's.

The language we used in our legislation requiring that the nuclear-frigate program proceed is the same language we used in the law to get the *California* and the *South Carolina* built. We learned well the lesson Mendel Rivers taught us.

I tell you today, I pledge to you in Mendel Rivers' name, that this fight for an adequate number of nuclear frigates goes on.

I tell you today that those of us in Congress to whom he threw the torch are determined that Mendel Rivers' dream of a nuclear Navy shall someday become a reality.

MENDEL RIVERS WAS THE OUTSTANDING CONGRESSIONAL EXPERT ON THE SOVIET SUBMARINE THREAT AND THE IMPORTANCE OF THE ASW MISSION FOR THE U.S. NAVY

The submarine for which we lay the keel today will be one of the last of the Sturgeon

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

class. She will be 292 feet long and 31.7 feet in the beam. She will displace 3,860 tons (4,630 submerged).

The primary mission of these submarines is to seek out and destroy enemy submarines.

The ASW mission of the Navy is one with which Mendel Rivers was particularly concerned—and for a particular reason.

In the last years of his life he devoted great energy to attempting to alert the Congress and the American people to the dangers of Soviet naval power and particularly the dangers inherent in the dramatic build-up of the Soviet submarine force.

Mendel Rivers was the reigning expert in Congress on Soviet submarine developments, and as much as any man in the country he understood the dangers Soviet submarine developments posed for our national security.

On his last birthday, September 28, 1970, Mendel Rivers delivered a major address on the floor of the House of Representatives on "The Soviet Threat." In that speech he presented in stark reality and with great detail the development of the Soviet submarine force and the threat that it implied for the long-range security of the United States.

The Soviets lead the world in submarines and lead the world in capability to build submarines. They are building three new nuclear submarines to every one we build.

The latest Soviet nuclear submarines have a submerged speed significantly higher than anything expected. They have 65 antiship cruise missile submarines—which is 65 more than the United States has.

One of the things Mendel Rivers always stressed was that our Naval building program is a long-range process. We recognize that this is still the case.

Despite all that we have done, we still have not done enough. We must build more new high-speed submarines. We must accelerate work on an advanced submarine which will be able to launch tactical missiles against ships and other targets while remaining outside antisubmarine range. We are many years behind the Soviets in this type of submarine and we simply must move quickly to close the gap.

We have only recently let the *development* contract for the Harpoon missile while the Russian Styx missile has been *operational* for some time and surface-launched anti-ship missiles have been developed by Western European nations. The delay in development for our Navy is inexcusable. I am deeply concerned about our shortcomings in this area and determined that the situation be rectified as soon as possible.

THE GREAT PARADOX: NATIONAL SECURITY IN THE NUCLEAR AGE

It is the great paradox of our age, the nuclear age, that our most awesome weapons depend for their success on not being used.

This is called deterrence. It is a policy of having enough terrible weapons to deter any other nation from using such weapons against us. It has probably always been thus. A tribe of cave men probably found that the best way to prevent another tribe of cave men from attacking them was to have a greater supply of spears and stone hammers.

But in our age the possibility that the policy will fail and the weapons will be used carries with it the specter of Armageddon. The possibility of a nuclear exchange is so horrible as to seem unreal. Years of preparation to avoid such an eventuality brings to many people fatigue of the spirit.

Retaining an assured deterrence against any threat to our freedom is ultimately, therefore, a test of national will. This is a difficult truth that Mendel Rivers understood clearly.

There are those fatigued in spirit who, with the best of motives, tell us that national defense expenditures are terrible wastes and that we should make huge cuts in our defense budget and spend the money on other pressing needs. The best answer to the charge of waste is summed up in the letter I received recently, which came, paradoxically enough, from a former resident of Mendel Rivers' home state of South Carolina. After congratulating our Committee for rejecting proposed amendments to halt work on vital defense weapons like the ABM, the gentleman wrote that his thoughts were best summed up by a quotation from Milovan Djilas. The quotation is as follows:

"All armaments in a sense represent waste to mankind. But the cost is only a fraction of what the West will pay if the Soviet military forces are led to believe that they will not be stopped."

Milovan Djilas is a Yugoslavian and a former leader of his country's Communist government. But he expresses very clearly the dangers that Soviet military might poses for the freedom of the Western world.

We do not build nuclear ships for the fun of building ships. If there were no threat to our freedom of the seas, there would be no Naval shipbuilding program.

We are one of the strongest nations in the history of the world and we are a free nation because we have always had the will to be prepared for any danger, no matter how frightening, because we have never lost the will to be free.

As this submarine can make a contribution to preserving our national security, the spirit of Mendel Rivers will contribute to our will to remain free.

SET THE DATE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. SCHMITZ. Mr. Speaker, Nguyen Minh Vy, Deputy Minister to the North Vietnamese Paris delegation, said:

I would like to say that we felt that the Spring Offensive of the American anti-war movement was a great success . . . It is hard to find the words to express our feelings. We realize how difficult the struggle was. We would greatly appreciate a continuation of anti-war activities throughout the summer.

During the week of May 10 a long series of meetings was held in Paris between Americans instrumental in the anti-Vietnam war movement and representatives of the Government of North Vietnam. Utilizing material provided them by a confidential source, staff members of the House Committee on Internal Security testified before the Internal Security Committee concerning this meeting.

The Americans in attendance at Paris were reported to be Sidney and Louise Peck, Robert Greenblatt, Carol Kitchen, and Jack Davis. The foreign enemy delegation included Mrs. Nguyen Thi Binh for the Viet Cong, Xuan Oahn and Nguyen Minh Vy for North Vietnam. Mrs. Binh, who, judging from the amount of attention she receives from the American mass media, seems to be the media preferred enemy representative, moved to Hanoi from South Vietnam in 1954 and since 1962 has served as one of Hanoi's most effective spokesmen for its puppet organization, the National Liberation Front.

One of the points which this meeting served to emphasize is the close relationship existing between the North Vietnamese Communists and leaders of the U.S. anti-Vietnam war movement. The people who met in Paris with agents of an enemy responsible for over 45,000 American deaths in Asia are clearly not working for peace, but rather for North Vietnamese victory.

During the meeting the foreign enemy praised the work of their American auxiliary forces in general, but also had a few criticisms. Nguyen Minh Vy criticized some of the May Day operations not only because their slogan, "Stop the war or we will stop the government" was unrealistic, but because he felt that it gave the impression that the North Vietnamese were going to be defeated unless the war was ended right away. The myth of inevitability of victory is an integral facet of all Communist warfare operations, essential in demoralizing the opposition. The North Vietnamese Politburo would just as soon not have their allies in the United States compromising one of the essential psychological aspects of their aggressive warfare operations simply to drum up a little temporary frenzied enthusiasm. Closer North Vietnamese strategic guidance of the U.S. anti-war movement in the future is geared to prevent slip ups of this type.

Mrs. Binh thought that while the "People's Peace Treaty"—see Newsletter 71-17—was a good organizing tool, it was a bit lengthy for massive agitational purposes and that all anti-Vietnam war groups should devote their efforts to popularizing the short slogan, "Set The Date." This slogan refers to the rapid total retreat of all U.S. forces from Southeast Asia, in such a manner as to assure the success of the North Vietnamese Armies. There was no mention made at the meeting of any North Vietnamese withdrawal of their expeditionary forces from Laos, Cambodia and South Vietnam. The withdrawal is to be unilateral and to culminate in Communist victory.

A very significant bit of information coming from this meeting was the clear insight into the enemy attitude toward the American servicemen they now hold as prisoners. When asked about the U.S. prisoners of war, Mrs. Binh stated that—

These men are mainly Air Force officers, therefore sons of the ruling class, and it is not necessary for the movement to be concerned about them.

A suggestion from one of the Americans that any state which ratified the "People's Peace Treaty" to have the servicemen from that state being held by the North Vietnamese returned, was nixed in no uncertain terms. The Communists obviously feel that the American servicemen they hold have a much higher hostage value. Just how high a price for the return of these men is going to be exacted by the enemy, if the United States continues to allow the North Vietnamese to determine things of this nature, is yet to be seen.

After the Paris planning session, the Americans and Mrs. Binh flew off to a Budapest meeting of the World Peace Council, an international front organization of the Soviet Union, to coordinate their plans with "peace" groups the world over.

There is no doubt that the cry of "set the date" will resound with ever greater intensity from many sections of our so-

ciety. There are many of us who believe, however, that it is too late to drag the troops home from the Asian theater in defeat; too difficult to explain to the soldiers already home, or the loved ones of those who never made it home, why the battle was in vain; too mentally taxing to attempt to deceive ourselves into believing that a United States whipped to its knees in Southeast Asia can ever stand again as a great nation.

"Set the date" is a nice phrase for a nasty word known as surrender.

RESOLUTION IN SUPPORT OF PRESIDENT'S DIPLOMATIC OFFENSIVE AGAINST ILLEGAL DRUG TRAFFIC

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. FREY. Mr. Speaker, as we are all aware the illicit traffic in narcotics and dangerous drugs spans the globe. Since most of the countries involved in the production and illegal traffic of opium and its derivatives do not themselves have a serious drug problem, they have no sense of urgency about the problem and are hesitant to take action to stop the flow of illegal drugs to the United States.

The President has initiated a diplomatic offensive to persuade the nations involved in this traffic to take action to stop the production or traffic in illegal drugs. The 16-member Republican task force, which I am chairman of, is today introducing a resolution expressing the support of the Congress for the President's diplomatic offensive and stating further that if action is not taken within a reasonable time by other nations to stop the production and illegal traffic, the Congress will take "appropriate unilateral action."

On this issue, Mr. Speaker, we in the Congress need to show to the world that we solidly support the effort to seek international cooperation. Of course, a negotiated agreement to agree to voluntarily limit production and stop the illegal traffic is preferable. We must let the diplomatic process operate. However, if the nations involved in this illegal traffic are still reluctant to act, then we in the Congress should take appropriate unilateral action. Most of these countries are dependent upon the United States for security and economic assistance. If they fail to see their moral and treaty obligations to stop illegal drug traffic, then the American people through the Congress should reappraise our responsibilities to them.

The text of the resolution follows:

H. CON. RES.—

Resolved by the House of Representatives (the Senate concurring), that—

(a) the Congress declares and finds—

(1) there are 250,000 heroin addicts in the United States and an additional 30,000–40,000 addicts among U.S. troops in Southeast Asia;

(2) that drug abuse, particularly the use of heroin, is causing major social upheaval in the United States and, if not checked, may result in the loss of an entire generation;

(3) that most of the countries involved in the production or illegal traffic of opium or its derivatives are dependent on American military or economic aid;

(4) that there is no sense of urgency on the part of the governments of those countries involved in the production or illegal traffic of opium or its derivatives to undertake immediate action to stop the production or illegal traffic; and

(5) that the President is conducting a broad-based diplomatic offensive to gain the full cooperation of foreign governments in eliminating the production and illegal traffic in opium and its derivatives, including a $2 million contribution to the United Nations Special Fund for Drug Abuse Control.

(b) The Congress, therefore, gives its full support to the President's diplomatic offensive and—

(1) requests the President (A) to exercise all economic and diplomatic pressures he can to encourage other nations to honor their international treaty obligations and take action to stop the production and illegal traffic in opium and its derivatives, (B) to exercise all diplomatic pressures to encourage other nations to contribute to the U.N. Special Fund for Drug Abuse Control and to encourage the U.N. to take more effective action to prevent the production and illegal traffic in opium and its derivatives, and (C) to request an early meeting of the International Narcotic Control Board to consider and adopt proposed U.S. amendments to provide the NCB with the authority to control the production and illegal traffic in narcotic drugs; and

(2) unless action is taken within a reasonable time to stop the production and illegal traffic of opium and its derivatives by the other nations of the world, the Congress will take appropriate unilateral action.

As a result of illegal exportation of drugs to the United States and South Vietnam, there are 250,000 heroin addicts in the United States and an additional 30,000 to 40,000 addicts among U.S. troops in Southeast Asia.

There are two main currents of illicit traffic in opium and the opiates. One begins in the Middle East and ends in North America. The other pattern is from Southeast Asia directed to Hong Kong, Japan, China—Taiwan—and the west coast of America. Secondary flows include routes from Mexico into the United States.

The North American Continent is the principal target of illicit heroin traffic. The bulk of this drug is produced from opium poppies grown in Turkey. The raw opium is converted into morphine base in clandestine laboratories close to the growing areas and then shipped through Istanbul and Beirut and smuggled into France to be processed into heroin. At this point, the heroin may be smuggled directly into the United States or transported through Italy, Canada, or Mexico. It is, nevertheless, destined for the U.S. market. Underground heroin trade from France generally involves large quantities of heroin smuggled by well-organized international traffickers who have contrived all types of devious methods and devices to conceal the contraband.

In the Far East, opium is cultivated in vast quantities in the Yunnan Province of China and the Shan and Kachin States in Burma. Although much is consumed by opium smokers in the region, considerable amounts of the drug find their way to the United States. In Burma and Thailand, large quantities of opium are converted to morphine base and smuggled to Hong Kong and Macao for local use or diverted to the United States. In recent years, an increasing demand for heroin by addicts in the Far East has somewhat decreased the supply available to U.S. addicts.

Opium is produced illegally in remote areas of Mexico by farmers who elude the Government's poppy eradication program. It is converted into heroin in clandestine laboratories and smuggled across the Mexican border into the United States concealed in automobiles, baggage, on travelers, or in any of a thousand possible ways limited only by the smuggler's imagination.

The cocaine traffic in the United States begins in the Andes Mountain regions of Bolivia, Chile, Peru, Colombia, and Ecuador where the coca leaf is grown. These leaves are processed into cocaine in clandestine laboratories and then smuggled into the United States through Miami and New York, often in airplane baggage or ship cargo. One important pattern in this trade originates in Peru through Ecuador and Panama, then to Mexico and the United States. Another route starts in Chile, extends through Latin America to Pacific coast ports and into the United States. A third route can be traced from Bolivia through Brazil to the West Indies and North America.

Methods of distribution of narcotic and dangerous drugs are similar. Both are transferred from the major trafficker to the distributor, then to the street peddler and finally to the user.

Once the drugs reach the user, the cost has escalated. For example, the same 10 kilograms of raw opium grown in Turkey and sold to an underworld broker for $350 will produce nearly 45,000 packets of 5 percent pure heroin worth $5 each, or a total of $225,000.

The Bureau of Narcotics and Dangerous Drugs has identified over 200 international "distribution systems" of illegal drugs. Of these, nine major systems cover the entire spectrum of narcotics and dangerous drugs and involve well over a thousand identified individuals.

Three of the nine systems are comprised of organized criminal groups in this country operating with related groups in Canada and Italy. Close ties also exist between the Italian ethnic groups and criminal groups in France providing a capability of delivering multikilogram quantities of heroin into the United States.

One of the most important systems involves an international heroin organization which is "global" in nature and according to current intelligence, is responsible for more heroin being introduced into the United States than any other single organization. Another of the major systems relates to a distribution network controlling large amounts of drugs entering the United States via Mexico. It is estimated that these nine major systems account for approximately 80 percent of the heroin, almost 100 percent of the cocaine, tons of marihuana and millions of dosage units of dangerous drugs being used in the United States today.

President Nixon has made the curtailment of traffic in illegal drugs one of the major goals of his administration. As a result of U.S. prodding, the United Na-

tions Commission on Narcotic Drugs created a special fund for antinarcotics programs, and the United States led the way in pledging $2 million to this fund. The resolution we introduce today requests the President to encourage other nations to contribute to the U.N. special fund and to encourage the U.N. to take more effective action.

Last February, under the leadership of the United States, an international treaty was signed in Vienna by 20 nations to control the traffic of dangerous drugs.

Also, some progress has been made in working directly with individual countries. The largest source of narcotics, Turkey, has promised to license the farmers as they are required to do under the Single Convention on Narcotic Drugs, buy the entire annual crop, and help the farmers to convert to other types of crops. The United States has loaned $3 million to Turkey for law enforcement and other purposes, and Turkey is applying considerable financial resources of its own.

A cooperative program has also been developed with the French. At our urging, the French have expanded their antinarcotics force in Marseilles and Paris from 18 to 100. They are training all of the 60,000 National Police in Narcotics enforcement and BNDD agents are helping instruct them. Also, an agreement enabling the enforcement agencies of the two countries to work together was signed—the first such agreement between two countries.

Operation Cooperation, a joint program with Mexico, has for the last 1½ years attempted to destroy poppy and marihuana production in Mexico and intercept smugglers. The United States has provided helicopters and other equipment to search out and destroy poppy and marihuana production.

The President in his new drug program just announced further efforts to do the following:

First, to begin a diplomatic offensive to obtain better cooperation from those countries involved in production or traffic of drugs;

Second, to request the World Health Organization to seek synthetics to replace opiates;

Third, to request $1 million for BNDD to train foreign narcotics officers;

Fourth, to request the Congress to permit assistance to presently proscribed nations in their effort to end drug trafficking; and

Fifth, to obtain support for United States amendments to the Single Convention on Narcotics for greater control by the International Narcotics Control Board to control the production and illegal traffic in narcotic drugs.

Mr. Speaker, the President means business. The passage of this resolution together with the President's announced diplomaic intent should be persuasive evidence of the serious concern which this country has that action be undertaken immediately to stop illegal drug traffic.

Most of these nations belong either to NATO or SEATO, and the United States has been the primary benefactor of both. Over $100 million has been furnished to Turkey alone to enable Turkey to fulfill its NATO commitment. Moreover, we have proffered large amounts of economic asistance and trade concessions to these same countries.

It is only right that in exchange for the nuclear umbrella we have placed over these countries, that reciprocal action be taken to asist the United States in stopping the flow of drugs to this country. They must appreciate the fact that they have by their acquiescence encouraged the spread of a national disease—narcotic addiction.

If the President's efforts fall short of his objectives, we in the Congress should be on record that appropriate, if unstated, action will be taken by the Congress. As President Nixon stated in his remarks last week:

> We want good relations with other countries, but we cannot buy good relations at the expense of temporarizing on this problem.

CALLING THE SHOTS FROM HANOI

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. ASHBROOK. Mr. Speaker, on June 15, the House Internal Security Committee heard testimony about the Vietnamese Communists' attitude toward the American prisoners in their hands. Madam Nguyen Thi Binh told a group of American radicals last month that they should not worry about the fate of American prisoners in North Vietnam as most of them were "Air Force officers who come from ruling class families."

William Poole and Herbert Romerstein, members of the minority staff of the committee, testified about a series of meetings held in Paris during the week of May 10, 1971. Confidential reliable sources had advised them that Madame Binh, the Vietcong representative in Paris, and two North Vietnamese representatives at the Paris peace talks, Xuan Oahn and Nguyen Minh Vy, had met with Sidney Peck and Louise Peck of Cambridge, Mass.; Robert Greenblatt of New York City; Carol Kitchens of Atlanta, Ga.; and Jack Davis of Washington, D.C. All of the Americans had been active organizers and participants in the disruptions in Washington, D.C., during the first week of May. The Vietnamese Communists told them that they wanted the slogan "Set the Date" to be the center of activities for the so-called "peace movement" in the United States during the next few months. The date for American withdrawal that they demanded must be before the end of this year. The Vietnamese further demanded that their supporters in the United States unite around this issue and stop their internecine feuding. Mayday, the Vietnam Veterans Against the War and the Trotskyites must all be part of the coalition, Madame Binh said. The form of the future demonstrations could be either peaceful or violent, she said.

The Vietnamese Communists made a number of criticisms of the way the recent demonstrations were handled in Washington. They said that the slogan "If the government does not stop the war, we will stop the government" was too militant for this period and did not win the support of most Americans. In addition, there was inference in the Mayday propaganda that the Vietnamese Communists were in danger of losing if the war did not end quickly. Madame Binh said that instead they should have demanded that Americans pull out of the war because the Communists were winning. Third, she said, because of the tactics used, the press coverage neglected the issue of the war while concentrating on the alleged violations of the civil rights of the demonstrators. And, most important, since the Government was not closed down, the operation had not succeeded.

The Vietnamese Reds complained further that it took 6 months to organize the demonstrations in Washington and they demanded that future demonstrations should be organized on a moment's notice.

Madame Binh refused to send a letter of greetings to Mayday because the last letter she sent to a movement group had fallen into the hands of Senator SCOTT, who had used it against them in the Foreign Relations Committee.

After the Paris meeting the American group went on to Budapest, where they attended the conference of the World Peace Council, an international Communist front. Other Americans at the W.P.C. Budapest meeting were: Rev. Ralph Abernathy, Rev. Wyatt Walker, Dr. Carlton Goodlett, Gil Green, Sylvia Kushner, Donna Ristorucci, Pauline Rosen, Irving Sarnoff, and Joe Walker of the Black Muslim Movement.

Sidney Peck, Goodlett, Green, Kushner, Ristorucci, Rosen, and Sarnoff have all been identified as members of the Communist Party.

The Budapest meeting planned demonstrations at U.S. Embassies around the world on the 4th of July.

Mr. Speaker, on June 10 I put into the RECORD evidence of the duplicity of the Vietnamese Communists in their handling of the prisoner of war issue. I showed that after promising to return French prisoners within 30 days in 1954, 8 years later they still had such prisoners in their hands. This latest evidence given by Madame Binh to the American supporters of the North Vietnamese aggressors shows a cavalier attitude toward our prisoners which should be made known to the American people.

Under no circumstances should we allow Americans held captive by Communist aggressors to be forgotten. While we should certainly not sell Vietnamese into slavery to buy back our prisoners, neither should we allow the North Vietnamese to retain our own men.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 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 SALUTE TO MISSISSIPPI'S DAIRY INDUSTRY

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. GRIFFIN. Mr. Speaker, June is Dairy Month in Mississippi. This period is set aside to give proper recognition to dairymen of our great State who contribute to the physical and economic well-being of our citizens.

Milk and milk products are vital to good health. Congress recognizes this important fact by having instituted and supported over the years a special school milk program which provides that nourishing product to millions of children throughout the United States.

The June 10, 1971, issue of the Jackson Daily News contained an interesting article on dairy farmer Carol Smith and his family who live in Walthall County. The Smiths are probably a typical Mississippi dairy farm family and it is with pleasure that I include the article as a part of my remarks.

Mr. Speaker, I salute the dairy farmers of America and commend them for their hard work and dedication. They produce a necessary part of our diet. Unfortunately, their occupation is not very profitable, but they have the courage to persevere which means that every consumer can find tomorrow a carton of milk at his favorite grocery store.

The article follows:

JUNE IS THE MONTH TO SALUTE MISSISSIPPI'S DAIRY INDUSTRY

(By Fay P. Simmons)

"The friendly cow all red and white,
I love with all my heart . . ."

Is it any wonder that so many poems have been written eulogizing the milk cow. For, from this gentle creature comes the basis of the average Mississippian's proper diet—milk, butter, cheese, cream—and milk products too numerous to mention.

The importance of milk as a food, from infancy to the grave, cannot be minimized. The old expression—"Milk puts roses in your cheeks," "Milk puts a spring in your step," and "Milk's good for what ails you," have got to be true.

DAIRY MONTH

It's June Dairy Month. And down in Wathall County, "Cream Pitcher of Mississippi," where Grade A dairies number highest in the state, this calls for a month-long celebration.

Countians can reflect with pride over their 164 dairy herds which produced 8,646,510 gallons of raw milk in 1970, raking up $4.5 of the State's total $67 million dairying income last year. The Magnolia State's dairy herds number 16,036.

A significant factor in dairy farming is that the number of herds decrease annually while milk production increases. Walthall County agent Ansel Estess says the reason for this is improved scientific farm operation, specifically, breeding and feeding of milk cows.

A sterling example of dairy life at its best can be found at the 700-acre Carol Smith farm in the Lexie Community of Walthall County where live Carol, his wife Linda, daughters—Margaret 10, Karen, 8, and Nan, 5. Their pretty yellow brick home sits on a hill opposite the dairy barn and silo, with acres and acres of rich green pasture land lying between.

The Smiths are sold on dairying. Carol, who joined the dairy operation of his father, C. B. Smith, in May, 1959, says he believes it brings in more net income than any other type of farming. "You can be your own boss, see the results of your work, have a regular payday and time for relaxation," he says.

Smith's success as a dairyman has been recognized by awards including Jaycee Outstanding Young Farmer Award in 1964, Chamber of Commerce Outstanding Dairyman in Walthall County and Farm Family of the Year. In addition, he holds offices of leadership in many civic and farm organizations, among them, district director of Gulf Milk Association and member of Dairy Advisory Committee to the State Board of Health.

The Walthall dairyman, who earned his Dairy Production Degree from Mississippi State University, and his wife Linda, a graduate of William Carey College and former associate Home Demonstration Agent in Walthall County, have put their educations to good use in the dairy farm.

Under the DHIA (Dairy Herd Improvement Association) program, which calls for weighing each cow's milk one day a month, running individual butter fat tests, keeping book records, and alloting food rations according to production, the Smith's Holstein herd of about 145 cows has improved continuously. In 1970, their dairy with 139 cows produced an average of 12,928 pounds of milk with 503 pounds of fat.

DIET IMPORTANT

"A cow's diet is most important for top milk production," explained Smith who feeds his herd a 20 percent protein grain feed ration, prepared in his own automatic mix mill, plus silage and year-round pasture grazing. He runs his dairy with four helpers, two milk hands and two tractor hands.

Diet gets top priority in the Smith household, too, and daily food care is fortified with "gallons of milk," butter instead of oleo, yogurt, cheese, and lots of ice cream. "Karen even eats ice cream for breakfast," laughs Mrs. Smith.

Most of the daily menus at the Smith home are made up of vegetables and meats from their farm and Mrs. Smith pasturizes milk from their dairy.

Daughter Margaret, now a 4-H member with at least a dozen blue ribbons to show for her work, is learning to cook. Her specialty is mixing milk shakes and sodas.

"THE RIGHT OF PRIVACY"

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. ECKHARDT. Mr. Speaker, organized labor has always been in the vanguard of the battle to protect and enhance the basic rights of American citizenry. On June 16 the AFL–CIO Maritime Trades Department and the Transportation Institute sponsored a people's forum on privacy to delve into the invasion of what Justic Brandeis called the "right to be let alone." I believe that the remarks of AFL–CIO President George Meany accurately describe the present situation and the workingman's stake in the current debate over Government infringement upon his privacy. The remarks follows:

"THE RIGHT OF PRIVACY"

(By George Meany)

The American labor movement is an expression of the hopes and aspirations of the working people of America. It seeks for its members the full recognition and enjoyment of the rights to which they are justly entitled. From the first the AFL–CIO, as the majority spokesman of organized labor, has recognized that the right of privacy is preeminent among the bundle of rights to which working men, and indeed, all members of our society, are justly entitled.

Beginning with our first constitutional convention in 1955, and prior to the time the gravity of the issue had been fully recognized by other groups, the Federation had taken a firm and uncompromising stand against incursions upon what Justice Brandeis called the "most comprehensive of rights and the right most valued by civilized men"—the "right to be let alone."

Since then, we have warned that:

"Government at every level, business institutions of all types, organizations and individuals with axes to grind, increasingly infringe upon the privacy of American citizens.

"Wiretapping has grown by leaps and bounds.

"Electronic bugs of all kinds make wiretapping seem like child's play.

"Closed circuit television monitors people innocently pursuing their daily life.

"Lie detectors have become commonplace.

"Hidden microphones, tape recorders, personnel questionnaires, two-way mirrors, peepholes, cameras, spy glasses, private detectives, all of these add to frightening intrusions upon the privacy of each and every person."

On the ground that these practices and devices are a danger to our democratic society, we in the AFL–CIO have expressed:

"Our unalterable hostility and opposition to surveillance whether by electronic listening devices, wiretapping, closed circuit television, motion picture cameras, peepholes, or any other of the ever-growing list of such devices."

This, then, is the position from which the labor movement starts on this subject. In light of that position you will understand my pleasure in the fact that the AFL–CIO's Maritime Trades Department is a moving force in this important conference, and my delight at Paul Hall's invitation for me to come here today.

Our democracy is built on the fundamental belief in the basic dignity and intrinsic worth of the individual. To safeguard this sense of individuality, it is necessary to protect the right to control the circulation of personal information. That, indeed, is the essence of the modern definition of the right of privacy. For forced exposé of such information may reveal intimate secrets that open one to ridicule and shame; it may deprive one of the opportunity for mature consideration of new ideas, and for self-evaluation, vital to independent and creative thought; and it may destroy the occasions for the emotional release of social tensions necessary to psychological and physical health.

Thus, the right of privacy is essential to a humane conception of the individual's relations with his fellow men. It is precisely for that reason that the labor movement has recognized its importance. For organized labor's mission is to insure that working men and women are treated in a manner commensurate with their inherent human dignity. And, of course, that end can only be achieved in a nation truly dedicated to maximizing personal freedom.

We in the labor movement are not armchair philosophers or social scientists. I will assume that it has been established to the satisfaction of those of you attending the meeting . . . as it has to mine, that a mean-

ingful right of privacy is important and that a combination of new technology and a failure of the will to control that technology on the part of some have created a very substantial danger.

Organized labor is, however, active in the political and industrial life of this nation. We do not simply sit back and brood about the invasions of a basic right. We attempt, with all the vigor at our command, to do what we can to blunt the efforts of those who would invade our freedom. In pursuit of this objective the labor movement has emphasized these principal issues.

First, we have sought legislation to arrest the movement toward increased wiretapping and bugging. Our view over the years has been and remains:

"The issue of wiretapping should be clearly resolved by federal legislation which should contain an absolute ban on tapping or divulging of tapped information by any person—private, federal, or local official—with the following exception: federal agents, under specific court orders, may tap and divulge in an area clearly defined to cover espionage, treason and kidnaping. The ban on divulging should include a prohibition of the use of tapped information at congressional hearings."

One of the aspects of totalitarian government which renders it so abhorrent to Americans is its all-persuasive policy on the question of the right of privacy or the destruction of the right of privacy. And this consideration to our mind outweighs the public interest in law enforcement through indiscriminate wiretapping. This seems especially clear since opinions differ as to the utility of wiretapping as an instrument for detecting crime.

Even assuming, however, that wiretapping does substantially aid in police work, we remain persuaded that, in general, the preservation of individual freedom should have priority over easing police work. That is a basic value judgment, and I recognize that our conclusion with respect to it differs from the conclusion reached by some, though not all, law enforcement officials. But it is not surprising, nor novel, that some law enforcement officials have a tendency to put law enforcement ahead of individual rights. In general, however, this reverses the proper priorities. There can, of course, be overriding considerations which tip the balance the other way on specific issues. Recognizing this we do accept the necessity of some invasion of the right of individuals to be free from police scrutiny, to the extent that the infringement is reasonably necessary in the interests of national security.

At first the AFL–CIO was pretty much alone in this somewhat radical conception as to the proper limits of wiretapping. But we in the labor movement are accustomed to being ahead of our time on civil liberties' issues. We find solace in the fact that eventually others recognize the power of the ideas we have embraced from the start. Thus, I was cheered, though unsurprised, to find even the Wall Street Journal stating on May 3 of this year:

"Why does Attorney General Mitchell continue to insist that he has the right to eavesdrop on U.S. citizens in national security cases without the court approval normally required in other eavesdropping situations? Doesn't he see the risks inherent in such a policy to democratic traditions, whatever the practical considerations?"

With such a pillar of conservatism in the fold there is certainly some reasonable hope that Congress, if not the Attorney General, cannot be far behind.

Second, organized labor has been the major responsible anti-communist organization which has fought to bring our internal security system in line with a decent regard for the right of privacy, and its corollary, the right of free and untrammeled association. The AFL–CIO, of course, believes that the United States Government must and should fully protect itself against communist aggression and treachery, both from without and from within. The strength of America's military forces, and those of its allies, must be maintained. The AFL–CIO likewise supports vigilant counter-intelligence work, vigorous enforcement of the criminal laws, and an effective security system. But we flatly reject the notion that the way to fight communism is to jettison the individual liberties that are an essential part of democracy, and to adopt the very tactics which make communism completely unacceptable to those who believe in human freedom. We do not believe communism can be defeated or democracy aided by suspending the Bill of Rights and the Fourteenth Amendment. We do not believe that communism can be defeated or democracy aided by undertaking to outlaw particular views and ideas, whether by governmental fiat or vigilante action.

We have therefore argued in testimony before the appropriate Congressional Committees that the present internal security programs utilize an overall method of dealing with the threat of subversion which time has proved to be bankrupt. In terms of policy, the practical "accomplishments" of the laws presently on the statute books may be said to have been little more than to provide an excuse for the creation of a cumbersome bureaucracy, and of vast files of unanalyzed data, the reliability of which is seriously suspect. In general, these laws have not been a source of discomfort to the dedicated subversive. Instead, their main impact has been on the vitality of our constitutional system.

The AFL–CIO has therefore opposed, and will continue to oppose proposals to reinstate the discredited internal security programs affecting non-sensitive jobs in government struck down by the Supreme Court. For the national security is not protected by the harassment of many millions of government workers engaged in activities far removed from the handling of classified information. And organized labor has opposed and will continue to oppose procedures which make a mockery of our professed dedication to the due process of law. In striking down the industrial security program as administered by the Defense Department, the Supreme Court made it clear that the utilization of unsworn accusations of secret informants had been without any legal foundation whatsoever. The constitutional right of confrontation and cross-examination must be clearly protected in any security program conducted by the United States. In order to protect the rights of government employees we have urged Congress to adopt a Code of Fair Practices covering all security programs which would provide for at least the following guarantees:

"1. the right to full confrontation of accusers and cross-examination of witnesses.

2. the right to have specific charges.

3. the right to subpoena witnesses.

4. the right to a detailed written decision.

5. the right to reconsideration of past decisions."

Some may be surprised that I refer to the internal security problem at this point in history. For there is a general tendency to believe that since the Supreme Court has struck down the worst excesses there has been a complete return to sanity. I wish that were true, but it is not. On May 30th, just two weeks ago, the front page of the Washington Post reported that the Pentagon's chief business advisers had quietly urged the government to open its intelligence files for industry.

The proposal was offered at a closed-door, Defense Department meeting of the Industry Advisory Council. A Mr. Mark Shepherd, Jr., president of Texas Instruments, told fellow members of the Industry Advisory Council and ranking Pentagon officials:

"Our first order of business would be to take the necessary action to enable the government to share its intelligence with industry in some appropriate manner. . . ."

Shepherd also proposed a central repository of criminal data for the purpose of screening job applicants and asked for special FBI agents who can work closely with companies on an area-by-area basis to identify what he called potential militants—they used to call them trouble makers. Well, this is really quite revealing when you realize that in 1935 the Congress of the United States enacted the Wagner Act, which prohibited the very type of surveillance that this fellow is now trying to get the Defense Department to do for him.

Back in the late 20's, there was a Congressional Committee known as the La-Follette Civil Liberties Committee. It is pretty much forgotten now but its work was bound up in several dozen volumes of sworn testimony over a great many years which showed that industry in this country had spent millions upon millions of dollars using strike-breaking agencies, using infiltrators, spies and so on. And from that report, really, came the Wagner Act. And the Wagner Act now bars the employer engaging in a great many of these practices on his own, and here we have industry, in the person of the representative of the Texas Instruments Company now asking the government do the very thing for them that they are barred from doing for themselves by the original Wagner Act.

Much of this man's text dealt with what he regarded as legal and administrative curbs on industry's freedom to screen prospective employees. These are the things that the Wagner Act stopped. He talked of "drastic limitations" in many states "on such useful screening, instruments as the polygraph".

In other words, some states bar the polygraph and he feels real bad about that.

He complained of legislation aimed at prohibiting discriminatory practices which has forced the removal of certain questions from the application for employment form and of a new guideline issued in August by the Equal Employment Opportunity Commission which prohibits job tests that have "no known significant relationship to job behavior."

I don't see what he complains about there. This would seem to be a very logical prohibition when you tell an employer that he can't ask questions that have nothing to do with the job or behavior on the job.

And he also cited court decisions governing libel and prohibiting "blacklisting for union activity."

Well, now there's one. He is against any prohibition on blacklisting. He thinks blacklisting is all right. He is going way back. And he stated:

"These decisions have made it an extremely precarious practive to divulge to another company the reason for an employee's termination beyond the most innocuous statement."

Finally the article notes that the foregoing views were strongly endorsed by Willard F. Rockwell, Jr., chairman of North American Rockwell, the 7th ranking defense contractor, like Shepherd, Rockwell's remarks implied that union organizers should be an appropriate target for screening.

Thus, the defense industry, under the cover of internal security, continues to press for a comprehensive unregulated secret data bank despite the eloquent warnings of Professor Miller and others that the creation of such monstrosities is a serious threat to the right of privacy.

Third, the AFL–CIO has mounted a nationwide attack on the misuse of the polygraph or so-called "lie detector." In announcing this campaign the Executive Council stated "we object to the use of these devices not only because their claims to reliability are dubious, but because they infringe

on the fundamental rights of American citizens to personal privacy.

This effort on our part has led—among other pluses—to quite a few collective agreements doing away with this 20th Century form of the "yellow dog contract"—the requirement that employees undergo a lie detector test whenever management tells them that they have to do so.

There are, naturally enough, those who justify the use of lie detectors on the grounds of security, prevention of pilferage, and the ever-present quest for "efficiency." Our response in this area is the same as our response to the defenders of wiretapping; not one of these goals—important though they may be—outweighs the right of individual privacy of mind and body. For the use of these devices is a clear perversion of the basic concept of American law that the individual is presumed innocent until proven guilty. A lie detector makes a mockery of the Fifth Amendment. Our founding fathers could not have foreseen this variant of the "star chamber" but given their abhorrence of forced self-incrimination, we may be sure that they would have outlawed the lie detector had they known of it at the time. Indeed, I cannot even begin to understand the rationale for requiring a man of apparent honesty, integrity and dependability to suffer himself to be hooked up to a machine and then forced to answer a range of questions, many intensely personal, about his past, present and future actions, in order to secure a job or keep a job.

Moreover, here as in many other instances, there is a substantial basis for believing that a technique which is morally repugnant is also ineffectual. Polygraphs record changes in respiration and perspiration rates, and pulse and blood pressure. Beyond that, they can record nothing, imply nothing and prove nothing. For there is no known direct connection between an untruthful answer and the respiration rate or blood pressure. It can be assumed that there is such a connection. But all sorts of other factors may be responsible for such changes as well. Thus, responsible psychiatrists hesitate to make such judgments after hours of careful examination; yet lie detector operators, many of them with little or no training, purport to make such judgments instantaneously.

The bulk of my discussion has treated with the broad programs organized labor has developed to protect the right of privacy. I have not discussed, because I could not even begin to do justice to, the day-to-day efforts in this regard by the AFL–CIO's 121 affiliates and their thousands of local unions. For example, anyone who knows labor history knows that the company-paid labor spy has been too much a part of the labor scene in the past. Since 1935 federal law has set its face against his tactics. In the first volume of the NLRB reports a violation was found, and upheld by the Supreme Court. And I think this is interesting—this was a case back in 1935 and the decision of the court read that:

"The Company hired a detective whose duty it was to 'ferret out the union activities of the men' in order to keep the Company informed. This . . . was to avert trouble and 'to keep a steady flow of business.' For purposes of deception, and in order to make the detective eligible for membership in the Union, the employer gave him employment. He joined the Union and became its treasurer and made frequent reports . . . which were used to cause suspicion, unrest and confusion among the employees."

This action, of course, was repudiated by the Supreme Court but today, many such violations are repeated with regularity and unions and the Board are required to go through lengthy legal proceedings to protect a basic privacy right.

Moreover, as the Washington Post article I quoted indicates, there has been no perceptible slackening of the appetite of employers to intrude on their employees unduly even where no organizing campaign is going on. There are continual problems raised by such distasteful employer actions as removing doors on toilet booths or installing closed circuit T.V. or peepholes or hidden microphones in rest rooms and break-areas in order to catch people that they refer to as malingerers. In each case the method used is plainly repugnant. Such matters must be settled at the plant or company level through the process of collective bargaining and arbitration set up to develop a civilized law of the shop.

"The device at hand is not only personally repugnant to the employees, but it has such an inhibiting effect as to prevent the employees from performing their work with confidence and ease." This was the conclusion of an arbitrator in one of these cases. And then he went on to say "Every employee has occasion to pause in the course of his work, to take a 'breather', to yawn, or otherwise be himself without affecting his work. An employee, with reason, would hesitate at all times to do this, if he is being recorded on T.V."

It can be said with perfect justification that the labor movement has not secured 100% compliance with any of its goals in these fields. And that while we have pursued these goals through the tedious process of education, persuasion, lobbying and collective bargaining new breaches in the dike continue to appear. However, I am not pessimistic about this. The problem of the proper accommodation of privacy to other valid interests is a complex one. And as Judge Learned Hand stated: our system "presupposes that right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection. To many this is, and always will be, folly; but we have upon it staked our all."

I, for one, remain confident that our system works better when we have a right to make these decisions at the bargaining table for ourselves. And I feel that in the foreseeable future the labor movement's efforts, combined with the efforts of those who have similar feelings and are of similar persuasions to us, will carry the day in firmly and finally establishing a meaningful right of privacy for all citizens of this country.

THE BRILLIANCE OF PAUL CALLAWAY

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. ALBERT. Mr. Speaker, under leave to extend my remarks, I call the attention of the House to the following review of a recital at the Washington National Cathedral on Thursday, June 24, by Paul Callaway, written by Paul Hume of the Washington Post, one of America's greatest music critics. Mr. Hume has described a superlative performance in one of Washington's cathedrals by the cathedral's own renowned organist, Paul Callaway. Mr. Callaway thrilled his listeners with a soaring performance unexcelled in any of the great concert halls and churches of this country and easily accessible to the Washington community and tourists. In this great metropolitan area, art and music attain high levels and flourish in an atmosphere of appreciation. Both the work of the distinguished performer and the discerning and literary critic deserve favorable comment. They represent a view of the Washington metropolitan area which is sometimes submerged by news reports of crime and violence. The wealth of cultural opportunities available here is noteworthy and I hope will be noted by the Members and visiting constituents as well.

[From the Washington Post, June 25, 1971]

THE BRILLIANCE OF PAUL CALLAWAY

(By Paul Hume)

For all the brilliance of the Renaissance, there was not, at the time that Michelangelo painted the Sistine Chapel, a music equal in concepts of power, terror, and majesty to those awesome scenes he placed, on that famous ceiling.

Last night, however, in Washington Cathedral sitting within contemplating distance of the remarkable photographs of those paintings, such music was being heard when Paul Callaway concluded his recital with the epic fugue Liszt wrote on the Anabaptist chorale, "Ad nos ad salutarem undam."

Michelangelo's daring, his intense humanity, his impassioned sense of grandeur and of humility, finds parallels in Liszt's music though there is less of the last quality in the fugue than in the preceding fantasy.

It was 28 years ago that I first heard Paul Callaway play this same work. Then, too, it was a night in early summer. He had just returned from serving four years' in the army, in the Pacific. On that distant night, his playing was so inflaming in its effect that a group of us drove around for hours, saying little, but unable to move away from the effect of the concert.

So it was last night. To hear Callaway play Bach or Franck, Sowerby or Liszt, or indeed any of the organ repertoire he chooses to investigate, is not unlike hearing Rudolf Serkin play Beethoven or Brahms or anything he chooses. A thousand organists have come and gone in that quarter of a century but I have not heard Callaway's equal.

By no means did the Liszt disclose more than certain aspects of Callaway's genius. Bach's Canonic Variations on the Christmas tune, "From highest heaven" delighted not only Bach's contrapuntal skills, but challenged Stravinsky, in his seventies, to rewrite them for choir and orchestra.

With his amazing skill, Callaway achieved a perfect balance between total clarity of the intertwining lines and the emotional level of the variations, which is high. Equal clarity made it easy to follow the startling ideas of Buxtehude's F Sharp Minor Prelude and Fugue, in the later part of which the composer breaks off from his polyphony in daring fantasies.

Surely the last dozen works of Mozart are the most varied in thought and form of any composer's final writings. Nestled among such peaks as "The Magic Flute," "The Clemency of Titus," and the Clarinet Concerto are some of the rarest gems of his entire life: the "Ave Verum Corpus," the Adagio and Rondo for glass harmonica and four other instruments, and the utterly charming Andante for barrel organ that Callaway placed between Buxtehude and Franck. Like the Sowerby Fantasy in the second half of the concert, he played it entirely on flute stops, with an easy rubato and plastic phrasing of ravishing effect.

The Franck was the oft-abused "Piece Heroique." When its herosim is kept urgent, as it was last night and the latent drama of its mid-section is fully elucidated, its closing melodrama falls into proper perspective.

The Sowerby was an ideal scherzo and the special mystique of Tournmire's suite for

the Sunday after Easter was wholly realized, drawing upon the most elusive of the organ's resources. Then came the strange A Flat Minor Fugue of Brahms, a unique moment in his entire output, yet wholly idiomatic.

And, at the last, the Liszt. The torrential energy with which Callaway ripped through the brief introduction to get at the fugue was a signal of what was to follow; coming out of a strict discipline, a flaming realization of the demonic Liszt, irresistible, and mounting in excitement, yet constant in its observance of what Liszt wrote. It was, to use one of Liszt's favorite words, transcendental.

ADMIRAL BENDER'S SPEECH TO THE GRADUATES OF THE U.S. COAST GUARD ACADEMY

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. STEELE. Mr. Speaker, the commencement address to the graduates of the U.S. Coast Guard Academy, New London, Conn., which was delivered on June 9, 1971, by Adm. Chester R. Bender, commandant. This excellent address should be of considerable interest to my colleagues:

COMMENCEMENT ADDRESS BY ADM. CHESTER R. BENDER

Distinguished guests, fellow officers, and the class of nineteen seventy-one. It is a real personal pleasure to be with you for this memorable occasion. I have seen these commencement exercises from several viewpoints. I have been an indifferent participant as an underclassman. I have been an eager participant as a member of the graduating class. I have been an anxious participant as superintendent of the Academy. Last year I was here just two days after becoming commandant. And now, for the first time, I am the featured speaker.

Let me assure all of you that with that kind of background I know how hard the chairs can get, and I know how anxious these fine young men are to get on with the ceremony. So my remarks will be brief, and my message is particularly for the graduating class.

Within a few minutes you will be sworn in as ensigns in the United States Coast Guard. This is the goal you have been striving for during four years of dedicated work. I am sure it seems like the end of a long hard trail and each of you has my sincere compliments for completing the many arduous duties that have been assigned and for reaching this point. Each of you one hundred and forty men has demonstrated that you have what it takes. I know that it has not been easy. I know there have been times when you may have wondered whether you could make it, or whether the rewards were worth the efforts and energy you had to expend.

Let's consider that question for a moment. Has this accomplishment—the earning of your bachelor's degree and a commission in the Coast Guard been a worthwhile task for you? I think I can assure you that even when the excitement of today has passed—even when you've wiped away the lipstick of a sweetheart's kiss—and recovered your composure from the back slaps and handshakes you will exchange—even then you will begin to realize that yes, indeed, these four years have been worthwhile.

First, you must have a deep personal sense of pride and satisfaction. You must know what a select group you represent. You remember the stiff competition you met before your appointment as a cadet. You will recall classmates—all fine young men—who for one reason or another dropped out during the past four years. Now you stand here this morning—one hundred and forty strong—the survivors of an intensive, well disciplined training program intended to equip you for a career as a Coast Guard officer.

This training has left its mark on you. It is a mark you cannot erase even if you were to leave the service. It is a mark you will carry through life, a mark that will set you apart. For you have cultivated here the characteristics of leadership, a sense of honor, and a dedication to duty. These are unusual qualities which you will carry with you the rest of your life. And you will always be able to say "I graduated from the United States Coast Guard Academy".

I realize that personal satisfaction is an intangible thing. In a materialistic world, our thoughts must also gravitate to more tangible rewards. You undoubtedly have already calculated what an ensign's pay and allowances total. And you may have already speculated on career patterns and what you might expect to earn in the future. Perhaps there are questions in your mind on this point. Perhaps you wonder if your future compensation will be adequate.

Let me try to answer that question. There are strong indications that professional military personnel will be better compensated in the future than we are today. And in the past few years there have been some generous improvements enacted into law. But to be realistic, I do not think that we will ever be able to promise you material rewards equal to the top paying positions in industry.

However, I can promise you that your career as a Coast Guard officer can bring you rewards far greater than any you could achieve in most fields. I don't refer to material riches, but to the full rewarding life that lies before you. In this area you will receive rewards usually unattainable: You will see the love reflected from the eyes of a mother whose child you have saved from the sea; you will see the glow of pride in a petty officer you have helped develop and train; you will feel a sense of fraternity with your shipmates and a kinship with your families; you will experience the thrill of accomplishment when you sight a life raft you have sought for days and find survivors still alive; you will share a bond of sorrow as taps are sounded over the grave of a shipmate; you will sense the adventure of conning a ship through heavy seas and learn to appreciate the mariners of earlier days who braved these same seas in lesser vessels.

All these priceless moments—and many, many more—are to be yours and yours alone. They will not come to you automatically. You will have to work for them just as you have worked for the shiny gold ensign's shoulder boards you will soon be wearing. But once you have earned these treasures, they are yours to keep forever.

I am reminded of a Navy helicopter pilot who spent nearly three years in a North Korean prison camp. He was subjected to serve torture, near starvation and grossly unsanitary conditions. He survived the punishments for several attempts to escape and was finally repatriated after the armistice. A friend asked him one time if it was worth it. "Do you think your resistance to the enemy made the world any better?" He thought for a moment and then replied, "well, at least for me the world is better".

And I think that after you have served awhile as a coast guard officer you will feel the same way. Because you will feel the deep sense of accomplishment that is a result of personal sacrifice, and your own personal world will be better because you have served your nation and humanity.

You will face an ever changing world, changing perhaps at a faster pace than we have ever known. But the changes we have seen in recent years—and the changes we can foresee for the future—are largely the predictable evolution of technology. The fundamentals of human relations, basic values such as integrity, pride, patriotism and loyalty are as unchanging as the broad oceans. Surely there will be days of heavy weather and rough seas. But they are inevitably followed by calm and tranquility. You will find that the values you have cultivated here will survive all the stormy days and make the intervening calms even more enjoyable.

Yours is the 39th class to be graduated from the Coast Guard Academy. Your class brings the total to nearly three thousand men who have been trained here.

You will be adding new chapters to a heritage already rich with heroism. No one can predict what challenges may face you in the future, but I am sure you will be ready to act whatever the circumstances.

Recently, you know, we decided to name our newest 378-foot cutters after Coast Guard heroes. The first three names selected—Munro, Jarvis and Midgett—have a special significance. These demonstrate the wide diversity of situations that have necessitated these acts of heroism.

You may never be asked to lead a herd of reindeer across 1,500 miles of Arctic wasteland, but Lieutenant Jarvis did it and was awarded a special Congressional Gold Medal.

You may never be called upon to brave a heavy surf to rescue seamen from the fierce Atlantic but Warrant Officer Midgett did it—and saved fourteen lives from a torpedoed British freighter during the first world war.

Hopefully, we will never have to ask you take a small boat into a beach swept by enemy fire. But Signalman Munro did it, and some five hundred marines lived because Douglas Munro paid with his life for their safety. His posthumous Congressional Medal of Honor—the handsome building here on the academy grounds—and now our beautiful new cutter—attest to his bravery.

These three names—Munro, Jarvis and Midgett—have another lesson for us, these names represent a cross section of our service, officers, warrant officers and enlisted men. This is worth mentioning today, because you, as a newly commissioned ensign, are about to enter a world that may be strange to you.

Here in the Academy you have lived for four years in a rather closed society. Most of your associations have been with other cadets, you and the others performed your duties, passed your exams, and followed the rules. Those who chose not to conform were simply dropped from the corps.

But it will be a different environment when you report to duty, you will find that problems can't be solved simply by dropping a man from the rolls, problems do not disappear that easily. You will find that moral suasion and leadership are far more important than raw discipline. For if a seaman, for example, decides to ignore a regulation—or stretch the standards of grooming—you can't home. Somehow you must solve the problem.

To complicate the situation, you may often find that some of the enlisted men you lead have as much education—or even more—than you have. Our enlisted men are top quality people. They are entitled to top quality officers. You cannot expect automatic respect simply because you outrank them. You must earn and deserve their respect and to do that you must be prepared to make some adjustments in the way you deal with people. Once you leave the academy you are not likely to find the degree of unquestioning obedience you have become accustomed to here. And you will learn promptly that the wardroom is not the sole repository of all knowledge and wisdom.

The class of "seventy-one" will represent

about three percent of our total officer corps. But I expect you will have a greater impact than your mere numbers. For we are always seeking the energy and imagination of young officers. And you men are much better equipped with professional training than previous classes. Your background includes subjects related to the broad scope of coast guard duties. You are familiar with such subjects as oceanography, environmental protection and electronics engineering, subjects that were virtually unknown—and certainly untaught—when I was a cadet.

You have had broad, practical experience far beyond that available to cadets in former years. You have had opportunities to relate your classroom work to the actualities of Arctic ice, a busy air station or other widely diverse Coast Guard duties. As a result, we believe that you are better qualified than any class before you to assume your new duties as Coast Guard officers.

So I look forward to the transfusion of youth you will provide after you've enjoyed a well earned leave. Please accept my sincere congratulations on this memorable day in your life.

Good luck and smooth sailing on your first assignment.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. FRASER. Mr. Speaker, the use of computer sciences in the delivery of health care has been receiving increased attention lately. The traditional role for computers in the hospital situation has been to deal with administrative problems according to testimony received from Mr. Joel Watson of Biomedical Computer Services, Inc.

The testimony received from Mr. Watson at the recently concluded Minneapolis health hearings elaborated on some of the problems facing hospitals and suggested, in an accompanying report, one of the possible solutions through the use of computers.

Mr. Bruce Boraas' letter discusses one of the programs involving the Division of Health Computer Sciences at the University of Minnesota. Mr. Boraas also submitted for the hearings two volumes of their project which I would be glad to make available to those Members interested in reviewing their program. Mr. Boraas' statement follows:

DISCUSSION OF THE HEALTH CARE INFORMATION PROBLEM

Today's hospital information system is both costly and inadequate for today's and tomorrow's health care needs. It is costly because it represents up to 30 percent of total hospital costs. Jydstrup and Gross [1] reported on their study of information costs for hospitals in Rochester, New York, that information costs were 20 to 25 per cent of total costs. Studies by Lockheed Missile and Space Corporation [2] showed that at least a third of the time of the manpower at a number of hospital clinical and support sites was spent in information processing. Today's hospital system is costly because it is error-prone. Physician handwriting, according to Feldman,[3] cost the hospital studied (average daily census 340) $12,000 more in money and 6,400 extra working hours per year than if the orders studied had been legible. Today's hospital information system is costly because it is facility rather than patient oriented and data is duplicated in each facility. Each patient encounter at a different facility (doctor's office, hospital, extended care, school health, public health, home health services, etc.) results in an individual medical record to meet the information requirements of that organization. This problem is compounded by the extensive physician specialization (98% of medical school graduates specialize [4]) and population mobility (one in five individuals annually and the average family every seven years is estimated to be affected [5]). When individuals seek care from facilities because of financing for categorical or general health care services (veterans with service connected and non-service connected health care problems, group health plans which do not provide comprehensive services, changes in the individual's resources which change the individual's eligibility for services, etc.), there is further duplication of effort. In addition, the facility oriented medical record is designed for administrative rather than clinical use. Dr. L. L. Weed [6] has documented the internal inadequacies of today's medical record for clinical practice. He proposes a problem-oriented chart to maximize the value of the physician's time in identifying the patient's problem(s), developing/implementing/evaluating his treatment plan, peer evaluation of treatment rendered, and education of medical students, and self-education.

In addition, the physician does not have ready access to studies and research relevant to the patient's treatment plan and his self-education. A 1968 study of Ohio Hospital libraries showed that only one-fifth had library staff available 20 or more hours per week and that one-tenth of the librarians-in-charge had under graduate or graduate degrees in library science.[7] The authors found that there was "a direct relationship between service and demand, perhaps a circular one in which each generates the other."

The physician does not have ready access to information on resources available locally, regionally or nationally to utilize when selecting the most cost-effective resource to achieve maximum patient benefit. The report of the National Commission on Community Health Service recognized this need in its statement: [8] "(The physician) will be aware of the many and varied social, emotional, and environmental factors that influence the health of his patient and his patient's family. He will either render, or direct the patient to whatever services best suit his needs. His concern will be for the patient as a whole and his relationship with the patient must be a continuing one. In order to carry out his coordinating role, it is essential that all pertinent health information be channeled through him, regardless of what institution, agency, or individual renders the service. He will have knowledge of and access to all the health resources of the community—social, preventive, diagnostic, therapeutic, and rehabilitative—and will mobilize them for the patient."

Managerial data for surveillance of the populations' health at facility, community, regional and national levels is necessary. Statistics published by the National Center for Health Statistics focuses on the problems. A July, 1969,[9] and a May, 1970,[10] publication were based on FY 1964 and 1965 data from population interviews, respectively.

Managerial data for appropriate distribution and management of available resources is critical. The many commissions on health care [11] in the past five years made proposals and statements highlighting the lack of this data and problems in obtaining needed data. One commission [12] phrased the problem thusly: "One overall caution: our conclusions and recommendations are necessarily qualified because of our inability to obtain timely adequate data on the medical care system from existing sources."

Progress in the use of computers to improve today's hospital information system has been limited in acceptance and scope. The recent survey,[13] "The State of Information Processing in the Health Care Industry" (conducted for the Hospital Financial Management Association by Harris, Ken, Chermak, and company), indicated that over half of all hospital information processing applications are performed by hand, that computers are gaining broad acceptance only in payroll, accounts receivable, and patient accounting. The survey indicated that the most frequently stated complaint was the lack of an integrated, comprehensive set of application packages for all hospital information requirements. An earlier survey,[14] "The Use of Computers in Hospitals" (conducted by Herner and Company under a USPHS Contract, PH 110–233), indicated, as did the HFMA report, that approximately half of the hospitals use computers.

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[9] "Family Use of Health Services, United States—July 1963–June 1964"; DHEW–PHS–HSMHA–NCHS, Series 10, Number 55 (60 pages).

[10] "Inpatient Utilization of Short-Stay Hospital by Diagnosis; United States—1965," DHEW–PHS–HSMHA–NCHS, Series 13, Number 6 (77 pages).

[11] National Commission on Community Health Services (1966), National Conference on Medical Costs (1967), National Advisory Commission on Health Manpower (1967), Conference on Costs of Health Care Facilities (1968).

[12] National Advisory Commission on Health Manpower (1967), Vol. I, page 4.

[13] Merritt, M.: "One-Third of Hospitals Reported Dissatisfied With Vendor Support," Computer World, November 4, 1970.

[14] "The Use of Computers in Hospitals," Herner and Company (PHS contract No. PH 110–233), Report III and IV.

BACKGROUND OF BCSI

(Yesterday)

Eight years of systems studies, research and testing conducted by John R. Krismer, MHA, have demonstrated in actual patient care situations that a comprehensive com-

puter-based information system can be designed to meet the clinical and managerial requirements of the health care field. In 1962, members of the medical, nursing and administrative staff of a 350 bed hospital (C. T. Miller Hospital) in Saint Paul, Minnesota began a research study of information requirements based on the hypothesis that the patient's medical record is the source of all data for the hospital's information system. The study was transferred to the medical community of Lansing, Michigan in 1964 when Mr. Krismer became Associate Administrator of one of Lansing's hospitals (St. Lawrence Hospital). The scope of participants expanded with the inclusion of Michigan State University schools of medicine, computer science, and nursing plus two other community hospitals and twenty-five physicians in private practice. In November, 1968, Biomedical Computer Services, Incorporated was established in Saint Paul, Minnesota to continue the development and implementation of the comprehensive computer-based information system in the health care field.

(Today)

A contract is now in effect between BCSI and E. W. Sparrow Hospital in Lansing, Michigan for the implementation of the BCSI—Health Information System. In addition, BCSI will link the BCSI—HIS in a private physician's office located outside the hospital complex as the first step in the establishment of a community-wide health care information system.

LANSING PROJECT—1965–68; LANSING PROJECT ACCOMPLISHMENTS

1. Developed and tested computer compatible medical record on a nursing station to provide source data for hospital information system.

2. Reduced medical record forms from 130 to 10 formats: Registration, History, Physical, Problem List, Progress Notes, Observations, Comparative Flow Chart, Doctor's Update, Nurses' Update, Orders.

3. Redesigned manual systems to be computer compatible using source data to improve existing systems.

LANSING PROJECT, 1965-68

	Admission list	Discharge list	Transfer list	Census list
Data from registration format:				
Patient name	X	X	X	X
Medical record number	X	X	X	X
Room number	X	X	X	X
Admission date	X	X	X	X
Insurance code	X	X	X	X
Age	X	X	X	X
Doctor	X	X	X	X
Service	X	X	X	X
Added data:				
(Verification)			X	X
Transfer data			X	
Patient condition				X
Discharge date		X		
Other				X

Note: Results—Existing manual system, 10.6 hours/day; Modified manual system, 5.7 hours/day; Savings, 4.9 hours/day.

LANSING PROJECT, 1965-68

A/R monitoring	Financially responsible party notified list	Financially responsible party accept/reject list	Billed list	Paid list
Added data:				
Data sent to FRP	X	X	X	X
Date verified by FRP		X	X	X
Date discharged			X	X
Date FRP billed			X	X
Amount FRP billed			X	X
Date FRP paid				X
Amount FRP paid				X
Data from registration format:				
Patient name	X	X	X	X
Medical record No.	X	X	X	X
Room No.	X	X	X	X
Admission date	X	X	X	X
Insurance code	X	X	X	X
Age	X	X	X	X
Doctor	X	X	X	X
Service	X	X	X	X

Note: Results achieved in 10 months:

	Existing	Modified
Report frequency	Annual	Daily.
Blue Cross A/R outstanding	$700,000, 60 to 120 day account	$200,000, 30 to 60 day account.

LANSING PROJECT—1958–68

4. With comparative studies of the pilot station operation accomplished by Community Systems Foundation:

Confirmed other study results that head nurse spent more than 50 percent of her time in paper work;

Reduced nursing paper work 20 percent;

Eliminated nurse aides;

Reduced use of orderlies; and

Increased RN-LPN time with patients.

BIOMEDICAL COMPUTER SERVICES, INC., APPLICATIONS LIBRARY

MAJOR CLASSIFICATION, CLASSIFICATION, SUBCLASSIFICATION

I. Source Data Applications:
Major Record Application:
1. History.
2. Physical.
3. Problem list.
4. Progress notes.
5. Doctor Update
6. Nurses Update.
7. Observations.
8. Comparative flow chart.
9. Orders.
10. Registration.
Registration.
Master population file.
Adm. Disch. Trans. Census.
1. Admission list:
a. Inpatient.
b. Outpatient.
2. Census:
a. Station.
b. Total.
c. Accumulative.
3. Transfer list:
a. Physician.
b. Patient.
c. Administrative.
4. Discharge list:
a. Inpatient.
b. Outpatient.
Scheduling.
II. Ancillary systems:
Laboratory:
1. Updates.
2. Exam library.
3. Dept. worksheets.
Pharmacy:
1. Dept. worksheets.
2. Formulary.
3. Library.
Cardio pulmonary:
1. EKG.
2. Pulmonary Function.
3. Shock monitoring.
4. Library.
D. Dietary:
1. Food Production.
2. Recipes.
3. Dietetics.
4. Menu Cycle.
E. Radiology:
1. Updates.
2. Exam Library.
3. Test Library.
4. Departmental System.
F. Social Service:
1. Internal.
2. External.
3. Departmental System.
G. Physical Therapy:
1. Treatment Library.
2. Updates.
3. Departmental System.
H. Occupational Therapy:
1. Therapeutics Library.
2. Divisional Library.
3. Updates.
4. Departmental System.
I. Electroencephalography:
1. Treatment Library.
2. Updates.
3. Departmental System.
III. General Service Systems:
A. Housekeeping:
1. Bed Preparation.
2. General.
B. Laundry:
1. Patient.
2. Station.
3. Department.
4. General.
C. Maintenance:
1. Preventive.
2. General.
D. Engineering:
1. Preventive.

2. General.
IV. Administrative Service Systems:
A. Administration:
1. Policy.
2. General Objectives.
3. Departmental Objectives.
4. Public Relations.
5. Administrative Reports & Statistics.
6. Financial Budgeting.
7. Physicians' Files.
B. Business Office:
1. General Journal Accounting.
a. Financial Reports.
2. Accounts Receivable.
3. Accounts Payable.
4. Payroll.
C. Materials Management:
1. Purchasing.
a. General.
b. Departmental.
1) Dietary
2) Pharmaceuticals
c. Products Analysis & Standardization.
2. Inventory.
a. General.
b. Departmental.
1) Central Supply.
D. Personel:
1. Recruiting Screening.
Recruiting & Hiring.
2. Health Service.
3. Staffing.
a. General.
b. Departmental.
c. Scheduling.
d. Manning Tables.
4. Position Control.
a. Personnel Budgeting.
5. Termination Processing.
6. Wage & Salary.
a. Point Curve.
7. Employee Policy.
a. Contracts.
8. Procedures.
9. Job Descriptions.
a. Point Systems.
10. Job Analysis.
11. Employee Relations.
12. Inservice Education.
a. Orientation Employee.
b. Orientation Professional.
c. Formal Education, Employee.
d. Patient Education.
1) General.
2) Clinical.
E. Communications:
1. Messenger Service.
2. Internal.
3. External.
F. Medical Statistical System:
1. Disease Index.
2. Operation Index.
3. Physician Index.
4. Patient Service.
a. Admission Stat.
b. Service Stat.

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., February 26, 1971.

Hon. DONALD FRASER: We at the Division of Health Computer Sciences, University of Minnesota, wish to call your attention to the powerful computer analysis tool we refer to as Geostatistical Mapping. We have developed this at the initial request and support of the Vision and Visual Science Manpower Survey, partially supported by the National Eye Institute.

It is nearing completion and will include the 48 contiguous states of the continental United States on a region-by-region, state-by-state, county-by-county basis. Since its initial inception as a research and analysis tool, we have extended the data base to include many health-related parameters specifically for Minnesota.

This effort is directed toward analysis support for the Vital Statistics Section of the Minnesota State Health Department.

Once the initial analysis programs are completed, any geographical data base may be established for the system. Currently, we have the U.S. Census Bureau 1960 data on a national level. These have been corrected by mathematical algorithms to adjust for subsequent years, for the State of Minnesota. For example, there are adjustment factors in the programs to present the population distribution in Minnesota for 1968. We are currently preparing to update the population data base to include the 1970 U.S. Census Bureau population data base.

The purposes behind the development of this analytical tool were: (1) to assess health care needs based on a geographical setting; and (2) to assess health care manpower based on a geographical setting.

The project began by attempting to identify geographically the location of ophthalmologists, optometrists, eye-ear-nose-throat specialists, and their relationship to the population density and incidence of blindness. We next expanded this data base to identify population rates for causes of death recorded on death certificates at the Minnesota State Health Department. This death certificate data base is on a year-by-year and county-by-county basis. Next, it was expanded to portray geographically the distributions of licensed nursing homes, general hospitals, and specialized hospitals (such as mental institutions, tuberculosis sanitoriums, etc.) in the State of Minnesota, relative to population density. We are currently promoting the use of this analytical tool in assessing the distribution and effectiveness of emergency ambulance service in the State of Minnesota. There are numerous possible applications of this geostatistical mapping analysis just within the area of ambulance service alone. For example, there are approximately 100,000 calls for ambulances in the State of Minnesota per year. One question this mapping analytical tool could contribute an answer to is, "Are the ambulances distributed effectively within the geographical clusters from which most calls occur over a period of time?"

Once these data bases are established, the user of the geostatistical system can interrogate the computer on hundreds of different combinations of variables. For example, the group of 55–75-year-old males with primary cause of death listed as stomach cancer on a county-by-county distribution overlay can be interrogated and displayed. The computer then generates this combination of data in minutes, and the combination is plotted out by the computer in less than twenty minutes.

We at the Division of Health Computer Sciences are proud of this analytical tool. It represents a high degree of the state of the art and certainly represents one of the most comprehensive tools for obtaining a meaningful analysis of health care needs and health care delivery. It not only supplements voluminous tables, but often supersedes their informative value by displaying more succinctly what tables are unable to display.

I thank you, Mr. Fraser, for expressing an interest in our capabilities and ongoing contribution to health care need and health care delivery analysis, and I trust this will be of considerable additional interest to your colleagues in Washington.

Respectfully,

BRUCE A. BORAAS,
Assistant Director.

CHAIRMAN TRAIN EVALUATES OUR PROGRESS TOWARD ENVIRONMENTAL ENHANCEMENT

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, June 30, 1971

Mr. BOGGS. Mr. President, the Honorable Russel E. Train, Chairman of the Council on Environmental Quality, gave an important address recently on the progress we have been making toward the enhancement of our environment. The address was given at the commencement of the State University of New York, Stony Brook.

As I believe Chairman Train's remarks merit the attention of all of my colleagues, I ask unanimous consent that his address be printed in the Extensions of Remarks.

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

REMARKS BY THE HONORABLE RUSSELL E. TRAIN

I welcome the opportunity to participate in this important occasion. For you, it is a time of beginning, a time for the setting of goals, for the making of choices. For those of us who graduated some years ago, it is an opportunity to take a new look at the world around us, hopefully to find some fresh perspectives. We certainly need them!

It is a very special pleasure for anyone dedicated to environmental concerns to be invited to this particular campus at Stony Brook. Not only is this the leading graduate center of the largest State university in the country, but you have here a very strong environmental studies program—including among others the graduate program in Ecology and Evolution under Dr. Slobodkin and the Marine Sciences Research Center under Dr. Squires.

Stony Brook is also the home of one of the most effective of the environmental litigating groups—the Environmental Defense Fund. Many of your faculty serve on its panels of experts. Its outstanding work on pesticides and more recent work on Corps of Engineers projects such as the Cross Florida Barge Canal has underscored the message of the National Environmental Policy Act and our Council: government decision-making must be reformed to think—and act—environmentally.

Last year when I was talking at Commencements, I tried to say something about what this thing called "environment" is all about.

I said then, "If we think of the concern for environment as being somehow a special interest kind of thing, we miss the whole point. It is about the wholeness of life, the totality of the environment, the city as well as the country, creating as well as preserving, the interrelationship of you and me and all around us. . . . We are talking about the future of man . . . that's what gives environment as an issue such a high priority and such a special urgency."

The environment as an issue gives a new perspective to some of the questions I am certain you have been asking about the quality of life in America:

How can we make sure our production is not at the expense of our environment?

Are we the slave of the next step of our technology toward greater speed, bigger tankers, and more mammoth strip mining—or can we set tasks for new technology to serve which better serve human goals?

How can we direct our use of our land so as to enhance our opportunities for room to breathe, for beauty, for recreation and for enjoyment of the daily environment in which we work and raise our families?

I am not going to turn this short talk into one more dreary recitation of environmental problems. I am sure that you are familiar enough with them. They are numerous. They are very real, and they are very important. It is essential that we move forcefully in dealing with them. The President recognized this fact in his message to Congress last August transmitting our first annual Report on Environmental Quality. At that time he said: "Unless we arrest the depredations that have been inflicted so carelessly on our natural systems—which exist in an intricate

sct of balances—we face the prospect of ecological disaster."

The important fact now in June 1971 is that we *are* moving ahead on a wide front to prevent such a disaster. This is not to say that we are satisfied—or ever should be. Much more will need to be done as our knowledge and our capacity to undertake effective programs improve. To some, the public effort will always seem inadequate. To others, who recall the state of public and private indifference only a few short years ago, the extent of present efforts is highly encouraging—indeed, even remarkable.

And, I repeat, we *are* making progress.

Preliminary data indicate that in many of our urban centers, levels of major air pollutants are going down. Levels of both carbon monoxide and sulfur oxides are getting lower in these cities—and it is in our cities where we must meet some of our most critical environmental tests. Likewise, total emissions from automobiles are going down. Levels of lead from automobiles have been increasing, but exercise of the regulatory authority provided by the new Clean Air Act should reverse this trend.

So much needs to be done, however, that I cite such evidence of progress with some hesitancy. Other levels of pollutants continue to rise, and complacency is the last thing we need in the fight for a decent environment. And the fight has just begun.

At the same time, I think it is vitally important that we do not see the problems as hopeless but that on the contrary we see them—as difficult and complex and frustrating as they usually are—as susceptible to solution through rational, determined public action.

A great deal has happened over the immediate past that gives rise to cautious optimism.

First—and I think most important of all—we have an aroused, active and increasingly well-informed citizenry. All over the United States, problems of pollution, of open space, of highway locations, of wetland protection, of supersonic aircraft—to name but a few issues—attract an alert, highly vocal public constituency. The media have responded to and have helped contribute to this widespread public concern and interest. There is no doubt in my mind whatsover that an alert citizenry is the absolute prerequisite to effective environmental improvement. Throughout the country, the results of environmental action by citizen groups are dramatically evident.

Secondly, and related to the first point, is the fact that our educational system *at all levels* is increasingly providing improved understanding of environmental relationships as a regular part of the curriculum. Much more needs to be done on this score but impressive beginnings are being made. This development has tremendous long-range significance, in terms of public understanding of man's relationship to his environment. This understanding is coming to our society today painfully and in fragmented fashion. Hopefully, recognition of the interdependence of all life will come as almost second nature to future generations. We need to develop a kind of "environmental literacy."

At the Federal level, we have created new institutional arrangements to deal more effectively with environmental policy and implementation. The National Environmental Policy Act enacted last year requires all Federal agencies in all of their programs and activities to take environmental factors into account and, as part of this responsibility, to develop a formal, interdisciplinary environmental impact analysis which must be submitted to other Federal and State agencies for comment, which must be made available to the public, and which must be submitted to the Council on Environmental Quality for review—all well before final action is taken. With all of the imperfections of compliance during these first months, this new requirement is bringing about a quiet revolution in the way our bureaucracy deals with problems.

I strongly recommend that all levels of government, State and local, should adopt similar procedures. Indeed, I would urge that members of industry also adopt procedures to insure that environmental impacts of their actions are identified and considered. Such a policy could be particularly significant in the insurance and banking industries where the flow of investment should be subject to analysis in terms of its implications for environmental quality.

The National Environmental Policy Act also established the Council on Environmental Quality, my own group, about 18 months ago in the Executive Office of the President. The Council provides constant overview—within the limits of a relatively small staff—of the environmental performance of all Federal agencies. It likewise provides direct coordination in the administration of environmental programs when responsibility cuts across several agencies as in the case of offshore oil spills involving both the Environmental Protection Agency and the Coast Guard. It is characteristic of our increasingly complex society that programs and problems tend to cut across the traditional boundaries of our administrative agencies. The coordinative machinery provided by our Council constitutes a vital new experiment in effective public administration.

The Council advises the President on environmental policy. Two specific examples of such policy involvement have been the President's landmark action terminating further construction by the Corps of Engineers of the Cross-Florida Barge Canal and, on a more comprehensive scale, the development of the President's 1971 environmental legislative program. I will have more to say about the latter.

The other main new Federal institution is the Environmental Protection Agency established by the President as of the end of last year, which brings together under single leadership the primary environmental pollution responsibilities of the Federal Government, involving the water pollution program, solid waste management, pesticides regulation and radiation standard setting. One of the most difficult and at the same time most significant aspects of the EPA reorganization was the decision by the President to separate responsibility for standard setting in the public interest from responsibility for development programs. Thus, responsibility for standard setting in the field of pesticides was transferred to EPA from the Department of Agriculture with its primary responsibility for increasing the production of food and fiber. Likewise, responsibility for radiation standard setting as it affects community levels was transferred to EPA from the Atomic Energy Commission. Already, EPA is giving strong direction to our pollution clean-up programs. It has provided a dramatic example to other nations now moving to improve their organization for effective environmental management.

The emergence of the environment issue world-wide is, indeed, another important indicator of environmental progress. You and I know that environmental problems observe no political boundaries—here in the United States or among nations. Indeed, many of our problems are global in nature, as is the case with pollution of the seas. As the President said in his message to Congress on a Foreign Policy for the 1970's: "We know that we must act as one world in restoring the world's environment, before pollution of the seas and skies overwhelms every nation."

Public concern over environment is rapidly growing abroad, and this concern is the surest guarantee of action and cooperation on our common problems. Great Britain has brought about a major reorganization of governmental functions, establishing a new Ministry for Environment under a Secretary of State. This new Ministry brings together pollution control, transportation policy, housing, and land use planning under single direction. Canada, France, and Germany have created new integrated Cabinet responsibilities for the environment. Japan has created a new Environmental Agency which comes into being July 1. Various international organizations, including the United Nations itself, are giving priority attention to environmental problems and the United States is working intensively with all of these agencies. I believe that international cooperation for environmental improvement provides a major opportunity for positive leadership and initiative by the United States.

I have met this past week in Washington with a ministerial delegation from Japan, specifically to develop closer cooperation on environmental problems, following my own meeting in Tokyo last October with Prime Minister Sato.

Next week we meet with a Cabinet-level Canadian delegation on the critical problems of Great Lakes pollution. I cite these simply as examples of the increasing tempo of international cooperation in the environmental field.

A further reason for my cautious optimism is that strengthening our environmental control laws has become a priority objective of this Administration. Tough new air quality regulations have recently been issued by EPA under the Clean Air Act Amendments of last year. In the field of water quality, a permit program under the 1899 Refuse Act has been launched and all dischargers into the waters of the United States are being required to secure a permit conditioned on their meeting water quality standards.

We now have before the Congress the boldest, most far-reaching set of environment proposals ever sent up by any President. In addition to the overhauling of our water quality and pesticide laws, we are seeking authority in new areas to control toxic substances, noise pollution, and ocean dumping. We have precedent-making new proposals to put the power of our market economy to work at cleaning up our air by a charge on sulfur oxide emissions. We have the broadest range of proposals for better land use ever put before Congress, including a comprehensive national land use policy, a power plant siting proposal, strip mining regulation and a new parks to the people program.

In short, we have moved the Executive Branch as it has never been moved before to serve the goal of environmental quality. I am not sure this message is getting through but part of the reason is healthy: it is just no longer newsworthy that the Administration has strong medicine for the environment or that prosecutions for pollution are multiplying daily. But newsworthy or not, I want you to know that we mean business, that we have a great opportunity for some basic breakthroughs and that strong public support now will pay large dividends.

I would like to say why the environment is, perhaps more than you can realize now, *your* program. Basically our goal is to take a longer, more interdependent view of our actions—in a word, to act more like wise trustees of finite resources for future generations. You are the generation who will have to make this new attitude a way of life. Your youth, your probable longevity, your prospects for greater leisure, your consumption habits will make you feel that you come face to face with unresolved environmental problems every time you turn around. My message to you is that there is a silver lining to this responsibility—and it is a responsibility.

For one thing the environment as an issue adds interest and relevance to all your learning: understood as the total quality of life and not merely pollution or a need for planning, concern for the environment adds new insight to all education.

For another thing, environment programs and needs are going to create a lot of interesting new jobs that didn't exist two years ago. And the needs for new technology will

not only create new jobs but in due course create new markets for our industry here and abroad.

I sometimes hear it suggested that young people are anti-business, that Americans generally are becoming anti-technology. I hope this is wrong for several reasons. We need a strong and dynamic economy if we are going to solve the problems of poverty, of urban decay, if we are going to meet the spiralling needs for better housing, for mass transportation, for better delivery of health services, and for jobs—among other major national needs. We very definitely need technology for solving most of those problems. Most importantly, we need improved technology to help protect the quality of the environment—particularly in such areas as the development of clean energy sources, recycling, and the better management of wastes generally.

Fortunately, I don't really believe that Americans have become anti-business or anti-technology. At the same time, I do believe that our generation—(and please note that I say *our* generation)—is increasingly skeptical about the purposes to which business and technology often seem to be directed. There is a growing unwillingness to accept technology just for the sake of technology—or business just for the sake of business—or quantitative growth for its own sake alone. We want to know that a particular technology is serving real human needs, that it is contributing to human well-being. We also need to know the social costs of given technologies so that their worth can be fairly assessed. We need assurance that our economic efforts are not simply directed to the end of quantitative production but to the greater goal of the quality of life for all our people. I have no doubt at all that on such terms our economy would have little difficulty in enlisting the vital energies of our society. None of us want to be part of a mindless machine.

Thus, we need to develop a clearer sense of purpose in our life as a nation and in our lives as individuals. I believe this to be the greatest challenge we have in government. It is a challenge shared by industry, our schools, and our youth—indeed, by all segments of our society. Government must provide increased leadership in the setting of priorities and in the articulation of our goals as a people. Industry must demonstrate in creative fashion its real contribution to the quality of life. Businesses that fail to do this are going to be left behind. I predict that "quality of life" is going to be the major growth industry for the rest of this century.

The single most important element in this entire process will be *your* involvement and the influences *you* bring to bear on the choices that must be made. At no time in history have man's problems seemed so overwhelming. But at no time in history have we had such an opportunity for responsible and creative participation and development.

The environment as an issue and as a concern cuts across the entire fabric of our life as a people—the life of our inner cities as well as of the suburbs and of the wilderness. In the most real sense, it involves the condition of man now and in the future. It provides an opportunity for all elements of our society and all peoples of the world to work together for a common goal—the survival of man in a world worth living in.

Welcome to the task!

NEW HOPE FOR POOR OLD BRAND X

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. HUNGATE. Mr. Speaker, one of the strongest attacks upon small business is made in the advertising industry by the promotion of brand names and the disparagement of "brand X."

As the following report of action taken by the Federal Trade Commission will indicate, frequently in the tests we are shown, the advertisers arrange to rig their demonstrations because despite the size of the organization and the size of the public relations budget—and in many cases the higher prices they charge—they still cannot be certain that their products will outperform those of the small businessman, who may be spending his money and time on improving his product rather than on simply improving his advertising. The articles follow:

NEW HOPE FOR POOR OLD BRAND X

(By Carole Shifrin)

The Federal Trade Commission moved yesterday to give "Brand X" a better image.

The agency accused the maker of Easy-Off Window Cleaner, Easy-On Speed Starch, Aerowax floor wax, and Black Flag Ant and Roach Killer, of unfairly making its competitors' products look bad by rigging demonstrations in its television advertising.

Specifically, the FTC charged that in commercials for:

Black Flag Ant and Roach Killer with Baygon a type of roach known to have developed a resistance to the active ingredient in the competitive product was used. Thus, the roaches sprayed with it didn't die, but roaches sprayed with Black Flag did;

Easy-Off Window Cleaner "the directions for using the 'leading brand'" it is being compared with were not followed so that spots and streaks formed;

Aerowax floor wax, the product is compared with "another leading wax," which is really a cleaning wax, and they were not used in their intended manner;

Easy-On Speed Starch, one side of a white shirt sprayed with a leading competitor is scorched by a hot iron placed on it whereas the side sprayed with Easy-On isn't, but no scorching would have taken place if the shirts had been ironed in the normal and customary manner.

The proposed complaint against the manufacturer of these products, American Home Products, Inc., and its advertising agency, Cunningham & Walsh, Inc., alleges that the challenged TV commercials do not prove the superiority of the four products, as claimed in the ads, because of the deceptions used.

Besides seeking to halt the alleged deceptive advertising practices, the FTC said that if the facts in the case as it is developed convince them that a cease-and-desist order would be "inadequate to fully protect the consuming public or competitors," other relief may later be sought.

This could include, the commission said, a requirement that the company prepare and run ads for those products—"which demonstrate what results will be obtained when the demonstrations . . . are conducted and presented in a fair, accurate and nondeceptive manner."

Robert Pitovsky, director of the FTC's Bureau of Consumer Protection, admitted the remedy would be a "little out of the ordinary," but he noted the ads were also a little more unusual than the "typical exaggeration" ads, where a product's qualities are inflated.

In some cases, the general public will know what "Brand X" is because of the limited number of products available, he said, and it would be unfairly disparaged by a deceptive demonstration.

In a fair demonstration, it may or may not be a superior product, he noted.

A spokesman for the company said they have been engaged in discussions with the FTC for more than a year (an earlier complaint was issued against Easy-Off) "to resolve the issues which the proposed complaint raises."

MOSTLY CAFFEINE, IT SEEMS

The Federal Trade Commission yesterday accused the makers of "Vivarin," a stimulant tablet, of making false claims and not telling the consumer that the primary ingredient is caffeine.

The agency charged that contrary to the product's advertising, Vivarin "will not make one more exciting and attractive, improve one's personality, marriage and sex life, and will not solve marital and other personal problems."

The ads are also misleading because they do not diclose that Vivarin's primary active ingredient is caffeine, and that one Vivarin tablet contains the equivalent of two cups of coffee, the FTC contended.

The descriptions of Vivarin as "new" are also misleading, the FTC said, since caffeine has been widely available in many forms, including tablets and coffee.

The FTC is asking the manufacturer, J. B. Williams Company, Inc., and its advertising agencies, Parkson Advertising Agency, Inc., and Della Femina, Travisanto & Partners, Inc., to halt the alleged advertising.

James H. Fitzgerald, vice president of J. B. Williams, said the company couldn't comment on the specific charges of the FTC complaint, but said Vivarin "is safe, effective mild stimulant and we believe it's been advertised as such."

WEST GERMANY'S BID FOR U.S. DOLLARS AND GI'S

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. RARICK. Mr. Speaker, as the U.S. Treasury Department offers a premium price to the German bundesbank to bail out U.S. paper money, our State Department finds that Willy Brandt's West German Government wants a discount on the cost of hiring U.S. soldiers to defend Germany.

Who ever heard of a nation permitting its currency to become so devalued that as a medium of exchange to recover its surplus paper money it is offering to substitute government securities, bearing an interest paying bonus. But then who ever heard of a country drafting its young men to serve as occupation troops to protect a former enemy 26 years after a war is over so that the occupied country would be relieved of the manpower burden in drafting its young men who are needed in the industry and economic progress of that nation.

Now the West German Social Democrats, not even satisfied that we conscript our young men as their mercenary soldiers, want a reduction in the price they pay for their national security. Seemingly, since the U.S. troops are not in Germany because of any concern over the German people, but rather the proximity to the Middle East, some observors feel that Herr Brandt may be able to get the United States to pay Germany to allow U.S. troops to use his country as a staging ground.

It must not be regarded as merely accidental that the Social Democrats devalued the U.S. dollar, nor that they now want to hire our drafted soldiers at a de-

liberately devalued rate. Decisions must have been made at high level.

The dollar has deteriorated to such a low status that our Under Secretary of State for Economic Affairs has apparently found it necessary according to reports to ask West Germany for an interest-free loan.

If it were not for the history books and the fact that some of us were present during the World War II hostilities, many would be hesitant to say who won World War II.

I insert related newsclippings in the RECORD at this point:

[From the Washington Evening Star, June 29, 1971]

GERMANS TAKE SPECIAL NOTES FOR DOLLARS

The Treasury Department has announced that West Germany's bundesbank will buy up to $5 billion in special U.S. government securities issued by the government to help recover some of the surplus U.S. dollars now in Europe.

Three billion of the deal already has been completed, the department said.

The arrangement serves two purposes: It gives the German central bank a U.S. investment opportunity for dollars it no longer wants to hold and it may head off further erosion in the value of the dollar.

In recent months, there has been a heavy flow of dollars into Europe—particularly West Germany—where the interest rates are generally higher than in the United States.

The resulting surplus of dollars on European currency markets produced higher exchange rates for the West German mark, and the currency of Switzerland, The Netherlands, Belgium, and Austria. In effect, this amounted to a devaluation of the U.S. dollar in comparison to those currencies.

The department refused to announce the interest rates it would pay on the securities. It said they would be "in line with rates on outstanding treasury securities of comparable maturities in the domestic market at the time of issuance."

[From the Washington Post, June 30, 1971]

UNITED STATES, BONN, FAIL TO REACH ACCORD ON PAYMENT FOR GI'S

(By John M. Goshko)

BONN, June 29.—Negotiations between the United States and West Germany on a new agreement to offset the cost of American forces stationed here ended inconclusively today and will be resumed in Washington within a few weeks.

Thus, the current two-year offset agreement will reach its June 30 expiration date Wednesday with Bonn and Washington still in disagreement over how to ease the balance of payments problems caused by the U.S. defense commitment to Europe.

Sources involved in the two days of talks here said it had been evident from the outset that a breakthrough could not be achieved at this time and that at least one more round of negotiations would be necessary.

A brief communique issued by the West German foreign office said only that the talks had been characterized by "an open and friendly atmosphere." It added that they would be moved to Washington in "a few weeks."

FAR APART

Nevertheless, it is known that the two sides are still far apart both on the amount of money that West Germany should pay to offset the U.S. troop costs and the form that this should take.

The aim of the agreements is to pump West German money into the United States in order to partly offset Washington expenditures abroad that adversely affect the U.S. balance of payments. The cost of maintaining a 200,000-man U.S. force in West Germany amounts to approximately $1.2 billion annually.

Under the agreement expiring Wednesday, West Germany's offset expenditures have been approximately $1.5 billion over two years.

BONN STAND

In the current negotiations, the Germans are understood to have taken the position that they should pay less.

The United States, on the other hand, opened the bargaining with a demand that Bonn offset at least 80 per cent of the $1.2 billion foreign exchange expenditures—or $960 million a year.

Tonight, German sources indicated that the current round of talks had narrowed the difference somewhat.

This lent credence to the report that Bonn has upped its offer substantially and is now willing to pay at least as much as it did under the expiring agreement.

There also are known to be many unresolved problems involving the form of offset payments under a new agreement. Previous pacts have centered largely on West German purchases of U.S. military equipment and the purchase by the Bonn government of U.S. treasury notes.

LOAN SOUGHT

The search for additional payment techniques appears to have centered on two ideas. One was revealed last week when Nathaniel Samuels, under secretary of state for economic affairs and the chief U.S. negotiator in the offset talks, told Congress that Washington was asking West Germany for an interest-free loan.

The United States always had to pay interest on previous German loans. Samuels said this made their usefulness negligible.

The other potentially new factor is the willingess of the West Germans to make a direct budgetary contribution to the upkeep of the U.S. forces, i.e., heating and electricity charges at American bases and possibly also some of the salaries of German civilian employees.

The White House, the State Department and the Pentagon are all known to have reservations about the offer, the principal one is believed to turn on fears that direct German support would allow Bonn a greater say in the deployment of U.S. forces.

REAR ADM. ALLEN G. QUYNN, U.S. NAVY, RETIRED

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1971

Mr. BYRON. Mr. Speaker, on Thursday, June 17, one of Frederick, Md.'s most distinguished citizens, Rear Adm. Allen G. Quynn, died at the Frederick Memorial Hospital. It was my privilege to know Admiral Quynn in his retirement years; he was a man of honor, integrity, and courage—a soldier in the best sense.

Admiral Quynn graduated from the Naval Academy in 1915 and saw service almost immediately during World War I. He rose steadily through the ranks and served with honor and distinction throughout the Second World War. In civilian life, he became a great asset to his community and an admired and respected figure. Those of us who knew him and those who knew his reputation will miss him and the unique contributions he brought to his family and his community.

GUARANTEED LOAN TO LOCKHEED

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 30, 1971

Mr. TUNNEY. Mr. President, last week, the Committee on Banking, Housing and Urban Affairs, was privileged to hear testimony by James Quillin, president of District Lodge 727 of the International Association of Machinists, Burbank, Calif.

The committee has been hearing expert testimony for the past few weeks concerning the proposal for a Government guarantee of a loan to the Lockheed Corp. As president of the union, whose members produce the L–1011, Mr. Quillin is perhaps the single most qualified spokesman on the direct employment consequences of the termination of this program.

In his testimony Mr. Quillin describes the grave impact of the failure of this program upon an industry already crippled by unemployment.

I would call attention in particular to his direct refutation of some of the claims and rumors that have circulated in recent weeks regarding the opportunities for reemployment of Lockheed employees.

Before any Senator makes a decision on this proposal, I ask him to consider with the utmost care the testimony of Mr. Quillin. I ask unanimous consent that his testimony be printed in the RECORD.

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

STATEMENT OF JAMES L. QUILLIN

I welcome the opportunity to appear before this Committee of distinguished United States Senators. As head of the major union whose members produce the L–1011 TriStar and one who must live with the consequences of the cancellation of the L–1011 program and subsequent Lockheed bankruptcy, I would very much like you to consider our viewpoint as it is our future that you hold in your hands.

RECAP OF EMPLOYMENT HISTORY ON L–1011 SINCE R.R. BANKRUPTCY

On February 4, 1971 the day Rolls-Royce declared bankruptcy there were nearly 18,000 Lockheed employees in Burbank and Palmdale, California working on the L–1011 program. The following week 6,500 employees were laid off. Within three weeks of the announcement of the bankruptcy of Rolls-Royce a total of 9,000 employees had been laid off. Simultaneously with their loss of jobs—many of these same employees had their homes either destroyed or severely damaged by the violent earthquake which shook Los Angeles on Tuesday, February the 9th. The greatest damage was centered in an area only 10–12 miles from the Lockheed plant in Burbank.

After negotiations between Lockheed and the Rolls-Royce receivers resulted in an agreement to continue production of the RB.211 engine, Lockheed called back 1,200 of the 9,000 laid off in February bringing the L–1011 work force to a current level of 10,000 employees.

What has happened to the 8,000 on layoff? My investigation reveals that only about one in ten have found work. A few have moved to other parts of the country hoping to find work (Note: Many of these employees were recruited by Lockheed from other depressed aerospace centers such as Seattle, Wichita and from as far away as Marietta, Georgia) others are working at any work that is available. Most are collecting unemployment hoping to be recalled to Lockheed while some unable to survive on unemployment benefits are collecting welfare.

Since we have available to us the experience of 8,000 L–1011 workers already on layoff is it reasonable to expect that those additional thousands who would be laid off if the loan guarantee fails would fare any better in finding jobs? For the following reasons my answer is an emphatic *No!*

AGE OF LOCKHEED WORK FORCE

The average age of the Lockheed California Company workforce stands at 44.4 years. While the average seniority is 13.5 years. There are 9,900 employees over 50 years of age; 5,830 are over age 55; and 4,000 over age 60. Granted many of these older workers have greater seniority and might manage to keep their jobs. However can anyone seriously suggest that those older workers who would lose their jobs in event of bankruptcy would be able to successfully compete for jobs in a depressed industry that is already glutted with surplus labor? . . . I think not.

Unemployed workers who are at an advanced age find it difficult to obtain work when jobs are plentiful. Under employment conditions now present in the aerospace industry it is next to impossible for these workers to find jobs.

PROBLEM OF UNEMPLOYMENT IN THE AEROSPACE INDUSTRY

There are 130,000 unemployed aerospace workers in California at the present time, 40,000 of which are in Los Angeles County. The rate of aerospace unemployment in Los Angeles County stands at an incredible 15% of the total aerospace employed. Unemployment figures outside aerospace in California are equally dismal—601,000 workers statewide are unemployed with 247,000 of this figure being from Los Angeles County. In the 5 County Southern California area there are 350,000 unemployed workers. Cancellation of L–1011 program would add 10,000 direct Lockheed workers plus several thousand workers employed by subcontractors to the roles of the unemployed driving these gloomy statistics even higher.

These statistics, as bleak as they are, still do not reflect the many thousands of aerospace workers in Southern California who have exhausted their unemployment benefits and/are now underemployed. From the foregoing statistics one can conclude that a Lockheed shutdown would be calamitous to those workers involved.

PROSPECTS FOR REEMPLOYMENT OF LOCKHEED WORKERS WITH M'DONNELL-DOUGLAS

Some have suggested that Lockheed workers who lose their jobs if the L–1011 program is cancelled could go to work for McDonnell-Douglas on the DC–10 since it is produced in the same area. This is a cruel hoax and should be branded for what it is . . . a complete distortion of the facts. In the first place such a proposition completely ignores the geography of Southern California. The DC–10 is assembled in Long Beach which is 35 miles from Burbank, the home of the L–1011. It is possible to commute from Burbank to Long Beach on a twice daily basis; however, considering the Los Angeles traffic and freeway system, it is a hair-raising experience at best.

Next, the proponents of this suggestion blithely ignore another salient geographical fact, that is, the L–1011 is assembled in Palmdale, California, utilizing nearly 4,000 Lockheed employees. This final assembly facility is 100 miles from Long Beach, California. It stretches the bounds of credulity to suggest that these workers could commute the 200 miles a day round trip to Long Beach. Assuming for the sake of argument that laid-off Lockheed workers could get to these "jobs" on the DC–10, which pre-supposes, of course, that all airlines will switch to the DC–10, is there any guarantee that they would stand in front of the 40,000 other unemployed aerospace workers in Los Angeles County who would be in line for these same "jobs" on the DC–10?

Finally, and representing perhaps the most blatant disregard of the facts by those who suggest that terminated Lockheed workers can be hired for the DC–10 is the fact that McDonnell-Douglas has an estimated 9,000 employees on layoff right now while they are producing DC–10's at full production rate. These employees in Southern California must be recalled before other workers could be considered for openings. Consequently, Lockheed workers could not be hired for DC–10 production even if they lived across the street from the plant in Long Beach.

UNEMPLOYMENT AND WELFARE

Lockheed employees want *work* not *welfare*. Yet, it seems to me that if the loan guarantee fails in Congress they will be inexorably driven to unemployment lines, and then, perhaps, welfare. In that connection I would like to quote in part a letter I received from Congressman Chet Holifield the Dean of the California Congressional Delegation regarding the Lockheed loan guarantee request.

"Unemployment now stands at 6.1 percent of the labor force nationally, and a *7.5 percent* in the five-county area of Southern California. More than 345,000 people are out of work in those five counties—*265,000 in Los Angeles County alone*. Unemployment is still rising.

"More than 907,000 persons in Los Angeles County were receiving welfare assistance—one out of every eight persons.

"More than 30,000 workers' jobs are dependent upon the Lockheed L–1011 program, which would collapse without this Federal assistance. About 17,000 of these jobs are in California—and most of them in Southern California.

"I have calculated that each additional welfare recipient caused by unemployment and the exhaustion of unemployment benefits represents an additional cost: to the *county* of $365 per year, to the *state* of $698 per year, to the *Federal government* $1,163 per year, total of $2,326 per welfare case.

"The collapse of the L–1011 program and probable collapse of the Lockheed company might well result in the addition of 60,000 additional welfare cases (individuals) in Southern California at a staggering cost to the local taxpayer in additional local property taxes and state and federal income taxes.

"The assistance to Lockheed in the form of Federally guaranteed loans should not result in a loss to the Federal Treasury. The proposed legislation authorizing these loans provides ample protection against losses. No corporate dividends to stock holders or existing indebtedness can be paid, until after these Federally guaranteed loans are paid.

"Because of the serious blow which would be delivered to the national economy, and the economy of our area, the suffering which would occur to unemployed workers and their families, and the potential great financial loss to the federal government, I am supporting the loan guarantee legislation.

"Sincerely yours,

CHET HOLIFIELD."

IMPACT ON PENSION BENEFITS OF A LOCKHEED BANKRUPTCY

I am advised by legal counsel that in the event Lockheed was forced into bankruptcy by the failure of the loan guarantee request, the Trustees appointed by the Court could set aside the labor contract including the Pension Plan and other negotiated fringe benefits. Although the monies already paid into the Pension Fund are in an irrevocable trust and could not be touched by Court-appointed Trustees, there is still insufficient funding to pay off all liabilities of the plan if liquidation as a result of bankruptcy occurs. According to calculations by the Actuaries all those with less than 10 years credited service, regardless of age, would not receive a penny. Those who have vested but have left the company and who planned on drawing pension benefits on a deferred basis at age 65 would also lose all benefits

Those on the payroll now who have vested and are under age 55, and incidentally, there are several thousand employees in this category, would receive an estimate 50–60¢ on the dollar. Those employees over age 55 who have vested and those already drawing benefits would receive 1 hundred cents on the dollar.

It should be apparent that because of the advanced age of Lockheed's skilled craftsmen, this represents, in most instances, the last opportunity they will have to earn a meaningful pension since normal vesting requirements are 10 years with a company. Therefore, it would be next to impossible for one over age 55 to earn a pension by the normal and in some cases mandatory retirement age of 65.

OBSERVATIONS ON OTHER ISSUES RAISED DURING THE COURSE OF THIS HEARING

There has been voluminous testimony and exhibits placed in the records of this hearing on other important considerations bearing on the question of whether the loan guarantee should be approved.

I do not wish to burden the record but it would be appreciated by my membership if you would consider our views on certain of these subjects.

1. There is an investment in time, materials, facilities, parts and tooling on the L–1011 of 1.4 billion dollars. If the L–1011 Program fails this immense investment would have only scrap value and could do inestimable damage to the financial structure of many small companies who are subcontractors on L–1011.

2. There is no credence to the charge that nearly all the DC–10 is produced in the U.S. and that, therefore, continued production of the L–1011 is harmful to the international balance of payments. My information is that 15% of the DC–10 is produced outside the U.S. while 17% of the L–1011, which includes the engines, is produced outside the U.S. Considering that 50 planes were purchased by Air Holdings Ltd., it would appear to me that the L–1011 helps the balance of payments more so than the DC–10.

3. Without considering the merits of Lockheed's disputed contracts with the DOD, it seems apparent that three significant factors led to the current Lockheed financial difficulty. 1. The inordinately high cost of developing a new airplane such as the L–1011. 2. Lockheed was forced to eat 480 million dollars in disputed claims in DOD contracts. 3. The completely unexpected bankruptcy of Rolls-Royce, the engine supplier for the L–1011, days after Lockheed agreed to accept the $480 million loss on disputed DOD contracts. I submit that few companies in this country have the financial wherewithal to survive this 1–2–3 punch simultaneously.

4. With the winding down of defense expenditures Lockheed has and is attempting conversion to commercial from military work. This has been done at the Government's urging. With one program (L–1011) Lockheed reduced reliance on military work by 50% in the Lockheed-California Company. Failure of the Government to guarantee the loan request in this instance could dissuade other defense producers from converting to commercial ventures from strictly military work.

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5. Considering the continuing problems faced by the Trustees in the Penn-Central case, I am not convinced that bankruptcy for Lockheed, as some have suggested, is a viable alternative to continued operation of the company. The point I am making is that bankruptcy would not make the Lockheed problem go away for Congress, but it could be a troublesome problem for some time to come especially considering all the defense contracts now in progress if Lockheed proceeded into bankrupty.

We recognize that public issues must be publicly debated—that's democracy. The question of a Congressional loan guarantee to the banks makes this such a public issue. We do ask, however, that those who are debating this issue be mindful that the hopes, families and futures of many thousands of workers ride on the outcome of this vote.

LOCAL NO. 1 OPENS NEW HEADQUARTERS IN UTICA, N.Y.

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Wednesday, June 30, 1971

Mr. JAVITS. Mr. President, recently the Amalgamated Meat Cutters & Butcher Workmen of North America, Local No. 1 held dedication ceremonies marking the completion of their new $1,400,000 headquarters building in Utica, N.Y. Local No. 1 holds a significant place in the history of that union, as it was the first local to be chartered under the newly formed Amalgamated union. I ask unanimous consent that the remarks of Samuel J. Talarico, president of Local No. 1, at the time of the dedication be printed in the RECORD.

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

A NOTE ON THE PAST AND A LETTER TO THE FUTURE

(Remarks by Samuel J. Talarico)

Historically, District Union Local 1 is the geneological successor, in a direct line, of the first two unions of Butcher Workmen in New York State—in Syracuse and Utica. These had been federally chartered by the American Federation of Labor before 1896—Butcher Workmen's Union No. 5969 of Syracuse, and Butcher Workmen's Union No. 6598 of Utica. It has been impossible to discover the exact dates, but it was between 1890 and 1895, when officers of the two unions and other federally chartered Butcher Workmen Unions attended the American Federation of Labor convention at Cincinnati, to discuss the organization of an International Union of Butcher Workmen.

At that time there were less than a dozen unions of Butcher Workmen chartered by the AFL, with a total membership of some 300 out of some 60,000 workers estimated to be employed in the meat industry throughout the country. The Syracuse and Utica groups probably numbered less than 30 members each.

The Amalgamated Meat Cutters and Butcher Workmen of North America was chartered by the AFL on January 27, 1897 and its office was established in Syracuse. John F. Hart, who had represented the Utica group at the 1895 AFL convention was elected First Vice President of the fledgling International Union.

The Syracuse group, the oldest of the groups which formed the Amalgamated, received the first Amalgamated charter, as Local 1, the number which our District Union today still proudly bears.

Within the next five decades a number of local unions were chartered by the Amalgamated in New York State north of Albany—in Utica, Auburn, Rochester, Jamestown, Geneva, Albany, and other towns. Some had a brief day and passed into history.

But in 1953, at the inspiration of International Vice-President Joseph Belsky and Samuel J. Talarico, International Representative for the Amalgamated assigned to the upper New York State area, the remaining local unions—in Syracuse, Utica, Auburn, Geneva, Rochester, Jamestown, and Albany, with the approval of International President Earl Jimerson and International Secretary-Treasurer Patrick E. Gorman were merged to form District Union Local 1, with Samuel J. Talarico as President, Kenneth McClellan of the Syracuse local as Secretary-Treasurer, and Pauline Wojnicz of Utica Local 13 as Recording Secretary. On the first District Union Executive Board were names and locals of first board. At this time the total membership of the newly formed District Union was less than 3,000.

GREAT STRIDES FORWARD

Immediately getting to the task of organizing the thousands of retail and "wholesale" butcher workmen in its wide jurisdiction, the new District Union made great strides forward. Initial successes included the area-wide organization of the giant A & P chain and other retail market chains, a large number of independent markets, and a number of wholesale houses and packing plants. Within less than six years following the merger, the District Union membership had grown to over 5,000 workers in all sections of the industry.

Today, as we dedicate our new headquarters building in Utica, the membership is over the 14,000 mark . . . and growing month by month as the benefits of Local 1 contracts are brought to the attention of unorganized workers in every section of our industry in the District Union Local 1 jurisdiction.

This gain in membership, this beautiful building which our Union now occupies, has only been made possible by the dedication of our officers and staff, by the solidarity and loyalty of our membership . . . and by the practical achievements in winning for the workers in our industry wage scales, working conditions, job security and welfare and pension benefits undreamed of by the founding members of our local unions in Utica and Syracuse, by the founding members of the Amalgamated, or at the merger which resulted in our present organization in 1953.

Nor did any of the pioneer members of our oragnization in the years before the turn of the century ever think possible that 75 or 80 years later we would be laying the cornerstone of our own headquarters building in Utica . . . as a memorial to what has already been achieved . . . and as a beacon to what still remains the great unfinished task . . . to bring the goals and aspirations of our movement to all workers, everywhere.

A LETTER TO THE FUTURE

We cannot help looking forward, as we pen this brief note on our history for sealing into the cornerstone of our new building . . . what will our Union be like, what will our Nation be like, what will our World be like . . . one hundred or two hundred years from now, when some archeologist or student of history finds this letter at the razing of our building.

Or will these stones and steel have been levelled in some nuclear blast, and these words burned to undecipherable ashes?

We hope and pray that they will come to light in a world of brotherhood and not of fraticidal strife . . . in a world of charity toward all . . . in a world of beauty, where every child will be able to realize his great potential for the benefit of all mankind.

We hope and pray, with the help of God, that these lines will come to light in a world where the Golden Rule is the guiding principle of all human endeavor . . . where each man does unto others as he would have others do unto him . . . where our economic system calls for each man to contribute according to his ability, and which provides for each according to his needs.

We pray and hope that our Nation will truly be America the Beautiful, from sea to shining sea . . . that our Nation and all the other nations of the world will truly provide equality and justice for all.

God grant us this prayer.

A MOMENT OF RE-DEDICATION

The laying of the cornerstone, the dedication of this building is not only a great moment in the history of our Union . . . it is a great moment of re-dedication . . . a re-dedication to the great task of building the world for which we pray . . . a moment of re-dedication to the achievement of the day-by-day goals which must be the building blocks of the world we dream of.

It is a moment of re-dedication to our concern and involvement in the practical world around us . . . in the problems of war and peace, significant education for our children, civil rights and equal opportunity for all the people of our nation, in saving our environment from rampant destruction for profit, in decent housing, in the eradication of all the evils which make this world we live in, in 1971, very, very far from being the best of all possible worlds.

It is a re-dedication to the legacy we must leave to our children . . . the will to struggle to make this a better world.

This, we think, is the legacy which the founding fathers of our local unions, of the Amalgamated, and of the Labor Movement have left to us . . . and we are humbly proud that we have not dishonored it. This is the legacy we pass on to our children and to those who come after us to occupy this building, when we are one with the dust.

We beseech Thee, Our Father in Heaven, that when this brick and stone and steel are no more . . . our dream of a better world for all mankind will have been realized. To this realization we solemnly pledge all our efforts.

A CASE FOR LAND REFORM IN THE UNITED STATES

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1971

Mr. KASTENMEIER. Mr. Speaker, Peter Barnes, west coast editor of the New Republic, has completed an important three part series for the New Republic on the concentration of land ownership and the need for land reform in the United States.

The articles trace, in historical perspective, the development of agricultural land monopolies, the corporate farms, which, today, threaten the very existence of America's small family farmers.

Mr. Barnes has presented a program for preserving the economic viability of the small farmers, and has called for an American land policy that has, as its highest goal, the building of a society in which human beings can live in dignity.

Mr. Speaker, I highly recommend these three articles, appearing in the June 5, 12, and 19 issues of the New Republic, to my colleagues:

LAND REFORM—I: THE GREAT AMERICAN LAND GRAB

(By Peter Barnes)

With three out of four Americans now jammed into cities, no one pays much attention to landholding patterns in the countryside. How things have changed. A hundred years ago, land for the landless was a battlecry. People sailed the oceans, traversed the continent and fought the Indians, all for a piece of territory they might call their own. America envisioned itself—not entirely accurately—as a nation of independent farmers, hardy, self-reliant, democratic. Others saw us this way too. Tocqueville noted the "great equality" that existed among the immigrants who settled New England, the absence of rich landed proprietors except in the South, and the emergence in the western settlements of "democracy arrived at its utmost limits."

Along with industrialization, however, came urbanization and the decline of the Arcadian dream. Immigrants forgot about land and thought about jobs instead; the sons and grandsons of the original pioneers began to leave the farms and join the immigrants in the cities. Radical agitation shifted from farm to factory. Frontiersmen's demands for free land and easy credit were supplanted by workers' demands for a fair wage, decent conditions and union recognition. In due course a kind of permanent prosperity was achieved, and America directed its energies outwards, not inwards. Consumers bought their food in neatly wrapped packages, at prices most of them could afford, and forgot about the land.

Why, then, in 1971, should we turn back to look at our landholding patterns? One reason is that the land is still the cradle of great poverty and injustice. Another is that the beauty of the land is fast disappearing. Canyons are being dammed, redwoods felled, hill strip-mined and plateaus smogged. Wilderness and croplands are giving way to suburban sprawl and second-home developments. And the balance of nature itself is threatened by excessive use of pesticides.

The deterioration of our cities should also cause us to look back at the land; population dispersal in some form is a necessity. At the same time, there is a growing recognition that nagging social problems—burgeoning welfare rolls, racial tensions, the alienation of workers from their work—have not responded to treatment. Many of these problems have their roots in the land, or more precisely, in the lack of access to productive land ownership by groups who today make up much of the urban poor. Mexican-Americans, Indians and even some blacks are beginning to raise the point that more of America's land ought to belong to them. Given the dead-end nature of most antipoverty programs today, it is an argument worth listening to.

The schizoid character of American landholding patterns was first implanted during colonial days. In New England the land was divided fairly evenly among the many; in the South, mostly because of large royal grants, it was concentrated in the hands of the few. As a consequence, New England politics revolved around such institutions as the town meeting and the popular militia, while Southern society and politics were dominated in all aspects by the landed gentry. Jefferson warned that perpetuation of the large plantations would lead to the ensconcement of an "aristocracy of wealth" instead of an "aristocracy of virtue and talent," and even talked of freeing the slaves; but the plantation owners were hardly inclined to abdicate their privileged positions voluntarily.

With the winning of independence and the establishment of a national government, America had an opportunity to create a nation unfettered by the proclivities of European nobility. Men like Jefferson looked forward to a vigorous agrarian democracy, fostered by public education and a judicious distribution of the government's western domains. Then as now, however, politicians were less interested in promoting agrarian democracy than in making a quick buck. The history of the giveaway of America's public lands—hundreds of millions of acres over a century and a half—constitutes one of the longest ongoing scandals in the annals of modern man. Fraud, chicanery, corruption and theft there were aplenty, but more scandalous was the lack of concern for the social consequences of uneven land distribution. Congress at times did enact such foresighted measures as the Homestead Act of 1862, but far more often it authorized the wholesale disposal of public lands to speculators rather than to settlers. And what Congress didn't surrender to the land hoarders, the state legislatures, the Land Office and the Interior Department usually did.

In the early nineteenth century, the typical speculator's gambit was to form a "company" which would bid for massive grants from Congress or the state legislatures, generally on the pretext of promoting colonization. Once a grant was obtained—and it never hurt to be generous with bribes—the land would be divided and resold to settlers, or, more likely, to other speculators. The enormous Yazoo land frauds—in which 30 million acres, consisting of nearly the entirety of the present states of Alabama and Mississippi, were sold by the Georgia legislature for less than two cents an acre, and then resold in the form of scrip to thousands of gullible investors—was perhaps the most famous of these profit-making schemes. Huge fortunes were made in such swindles, often by some of the most respected names in government. The social consequences were not limited to the quick enrichment of a fortunate few. The issuance of vast tracts of land to speculators also had the effect of driving up land prices, thereby impeding settlement by poor Americans. And, since grants were not always completely broken up, they had the additional effect of implanting in the new territories of the South and West the pattern of large landholdings that persists to this day.

Texas landholding patterns, for example, date from this early period, though grants to the original American *empresarios* were made by Mexico rather than Washington. At first there was a rush to purchase and occupy Texas lands granted to Stephen M. Austin and others. After the initial "Texas fever" subsided, many immense and valuable estates remained intact, and could be acquired for a relative pittance. Today many of these enormous tracts are cotton plantations, cattle ranges or oil fields owned by wealthy individuals and corporations.

The concentration of land ownership in California, now the most productive agricultural region in the world, is perhaps most extraordinary of all. According to a 1970 study by the University of California Agricultural Extension Service, 3.7 million acres of California farmland are owned by 45 corporate farms. Thus, nearly half of the agricultural land in the state, and probably three-quarters of the prime irrigated land, is owned by a tiny fraction of the population. This monopolization didn't just happen; it was and still is abetted by federal and state policies.

Land in California originally acquired its monopoly character from the prodigious and vaguely defined grants issued by first the Spanish and then the Mexican governments. Upon California's accession to the union, the United States government could have incorporated these *latifundia*—still almost totally unpopulated—into the public domain, or ordered them divided into small farms for settlers. It chose, probably without much thought, to swallow them whole and to allow them to remain private. Almost immediately they fell prey to wily speculators and defrauders, who either bought out the heirs of the grantees or forged phony title papers and bluffed their way through the courts. Several of the original Spanish grants are embodied in giant holdings today: the Irvine Ranch (88,000 acres in Orange County), the Tejón Ranch (268,000 acres in the hills and valleys northeast of Los Angeles, 40 percent owned by the Chandler family, which publishes the Los Angeles *Times*), Rancho California (97,000 acres to the northeast of San Diego, jointly owned by Kaiser and Aetna Life), and the Newhall Ranch (43,000 acres north of Los Angeles).

The struggle for acquisition of the Mexican land grants was only the beginning of the empire-building period in California. For some reason American history books are filled with tales about the robber barons of finance and industry—the Rockefellers, Morgans, Carnegies and Harrimans—but almost always neglect to mention the great cattle barons of the West. At the top of any listing of the latter must certainly be the names of Henry Miller, James Ben Ali Haggin and Lloyd Tevis.

Miller was a German immigrant who arrived in San Francisco in 1850 with six dollars in his pocket, and amassed an empire of 14 million acres—about three times the size of Belgium—before he died. Starting out as a butcher, he soon realized that the big money lay in owning cattle, not chopping them into pieces for a handful of customers. He also recognized, in advance of other Californians, that water was far more valuable in the arid West than gold.

Miller's strategy was to buy up land along the rivers of California's central valleys, thereby acquiring riparian rights to the water. Then he would irrigate the river banks with ditches, providing his cattle with natural grasses on which to graze. Homesteaders further back from the river would lose their water and be forced to sell to Miller at dirt-cheap prices.

Miller had other tricks as well. According to Carey McWilliams' *Factories in the Field*, a large portion of Miller's empire "was acquired through the purchase of land scrip which he bought from land speculators who, a few years previously, had obtained the scrip when they, while in the employ of the United States as government surveyors, had carved out vast estates for themselves." At one point in his career Miller set out to acquire some dry grasslands in the San Joaquin valley under the terms, ironically, of the Swamp Lands Act of 1850. This was a law under which the goverment offered alleged swamp lands to individuals free of charge if they would agree to drain them. The law provided that the land had to be underwater and traversable only by boat. Miller loaded a rowboat onto the back end of a wagon and had a team of horses pull him and his dingy across his desired grassland. Eventually the government received a map of the territory from Miller, together with a sworn statement that he had crossed in a boat. Thousands of acres thus became his.[1]

On a par with Miller in deviousness and ambition was the team of Haggin and Tevis, a pair of San Francisco tycoons who, among other things, had interests in the Southern Pacific Railroad and Senator George Hearst's far-flung mining ventures. By the 1870s, Haggin and Tevis had accumulated several hundred thousand acres in the San Joaquin valley from former Mexican grantees, homesteaders, the Southern Pacific Railroad and assorted "swamps." They fought bitterly for

[1] Horace Greeley, who voted for the Swamp Lands Act, confessed later that he had been "completely duped. . . . The consequence was a reckless and fraudulent transfer of . . . millions of choice public lands, whole sections of which had not enough muck on their surface to accommodate a single fair-sized frog."

water rights to the valley's rivers, and, as Margaret Cooper has recounted in an unpublished University of California master's thesis, they were no strangers to fraud. Their empire-building was capped in 1877 by a masterfully engineered land-grab that must rank among the classics of the genre. Under the impetus of California's Senator Sargent, who was acting on behalf of Haggin and Tevis, Congress hurriedly approved the Desert Land Act, and the bill was signed by President Grant in the last days of his administration. The law had the effect of removing several hundred thousand acres from settlement under the Homestead Act. These lands, which were said to be worthless desert, were to be sold in 640 acre sections to any individual—whether or not he resided on the land—who would promise to provide irrigation. The price was to be 25 cents per acre down, with an additional $1 per acre to be paid after reclamation.

Needless to say, much of the land in question was far from worthless. The chunk of it eyed by Haggin and Tevis was located close to the Kern River, and was partially settled. A San Francisco *Chronicle* story of 1877 describes what happened next:

The President's signature was not dry on the cunningly devised enactment before Boss Carr [Haggin and Tevis' agent in the valley] and his confederates were advised from Washington that the breach was open. It was Saturday, the 31st of March. The applications were in readiness, sworn and subscribed by proxies. . . . All that Saturday night and the following Sunday, the clerks in the Land Office were busy recording and filing the bundles of applications dumped upon them by Boss Carr, although it was not until several days after that the office was formally notified of the approval of the Desert Land Act.

Thus, by hiring scores of vagabonds to enter phony claims for 640 acres, and then by transferring those claims to themselves, Haggin and Tevis were able to acquire title to approximately 150 square miles of valley land before anybody else in California had even heard of the Desert Land Act. In the process, they dislodged settlers who had not yet perfected their titles under old laws and who were caught unawares by the new one. The *Chronicle* called the whole maneuver an "atrocious villainy" and demanded return of the stolen lands. A federal investigation followed, but Haggin and Tevis, as usual, emerged triumphant.

All this skullduggery would be of little contemporary interest were it not for the fact that the empires accumulated by the likes of Miller, Haggin and Tevis are still with us in only slightly different form; they have become the vast, highly mechanized corporate farms that monopolize California's best farmland and produce most of the fruit and vegetables and much of the sugar and cotton that America consumes. The fate of Haggin and Tevis' holdings is particularly interesting. In 1890, in order to perpetuate their empire beyond their deaths, the two entrepreneurs incorporated under the name of Kern County Land Company. Until the 1930s most of the company's vast acreage was still used for cattle grazing. In 1936 a copious deposit of oil was discovered beneath the company's lands, producing a colossal windfall for the heirs of Haggin and Tevis. Rather than pay taxes on the full amount of its oil earnings, the company began sinking them into irrigation pipes and sprinklers, thereby upgrading rangeland worth $25 an acre into prime cropland worth $1000 an acre, and later into orchards worth up to $4000 an acre. By 1965 a share of Kern County Land Company stock that sold for $33 in 1933 was worth (after splits totaling 40 for 1) $2,680—and had paid $1883 in dividends. Finally, in 1967, Kern County Land Company was bought by Tenneco (of whom more in my next article).

Meanwhile, the Civil War had led to the abolition of slavery, but not to the end of the plantation system. Thaddeus Stevens, leader of the Radical Republicans, proposed dividing the large Southern estates and giving to freed Negroes and landless whites forty acres and some cash. "Homesteads to them [Negroes]," he argued, "are far more valuable than the immediate rights of suffrage, though both are their due." This was too venturesome a proposal, however, even for the Radicals, and it did not get far in Congress. As a result, Negroes and poor whites in the South remained landless, and a century later a large Southern grower would tell a CBS newsman making a documentary on farm workers, "We no longer own our slaves, we rent them."

In other parts of the country Congress continued to squander the national patrimony with abandon. The railroads were granted 134 million acres, plus another 49 million by the states. Often the railroads would allow settlers to stay and improve the land, then evict them later and sell the upgraded property at a considerable profit. Congress did nothing to remedy such abuses. It was busy enacting—in addition to the Swamp Lands Act and Desert Land Act—such giveaways as the General Mining Law of 1872 and the Timber and Stone Act of 1878. Under the latter, lumbermen and quarry operators acquired millions of acres at $2.50 an acre, largely by using the same "dummy entryman" technique that Haggin and Tevis had so advantageously employed. Under the former, landgrabbers were able to acquire large tracts of public land for purposes that had nothing to do with mining or even settlement.

Congress was not entirely blind to what was happening, and it did strike some blows for agrarian democracy, but these were to a considerable extent diluted or subverted by subsequent legislation and administrative betrayals. Under pressure from landless frontiersmen, Congress passed the Pre-emption Act of 1841, allowing families to settle on 160 acres of unsurveyed public land, with first right to purchase when the land was ultimately placed on sale. This was as far as Congress was willing to go at the time, since the South feared homesteading would undermine slavery. In 1862, however, with no Southerners sitting, Congress adopted the Homestead Act, partially as a reward for Union soldiers. The law stands as a milestone in the history of American land policy. For the first time, full title to public land was to be granted free of charge to actual settlers. A family could acquire up to 160 acres—one quarter of a square mile—if it occupied and improved the land for five years. It was a fine law in theory, but by the time it was enacted a substantial portion of the best land in America was already accounted for. Congress made things worse as historian Paul Wallace Gates has noted, by removing additional valuable acreage from homestead settlement—usually by giving it to the railroads, or, as under the Morrill Land Grant, to the states, who in turn sold it to speculators. Shoddy administration by the Land Office did not help matters either. Cattlemen and speculators, both large and small, made widespread use of the "dummy entryman" trick and other ruses to acquire holdings far in excess of 160 acres, and the Land Office lacked either the will or the ability to stop them.

By the turn of the century almost all the available land in America had been staked out by one interest or another, and many Populists and reformers were displeased with the result. The Great Plains states were, by and large, democratically settled, but the same could not be said for the South and West. Henry George described California as "a country not of farms but . . . of plantations and estates," and thought a single tax on land was the remedy. The social effects of maldistributed land were most readily seen in the impoverishment of tenant farmers and sharecroppers in the South, and the exploitation of Chinese and Japanese laborers in the West.

Almost providentially, however, an opportunity to correct the mistakes of the past and to open up new lands for homesteading presented itself. Thanks to modern civil engineering, the arid expanses of the West, once useful only for grazing, could be irrigated and turned into cropland. Much of the land beyond the Rockies could thereby be transformed into a kind of New Midwest, characterized by family owned and operated farms. The instrument of this transformation would be a massive federal reclamation program; the Reclamation Act of 1902 was its charter.

F. H. Hewell, first director of the federal Reclamation Service, explained the purpose of the Reclamation Act as "not so much to irrigate the land, as it is to makes homes. . . . It is not to irrigate the land which now belongs to large corporations, or even to small ones; it is not to make these men wealthy, but it is to bring about a condition whereby that land shall be put into the hands of the small owner, whereby the man with a family can get enough good land to support that family, to become a good citizen, and to have all the comforts and necessities which rightfully belong to an American citizen." Theodore Roosevelt was more succinct: "Every [reclamation] dollar is spent to build up the small man of the West and prevent the big man, East or West, coming in and monopolizing the water and land."

Federal reclamation would bring about this democratic renaissance by using both a carrot and a stick. The carrot would be subsidized water; the stick was lodged in two crucial provisions of the 1902 Act—the 160-acre limitation, and the so-called residency requirement. The first provided that no person could receive federal water for use on more than a homestead farm of 160 acres; the second provided that water would be delivered only to "an actual bona fide resident on such land, or occupant thereof residing in the neighborhood." By attaching these twin limitations to its delivery of subsidized water, federal reclamation would, in the words of one of its sponsors, "not only . . . prevent the monopoly of public land, but . . . break up existing monopolies throughout the arid region."

It sounded confiscatory—indeed, almost revolutionary—but the large Western landowners could hardly complain. They had, in the first place, acquired their empires at prices that were scandalously low and through stratagems that were at best unethical and at worst illegal. Moreover, it was not as if Congress was about to drive them into unwilling bankruptcy. The law did not require them to accept federal water; it merely provided that, if they chose to sip at the public trough, they would, in due course, have to sell their lands in excess of 160 acres. Subsequent regulations established that they could receive subsidized water for ten years before parting with their excess holdings—a time span which allowed for enough farming profit to satisfy all but the greediest.

Nevertheless, the intended transformation of the West did not occur. Great dams were built, rivaling the pyramids of Egypt in their wondrousness; reservoirs were formed, and aqueducts constructed. By 1970 the Bureau of Reclamation spent almost $10 billion and irrigated nearly seven million acres. Yet land monopoly is more firmly entrenched in the West than ever; federal water has flowed and continues to flow in great quantity to the huge, absentee-owned corporate estates that should, under the law, have been broken up and sold to small resident farmers. In the words of former Senator Wayne Morse, the wholesale, continuing violations of the 1902 Act constitute "a water steal reminiscent of

the scandals" of Teapot Dome and the "great land frauds."

Nearly a century ago the San Francisco *Chronicle* warned: "The land . . . taken by two or three men is sufficient to afford homes and independence to hundreds of intelligent, industrious and honest settlers. It is this class that makes, as it is the other [land monopolists] that ruins, a country. The confirmation of title to the monopolists means the transfer of ownership of the soil to a nonresident aristocracy, and its continued cultivation by a race of aliens and coolies. Let it be awarded to the settlers, and schools, roads, churches and general prosperity will ensue."

This and similar warnings went unheeded; the South and West developed as the *Chronicle* feared. Ownership of particular estates shifted hands over the course of several depressions, panics and booms, and in recent years the trend has been toward ownership by large corporations—often oil companies or conglomerates. But though the names have changed, the pattern of large landholdings has held steady throughout. A nonresident landed aristocracy—today composed of such diverse persons as Sen. Eastland and the directors of Tenneco—enjoys vast power.

Along with absentee ownership, racial exploitation became a way of life in the West, as it previously had in the South but as it never did in the Midwest. Chinese and Japanese field hands were succeeded by Hindus, Filipinos and Mexicans. The treatment of Japanese farmworkers is particularly instructive. For many years they were enthusiastically praised by California growers; they performed the most menial tasks with great skill and without asking favors (such as transportation and boarding) of their employers. Soon, however, the Japanese began leasing land for themselves—usually "useless" marsh or desert which they would reclaim and plant with rice or other crops. Through thrift and hard work, they even began achieving their ambition to own land. This was too much for the land monopolists, who succeeded in passing the Alien Land Act of 1913, designed to force the Japanese to sell their improved lands to them.

Other effects of concentrated land ownership were as the *Chronicle* foresaw. Schools, shops and civic institutions never blossomed in those parts of the South and West dominated by giant landholdings. Enormous disparity of wealth and power is rarely conducive to widespread involvement in public affairs, and is even less so when large portions of the population are migrants, or are barred by one means or another from voting. Why, after all, should an absentee landlord spend his taxes on good public schools, when his own children go to private school and an educated work force is the last thing he wants?

What was not foreseen was the impact that land monopoly would eventually have on American cities. If the Southern plantations and Mexican land grants had been broken up, if Western land had been distributed in limited-size parcels to actual settlers as generously as it was handed out in prodigious chunks to speculators, if the reclamation law had been vigorously enforced, it is doubtful that the cities would be as overcrowded and as beset as they are today. Blacks and landless whites would, in smaller numbers, have migrated to the cities, but they would not have been so ill-prepared had they descended from landowning farmers. They would have had dignity, schooling, some experience in public affairs, and perhaps savings enough to establish a foothold.

The question now is whether we are going to compound the errors and injustices of the past, or remedy them.

LAND REFORM—II: THE VANISHING SMALL FARMER

(BY PETER BARNES)

Yghish Bulbulian's face is weathered, his pace somewhat slowed. But when he looks back at what he has left for his son Berge and his grandchildren, Yghish Bulbulian is a proud man.

Born in Armenia at the end of the last century, Bulbulian fled his homeland during World War I when more than a million Armenians were slaughtered by the Turks. He arrived, penniless, in California and settled near Fresno, where a large colony of Armenians had gathered. For several years he worked as a field hand in the San Joaquin and Imperial valleys, managing to save a few pennies each payday. By 1929 he was able to scrape together $500 for a down payment on 20 acres, part of a homestead that was up for sale. He, his wife and son worked ten hours a day, seven days a week in the fields, and when they weren't working their own land they were hiring themselves out to others.

In 1943 Bulbulian added 30 acres to his farm, and every decade or so thereafter he added more. Today, he and his son grow grapes and currants on 150 acres; though he's 78, he still helps plant, irrigate and box his crop. His income has not been high, but there were enough good years to permit some amenities. Father and son now live in comfortable, well-furnished houses, and drive late model cars.

It's no rags-to-riches story, and Bulbulian is no Horatio Alger figure, but he is an example of the many immigrant farm hands who, through frugality and hard work, rose to become farm owners. Unfortunately, he represents a dying breed.

In the 1920s, when Bulbulian got to California, it was natural for field laborers to aspire to become small farmers. Today it is almost unthinkable. For the same 20 acres that Bulbulian bought 40 years ago for $500 down, an aspiring farmer now would need $12,000 down. Moreover, it would be pointless for him to buy only 20 acres; he'd need at least four times that to have a fighting chance. And while Bulbulian could make do, when starting, with two mules and a plow, his contemporary counterpart would require thousands of dollars worth of tractors, chemicals and other equipment. Little wonder that few persons without an inheritance or outside income are entering farming, or that the number of farmers of Bulbulian's size is rapidly shrinking.

U.S. Department of Agriculture statistics tell the story: in 1950 there were 5.4 million farms in America: today the figure is around 2.9 million. As the number of farms declines, the average size of remaining farms increases: it's now over 380 acres, compared to 215 acres 20 years ago. And as agriculture steadily becomes more mechanized, it comes to be dominated by those who have capital—the most successful family farmers, and the giant corporations. Thus, in 1969, the largest 40,000 farms, representing less than two percent of the total number, accounted for more than one-third of America's farm sales.

These are the broad statistics. Behind them are the economic forces, abetted by government policies, which say to the small farmer: either get bigger or get out. The pattern is typically like this: a farm of 80 or 160 acres has belonged to a family for generations. It is squeezed by rising local taxes, the high cost of farm equipment, and corporate competition. The old man dies or retires. What will the children do? To survive as farmers they must expand and mechanize. The other option is to sell, perhaps to a suburban developer, perhaps to another farmer who is expanding. The latter course is easier, and increasingly it is the one that is chosen.

The trend towards corporate farming greatly intensifies the pressures on the independent small farmer. This trend is strongest in the South and West, particularly in Florida, California, Texas, Arizona and Hawaii, where large land units have long been the rule. Big canners like Minute Maid, a subsidiary of Coca-Cola, and Libby-McNeill & Libby, own an estimated 20 percent of Florida's citrus groves, compared with less than one percent in 1960. Corporate farms in California account for 90 percent of the melon crop, 46 percent of the cattle sold, 38 percent of the cotton produced and 30 percent of the citrus fruits. Two conglomerates, Purex and United Brands, now control one-third of the green leafy vegetable production in the United States, and the list of other blue chips lately plunging into agriculture, according to the Agribusiness Accountability Project, includes Tenneco, Gulf & Western, Penn Central, W. R. Grace, Del Monte, Getty Oil, Goodyear, Monsanto, Union Carbide, Kaiser Aluminum, Aetna Life, Boeing, Dow Chemical and American Cyanamid.

Why are major corporations suddenly fascinated with farming, a business where profit margins are generally small? The motives are chiefly three: land speculation, tax dodging, and the development of integrated "total food systems."

Suppose for example that a company invests $1 million a year of nonagricultural earnings in improving a large tract of farmland—by planting pear trees, say, or laying irrigation pipes. It pays no taxes on the $1 million, and can even deduct from its remaining taxes the cost of caring for the trees until they bear fruit, and the depreciable value of the irrigation pipes. Then suppose, as is usually the case, that each dollar thus invested creates a corresponding increase in the market value of the land. Suppose further that the company sells the land to another corporation at the end of ten years. Its profit on the land sale is then approximately equal to the earnings it has invested over the decade—in this case, $10 million. However, these earnings are now in the form of capital gains, and are taxed at 25 percent rather than 48 percent. Thus, the company has made a multimillion dollar profit at the taxpayers' expense. Any income the farm may have produced during this period is frosting on the cake.

Many corporations have their eyes on farming for another reason: they see vast profits accruing to vertically integrated conglomerates that control every stage of the food production and distribution process from raw nitrogen to precooked soufflé on the dining table. They are aware of the fact—indeed, they are largely responsible for it—that profits in the food industry go increasingly to companies in the food *business* rather than to farmers: in 1969 only 33 cents out of every dollar spent on food went to farmers, down from 40 cents two decades ago.

No single company better exemplifies the corporate plunge into farming than Tenneco, formerly Tennessee Gas and Transmission. In addition to its oil, natural gas and shipbuilding interests, Tenneco controls over a million acres in California and Arizona, mostly as a result of its purchase in 1967 of Kern County Land Company. It also produces agricultural chemicals and owns J. I. Case, a manufacturer of farm machinery, Heggblade-Marguleas, a leading California farm management firm, and the Packaging Corporation of America.

Tenneco makes money out of its landholdings from all directions. First, of course, are the tax-privileged revenues from oil and gas that lie beneath the surface. Then there is land development, the ultimate stage in the speculative game. Tenneco has half a dozen major developments planned or underway in California. One is the Pine Mountain Club, a 3,200-acre recreational community in Los

Padres National Forest, about an hour's drive from Los Angeles. Another 6,000-acre development on the outskirts of Bakersfield will include an industrial park, a shopping center, a golf course and a retirement community. One of the company's cleverest gambits was to donate 370 acres near Bakersfield for a new state college. (Lands for UCLA and the University of California at Irvine were similarly donated by large landholders.) According to Simon Askin, executive vice-president of Tenneco, the college "enhances the value of an additional 6,500 acres of company land."

It is Tenneco's multi-faceted agribusiness operations, however, that cast the longest shadow over the small farmer's future. Tenneco's aim, says Askin, "is to accomplish integration from the seedling to the supermarket." The company is already far advanced along that road. It grows, on magnificently irrigated former Kern County Land Company farmlands, an enormous diversity of crops, including corn, potatoes, barley, sugar beets, cotton, almonds, grapes, oranges, lemons, peaches, pears and plums. For capital inputs it has its own agricultural chemicals and farm machinery. For processing and packaging it has a huge new plant near Bakersfield, more than six times as large as a football field. It is currently testing a brand name identification program which, it hopes, will make the Tenneco Sun Giant label a household word in foods.

Against this kind of competition, what chance does the small farmer have? He survives or fails on his crop income alone. He does not have the benefit of outside earnings, or the luxury of converting current income into future capital gains. He might wish to expand or to buy more equipment, but to do so he must use his own money, not the Treasury's. When local property taxes rise because of encroaching suburbia, the large corporation can absorb the increase as a hedge against future speculative profits. For the small farmer higher taxes simply mean a decrease in the income on which he must live. Nor can he recoup farming losses with profits from machinery, chemicals, processing, packaging or marketing. If he is not paid enough cash for his crop, he is wiped out, regardless of how profitable the other stages of food production might be.

Corporations have other advantages over small farmers, including access to credit. According to a Department of Agriculture study in 1966, corporate farmers are able to borrow nearly twice the proportion of their assets that family farmers are. Corporations also enjoy the government-sanctioned privilege of exploiting their employees to a degree unparalleled in any other industry. The federal minimum wage for farmworkers is $1.30 an hour—30 cents below the minimum paid to all other workers. And while it is a felony for ordinary individuals to harbor illegal aliens, it is not a crime for growers to employ them. Such laws as these not only abuse farmworkers; they also hurt the self-employed farmer, who, in order to compete with the giant growers, winds up having to exploit himself.

Farming corporations receive further government aid in the form of subsidies. Among these are payments for reduced corp production. Since farmers with large landholdings are able to "not-grow" more crops than are farmers with small holdings, their subsidies are more generous. Charles Schultze, former director of the Budget Bureau, estimates the total cost of farm subsidies at $9 to $10 billion annually, the lion's share of which goes not to poor farmers, who need it, but to the corporate giants. Last year, the J. G. Boswell Co. of Calif. received federal subsidies totalling $4.4 million; Tenneco got $1.5 million; the Florida-based US Sugar Company collected $1.1 million; the Delta and Pine Land Company of Mississippi bagged $814,000. A newly enacted $55,000 ceiling will reduce some of the largest handouts this year, but the limitation has too many loopholes (for example, the ceiling is computed on a per crop and per nominal owner or lessor basis) to be effective.

Subsidies also come in the form of water, delivered to many farmers' doorsteps by federally-funded reclamation projects. The price paid by water users is well below the actual cost of delivering the water. Most of the cost of building dams and aqueducts is charged to the general Treasury and to hydroelectric power consumers.

In theory, federally subsidized water is legally barred from delivery to farms of more than 160 acres, and to all absentee-owned farms. In practice the law is widely violated, to the detriment of the family farmers it was intended to help. Thus, small farmers in California are now being hurt by the delivery of new water to lands owned by Tenneco, Getty Oil, the Tejón Ranch, Standard Oil of California and the Southern Pacific Railroad, among others. Production of fruits and vegetables from these heretofore arid lands will soon flood the market, thereby driving down prices. Much the same fate awaits small farmers in the Pacific Northwest, where vast lands controlled by Boeing, the Burlington Northern, Utah and Idaho Sugar, and Amfac of Hawaii are about to receive federally-dammed water from the Columbia river.

Welfare is another indirect subsidy to large growers, though they're not inclined to admit it. It allows them to use laborers for a few months, then cast them aside, secure in the knowledge that they'll survive until the following year's work season, without having to be paid a living wage. On top of this are the millions spent by federal and state governments on agricultural research—a subsidy that no other industry enjoys. While some of this research helps the small farmer, the bulk of it is aimed at breeding crops and designing machines for large-scale farming.

What will be the future of American agriculture? If present policies continue, the answer seems fairly obvious; the poor will be squeezed, the rich will be subsidized, and in the end only the biggest and best integrated operations will survive. The prospect pleases corporate moguls like Bank of America ex-president Rudolph A. Peterson, who has called for a program "to enable the small uneconomic farmer—the one who is unable or unwilling to bring his farm to the commercial level by expansion or merger—to take his land out of production with dignity." It terrifies small farmers, many of whom are no less efficient than their giant competitors, but simply less favored by government policies.

One vision of what American agriculture may look like can be found in the February 1970 issue of *National Geographic*. Here are stunning photographs of an egg factory near Los Angeles where two million caged Leghorns gobble 250 tons of feed and lay one million eggs each day; a cattle metropolis in Colorado where 100,000 steers are fattened on formulas prescribed by computer; a $23,000 tomato harvesting machine, developed by the University of California, that snaps up specially bred tomatoes for farmworkers to sort while taped music purrs in the background.

These photographs of contemporary marvels are accompanied by an artist's depiction of an early 21st century farm (if that is the proper word) as foreseen by USDA specialists. All operations are monitored by one man from a bubble-top control tower. An enormous remote-control tiller rolls across a ten-mile-long wheat field on tracks that keep it from compacting the soil. Another gigantic machine automatically waters a ten-mile field of soybeans, while a jet-powered helicopter sprays insecticides. Alongside a monorail track stand a pair of skyscrapers for cattle. Behind them are several illuminated plastic domes containing controlled environments for growing strawberries, tomatoes and celery. A USDA expert outlines some other possibilities: hills will be leveled with nuclear energy in order to flatten extra-long fields; sensors buried in the soil will find out when crops need water, and automated irrigation systems will bring it to them; airplanes, computers and closed-circuit TV will be as commonplace as tractors today.

A somewhat different vision of the future—not endorsed by the USDA—can be found in a gently sloping field near Watsonville, California. It focuses on human beings rather than technology, on giving present-day Yghish Bulbulians a chance to advance themselves rather than be cast into ghettos and *barrios*. Here on the edge of the Pájaro valley is a bustling new enterprise called the *Cooperative Campesina*, a farming cooperative formed slightly over a year ago by four Mexican-American families, now expanded to twenty-five and still growing.

The economics of the cooperative are relatively simple. There are 140 acres under lease, with 80 planted in strawberries and 60 in zucchini squash. (Eventually all will be planted in strawberries.) To avoid hassles the land is divided among the members by lottery, with each family responsible for its own parcel. Strawberries were chosen as the principal crop because they provide a high return and are laborintensive; there is no machine yet in sight that can pick them. Each acre of strawberries produces about 3000 trays per year, and each tray sells for about $3. Thus, one acre earns about $9000 a year. Expenses, not counting labor, come to about half that, so each family will earn about $12,000 the first year if all goes well, plus whatever additional income comes from the squash. The second year, when expenses are lower, they'll earn more. With four or five family members working steadily in the field, the earnings don't amount to much on an hourly basis—perhaps $1.20 per hour. But total family income will be two or three times what it was when they were hired laborers or sharecroppers. In addition they'll have equity in the co-op, and the satisfaction of being their own boss.

It wasn't easy to get the co-op started—the initial members had to scrape up $500 apiece, then look around for credit. The Farmers Home Administration, a federal lending agency, turned them down. Local banks, under pressure from a large local grower, were hesitant, but finally Wells Fargo came through with a $150,000 crop loan, to be repaid after the first strawberry harvest in 1972. An OEO-funded consulting firm, the Central Coast Counties Development Corporation, lent another $100,000, which will be repaid in three years. With $250,000 in hand, the co-op was able to purchase tractors, root stock and chemicals. Now it is in as good a position as the established growers, if not a better one: it's the only commercial strawberry producer in California that doesn't have to worry about labor troubles. By next year it will be marketing strawberries under its own *Cooperativa Campesina* label, and its members see no reason why within five or six years they can't become a dominant factor within the $60 million strawberry industry.

If the co-op prospers, its members don't plan to hoard the wealth. They intend to open up membership to as many poor families as the enterprise will support. "We have a saying in Spanish," says Refugio Pinedo, one of the founders and now secretary of the co-op. *"Agua que no te tomas, déjala correr.* Water that you cannot drink yourself, let it run for others."

LAND REFORM IN AMERICA—III: THE CASE FOR REDISTRIBUTION

(By Peter Barnes)

It's hard for people in cities to appreciate the need for land reform in the United States. Most of us have been so cut off from

the land that, through ignorance, we accept present landholding patterns as desirable or inevitable. They are neither.

What are the advantages of giving land to the few instead of the many? Efficiency is supposed to be the main one: big farms, we're told by agribusiness spokesmen, can produce more food at less cost and thus save the consumer money. That same thinking underlies Soviet collectives. What's overlooked is that in societies where tractors are relatively inexpensive to own or rent, economies of scale contribute to agricultural abundance only marginally. Beyond a certain point, there's nothing gained by having one vast farm in place of several smaller ones. In fact, small farms are often more productive per acre because their owners work harder and take better care of the soil.

Large farms in America *are* efficient at some things—they excel at tapping the federal Treasury and exploiting hired labor. Take away these privileges and the small farmer looks extremely good. As for saving the consumer money, the chief reason food prices have remained relatively low is not large-scale efficiency—it is intense competition. Allow a handful of agribusiness giants to gain control of the market and prices will assuredly rise a lot more than they have.

There is, furthermore, the question of how much efficiency, and what kind, is desirable. American agriculture is, if anything, too efficient; its chronic problem is not underproduction but surpluses; it is the only industry where people are paid *not* to produce. The argument that ever-increasing agricultural efficiency is a desirable national goal is, therefore, unsound. Moreover, what kind of efficiency are we talking about? When a large grower increases his profit margin by replacing farmworkers with a fancy new machine, he's not doing anybody but himself a favor. The farmworkers, now unemployed, drift to already overcrowded cities, where no jobs await them either. Welfare rolls and social tensions rise—transferring to society at large the ultimate cost of "efficiency" on the large farm.

If the advantages of large landholdings (except to those who own them) are scant, the harmful effects are legion. Several have already been noted: the impoverishment of million of rural families, and the migration to cities of millions more, with little education or hope of improvement. We expect poor Americans to lift themselves up the economic ladder, yet by cutting them off from productive land ownership we knock out the bottom rungs.

The vitality of community life in rural America has also suffered because of maldistributed land. Main Street businesses are not appreciably aided by large absentee landowners who purchase their supplies in distant cities, or by underpaid migrants who buy nothing, or by sharecroppers forced to shop at the company store. A study in the 1940s by Walter Goldschmidt, a California sociologist, found that communities in small-farm areas have a more sizable middle class, more stable income patterns, better schools and more active civic groups than do communities where large landholdings predominate. A recent incident in Mendota, California—a town surrounded by large farms—helps explain why. A group of citizens wanted to establish a special taxing district for construction of a hospital, the nearest one being 40 miles away. Three agribusiness giants that owned more than half the land in the proposed district opposed the plan, and killed it. Two of the companies were based in other California cities, and the third—Anderson Clayton—was headquartered in Houston.

Protection of the environment also tends to be less of a concern to large corporations—who've been despoiling the American landscape for the better part of two centuries—than to small farmers who live on their land. Companies farming for tax or speculative reasons, for example, seek to maximize earnings over the short run. They can milk the soil, deplete the underground water supply or poison the land with pesticides, knowing full well that they will eventually sell. Resident farmers who hope to pass on their land to their off-spring cannot be so careless with nature's gifts. Moreover, small-scale farming lends itself much more readily than does large-scale monoculture to biological pest control—a technique that must increasingly be adopted if we are to avoid ecological disaster.

If there's little to be said for large landholdings on social or environmental grounds, neither can it be said that they are inevitable. Land concentration in America, particularly in the South and West, is not the result of inscrutable historical forces, but of a long train of government policies, sometimes in the form of action, often of inaction. English grants to large landholders in the colonial South, and Mexican grants in the West, could have been broken up at several convenient historical moments, but were allowed to remain intact. Vast expanses of public lands were given away in large chunks to speculators, rather than in small parcels to settlers. Tax and labor laws, reclamation project and government-financed research, have encouraged large-scale corporate agriculture, to the detriment of independent small farmers and landless farmworkers. On top of all this have come the government's ultimate reward to big landholders: cash subsidies, mainly for being big.

Why, then, do we need land reform in America? About the only thing that can be said for large landholdings is that they exist, and in the spirit of free enterprise ought to be left untouched. This is the strongest argument in favor of leaving things as they are. Land, however, is not like other forms of wealth in our economy, which we allow to be accumulated without limit: it is a public resource, it is finite, and it is where people live and work. Free enterprise does not merely imply the right to be big. It also implies the right to start. As corporate farms become increasingly integrated with processors and distributors, as they advance toward the technological millennium in which ten-mile-long fields are sowed and harvested by computer-controlled machines, the right to get a start in agriculture will be obliterated—as it almost is today. Americans must decide whether they want the rich to get richer or the poor to have a chance. Agriculture is one of the few places where the poor *can* have a chance. If it is closed off, if the profits of the few are given precedence over the needs of the many, the consequences can only be unpleasant.

There are additional reasons why it's time to reform landholding patterns in the United States. Frederick Jackson Turner talked 70 years ago of the frontier as a "safety valve" for urban discontent. If ever the cities needed a safety valve, it is now. Urban problems are virtually insoluble; city residents seem on the verge of a mass psychic breakdown. The exodus from the countryside must not only be stopped, it must be dramatically reversed.

One approach to the problem of population dispersal is to build new communities on rural lands now owned by speculators. This will undoubtedly happen, but it's far from enough. It is much more important to revive existing rural communities, and to do so by enabling greater numbers of people to live decently off the land. There is no shortage of people who want to remain on the land, or return to it, if they could do so at higher than a subsistence level. Many Mexican-Americans, blacks and Indians would be among them. So would many whites who have become drained, physically and spiritually, by city living. The difficulty is that the frontier is long gone. That's why reform, as opposed to the giving away of unsettled land, is essential.

Land reform is also needed to increase the number of people in the United States who are free. This may sound silly in a country that presumes to be a breeder of free men. Yet ever-increasing numbers of Americans are not really free to assume responsibilities or to make major decisions affecting their lives. They work for large corporations or government bureaucracies or on assembly lines. They are not their own bosses, not proud of their work, and not motivated to exercise their full rights as citizens. Farming has traditionally been a bastion of the independent small businessman who won't take guff from anybody and who prides himself on the quality of his work. But now farming, too, is becoming computerized and corporatized. Its executives wear silk ties and share the attitudes of other wealthy executives; its workers are powerless, dispensable hirelings. If agriculture goes the way of the auto industry, where will our independent citizens come from?

American land policy should have as its highest priority the building of a society in which human beings can achieve dignity. This includes the easing of present social ills, both rural and urban, and the creation of a lasting economic base for democracy. A second priority should be to preserve the beauty of the land. Production of abundant food should be a third goal, but it need not be paramount and is not, in any case, a problem.

To achieve these goals a multitude of reforms should be carried out. First and most importantly, small-scale farming must be made economically viable, so that present small farmers can survive and new ones get started. Unless it is done, there is no point in changing landholding patterns to favor smaller units.

There's no secret to making small-scale farming viable; it can be accomplished by eliminating the favors bestowed upon large farms. Federal tax laws that encourage corporate farming for tax-loss and speculative purposes should be changed, even if this means closing the capital gains loophole. Labor laws should guarantee a minimum wage to farmworkers equal to that of other workers, and should make the knowing employment of illegal aliens a crime punishable by imprisonment. This would put an end to one of the large landholder's major competitive advantages—their ability to exploit great numbers of poor people—and allow self-employed farmers to derive more value from their own labor.

Subsidy programs, too, should be revised to the disadvantage of big growers. When farm subsidies began during the New Deal, they were intended to help the impoverished small farmer. But because they were pegged to total marketings and total acreage rather than to personal income, they wound up lining the pockets of the wealthy. If farm subsidies are continued—as they should be in order to stabilize farm income—they ought to be strongly weighted in favor of smallness. No farmer should receive subsidies for crops grown (or not grown) on land in excess of a certain acreage, and payments should be graduated downward, somewhat like an income tax in reverse. (Per unit payments to individual farmers should decrease, in other words, as the number of subsidized units increases.) Alternatively, subsidies could be completely detached from crops and related to income instead. Farmers could sell on the open market, with federal payments making up the difference, if any, between earnings and a minimum livable income.

Also essential to the future viability of small-scale farming is some protection against conglomerates. There is no way a small farmer can compete aaginst an oil company, or against a vertically integrated giant like Tenneco which not only farms tens

of thousands of acres but also makes its own farm machinery and chemicals, and processes, packages and distributes its own foods. Such conglomerates aren't hurt by a low price for crops; what they lose in farming they can pick up in processing or distributing, or, for that matter, in oil. The small farmer, on the other hand, has no outside income and no tolerance for soft spots. What he needs is legislation that would prohibit corporations or individuals with more than $50,000, say, in nonfarming income from engaging in farming—in effect, a forceful antitrust policy for agriculture.

Once small-scale farming is made viable, the second major area for change involves redistribution of land—the kind of peaceful social restructuring that the United States imposed upon Japan after World War II and has urged upon dozens of other nations in Asia and Latin America.

The guiding principles behind redistribution are that land should belong to those who work and live on it, and that holdings should be of reasonable, not feudal proportions. These are not revolutionary concepts; America recognized them in the Pre-emption, Homestead and Reclamation Acts, and is merely being asked to renew that recognition.

A convenient place to start is with enforcement of the Reclamation Act of 1902, which provides that large landholders in the West who accept subsidized water must agree to sell their federally irrigated holdings in excess of 160 acres at pre-water prices within ten years. The Reclamation Act has never been properly enforced for a variety of reasons. One is that, through one stratagem or another, large landholders have escaped having to sell their excess lands. Another is that even in the few cases where large landowners *have* agreed to sell, their prices have been so high, and terms so stiff, that only the wealthy could afford to buy. Occasionally, as in parts of the San Joaquin valley at the moment, pre-water prices as approved by the Bureau of Reclamation are so out of line—higher, in fact than prevailing market prices—that even wealthy persons have not seen fit to purchase excess lands put up for sale under the law.

To assure not only the sale of excess landholdings, but also their availability at prices that persons of limited means can afford, Rep. Robert Kastenmeier (D, Wis.), Jerome Waldie (D, Calif.) and others have introduced legislation that would authorize the federal government itself to buy up all properties in reclamation areas that are either too big or owned by absentees. The government would then resell some of these lands, at reasonable prices and on liberal terms, to small resident farmers, and retain others as sites for new cities or as undeveloped open space. The plan would actually earn money for the government, since the lands would be purchased at true pre-water prices and resold at a slight markup. The money thus earned could be used for education, conservation or other purposes.

Other plans for enforcing the Reclamation Act are worth study. For example, the federal government could purchase irrigated lands in excess of 160 acres and lease them back to individual small farmers or to cooperatives. Or it could buy large landholdings in reclamation areas with long-term "land bonds," which it then would redeem over 40 years with low-interest payments made by the small farmers to whom the land was resold. This would amount to a subsidy for the small farmers who bought the land, but it would be no more generous than the current subsidy to large landholders who buy federal water.

Of course, land redistribution should go beyond the Western areas served by federal reclamation projects; in particular, it should reach into the South. Thaddeus Stevens' old proposal for dividing up the large plantations into 40-acre parcels is unrealistic today, but an updated plan, with due compensation to present owners, can be devised and implemented.

Another objective toward which new policies should be directed is preserving the beauty of the land. Reforms in this area are fully consistent with a restructuring of landholding patterns. Thus, a change in local tax laws so that land is assessed in accordance with its use would benefit small farmers and penalize developers. Zoning rural land for specific uses, such as agriculture or new towns, would similarly help contain suburban sprawl and ease the pressure on small farmers to sell to developers or speculators. If as a result of new zoning laws the value of a farmer's land was decreased, he would be compensated for that loss.

An indefinite moratorium should also be placed on further reclamation projects, at least until the 160-acre and residency requirements are enforced, and even then, they ought to be closely examined for environmental impact. Schemes are kicking about to bring more water to southern California and the Southwest from northern California, the Columbia and even Alaska. These plans ought to be shelved. Federal revenues that would be spent on damming America's last wild rivers could, in most cases, be more fruitfully devoted to such purposes as redistributing croplands.

Policy changes in other areas should complement the major reforms outlined above. Existing farm loan programs, for example, should be greatly expanded so that new farmers can get started in agriculture. Farming cooperatives, which can be a starting point for workers unable to afford an entire farm, should be encouraged through tax laws and credit programs. Research funds spent on developing machinery for large-scale farming should be rechanneled into extension programs for small farmers and co-ops.

It won't be easy to enact any of these reforms. Friends of large-scale agribusiness are strategically scattered throughout the Agriculture, Interior and Appropriations committees of Congress, and are equally well ensconced within the Nixon Administration. Small-Farmer associations like the Grange, the National Farmers Union and the National Farmers Organization don't have nearly the clout of the American Farm Bureau Federation, the big grower associations and the giant corporations themselves. The pro-industry land policy "experts" who formed the Public Land Law Review Commission that reported its findings last year were no friendlier to small-scale farming: they recommended repeal of the Reclamation Act's 160-acre limitation and residency requirement, and adoption of policies favorable to large-scale mechanized agriculture.

Nevertheless, there are some grounds for optimism. Many citizens and public officials are coming to realize that rural America ought to be revived, cities salvaged, welfare rolls reduced, and they see that present policies aimed at achieving these objectives are not working. Environmentalists who for years have pointed to the dangers of intensive agriculture and the need for prudent rural land use, are finally getting an audience. The list of organizations that have recently urged vigorous enforcement of the 160-acre limitation includes the AFL–CIO, the Sierra Club, Common Cause, the National Education Association, the Grange and the National Farmers Union. That's not enough to sweep Congress off its feet, but it's a good start.

The ultimate political appeal of land reform is that it places both the burden and opportunity of self-improvement upon the people themselves. It can give hundreds of thousands of Americans a place to plant roots, and a chance to work with dignity. Can we deny them that chance?

STRIP MINING—THE PEOPLE BEGIN TO FIGHT BACK

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. HECHLER of West Virginia. Mr. Speaker, as the ravages of strip mining spread across our Nation, the people are beginning to respond to this threat. Through environmental groups and individual efforts, citizens are trying to combat the power of the stripping interests and their cohort, the TVA. To date, the strippers have held the upper hand, but the balance may be shifting. Three very timely articles relating to this recently appeared in the July 1971 issue of the National Parks and Conservation magazine which I would like to include in the RECORD. The articles follow:

[From The Environmental Journal, July 1971]

STRIP MINING

(By Jack Trawick)

(NOTE.—Jack Trawick is state news editor for the Winston-Salem Journal and Sentinel in Winston-Salem, North Carolina. He wrote and photographed a series of articles about strip mining for his newspaper, which, with other environmentally oriented reporting, won for the paper the 1970 Pulitzer Prize for public service.)

The sign along the roadside says "Keep Kentucky Green."

But for as far as you can see, there is very little to keep green.

It is a study in black and gray and yellowish-brown, etched in scars on what were once beautifully forested slopes.

There are broken and battered trees, mangled by huge rocks and piles of shale that have been pushed down the mountainsides to clear the path to the coal and minerals that have been taken from the mountains. There is garbage, and there are the rusting hulks of junked automobiles strewn down the slopes.

You don't have to search for the damage, the depression, the oppressive atmosphere. It is all around you, above and below, and plainly visible from the main highways, such as they are.

And even as you look, huge trucks, some loaded with as much as 25 tons of coal, rumble by in a steady stream, kicking up dust and further damaging roads that, in some places, have already been damaged so badly that the blacktop surface has been mashed into the dirt out of sight.

This is Letcher County, Kentucky. This is strip mining in the Appalachian mountains. The scene is no different throughout most of eastern Kentucky, most of West Virginia, and huge sections of Pennsylvania, Indiana, Ohio.

Strip mining, in varying degrees, has affected all 50 states. The effects are more apparent, and the damage more enduring, in mountainous regions, because of the difficulty and expense in reclaiming the land after the mining is finished.

Strip mining goes by many names. The mining firms do not like the term "strip mining" because it has come to carry an unpleasant connotation. "Surface mining" is more acceptable to them. It has been generally defined to cover all types of mining on the surface of the earth, as opposed to deep mining, which is underground. Other terms used include:

"Open cut" or "open pit" mining. This generally involves simply digging a hole in the ground and taking out the minerals being sought.

"Auger mining." Huge drills are used to bore into the earth or mountains to get to the minerals.

"Cut and fill mining." This involves extracting huge cubes from the earth, separating the minerals from the soil, and replacing the unused soil back in the hole from which it came.

The terms and methods vary, largely depending on the type of terrain being mined. But to conservationists they all carry essentially the same meaning: tearing up the earth.

In the coal fields of eastern Kentucky, the strip mining most widely used has been this:

Wide bands are stripped from the side of a mountain, moving around the circumference of the mountain, to get to the seams of coal. The coal is removed, leaving a shelf around the mountain. Work proceeds down through the hill by digging along the contour of the slope. The work may be done at several levels on the same hill.

A new method is being tested now in eastern Kentucky. It involves shearing off the top of a mountain and pushing it into the neighboring valley, exposing the mineral. The mineral is extracted, another level is sheared off and pushed into a valley, and more mineral is extracted, and so on. The end result would be to eliminate the mountains and provide level land.

Conservationists increasingly are becoming concerned about the scars left by strip mining—not only because of the effect they have on the appearance of the land, but also because of the effect on the people who must live with the scars, the damage to streams and whole watersheds, the damage to forests, the damage to wildlife, and the elimination of other potential uses of the land, such as for recreational purposes.

A survey by the U.S. Department of the Interior, completed in the summer of 1967, showed that 3.2 million acres across the United States had been surface mined. But more significantly, the survey showed that 2 million acres still needed some degree of reclamation to prevent a broad range of environmental damage. And the mining is continuing, with an estimated 20,000 mining operations across the country affecting an additional 150,000 acres a year.

As you drive from northwestern North Carolina through southwestern Virginia to the mining region of eastern Kentucky you pass through beautiful mountain countryside, as yet largely undisturbed. There are clear rivers, beautiful mountain streams, lovely hills and pastures and mountains and meadows. The contrast when you reach the mining country is startling.

The streams there are loaded with silt or have their banks lined with "spoil banks," the rubble and rock left from surface mining. Their waters run yellow or red, tainted with sulphur and acids and minerals that seep from the scars torn in the sides of the mountains.

The forests are battered and mangled. The mountains, now, have somehow lost their majesty and look beaten and scarred and ugly.

And there are the people. The men driving the trucks who eye you suspiciously, particularly when they see your camera. The children who smile wanly and wave. The women who somehow look beaten down. The men who come back from the mining operations late in the day with their faces covered with black dust. The youth who roam aimlessly through the valleys in the afternoons after school is out.

Realizing that these are the descendants of a once proud, fiercely independent people who crossed the rugged mountains from North Carolina and Virginia and elsewhere to settle eastern Kentucky in the 1700s, you can't help wondering what has happened to wear them down and make them a dependent people.

The sociologists have their theories, the politicians their promises, and the oil and steel corporations their coal and minerals. But the people have the scars and the land that is rapidly losing its usefulness. The problem is theirs.

It is increasingly becoming apparent that reclaiming mountain land that has been strip mined is virtually impossible.

In flat areas, where the topsoil and subsequent layers of soil can be stripped back one by one until the minerals being sought are reached, the minerals can be extracted and the soil replaced in its proper sequence and in a few years' time the damage is almost unnoticeable.

But in the mountains once deep cuts are made in the steep slopes, they are there to stay. It is difficult to get trees and grass to grow, and even when they do they don't fully hide the scars. And the seeping chemicals destroy the ability of the land to support vegetation.

The streams fill with silt (some studies in Kentucky have shown that the sediment yield in watersheds that have been strip mined is as much as 1,000 times as great as in undisturbed areas), and the chemicals that work their way into the streams destroy their ability to support life.

Perhaps the most startling statistic concerning strip mining is that most of what has been done in the United States has been done in the past 20 years. For 10 years it went almost unchecked. Then in the 1960s some states began to regulate strip mining. But only in the past two or three years, as an increasing national awareness of environmental problems has developed, has there been serious concern about the effects of strip mining and serious efforts to curb both the mining and the effects.

Somewhere, in some state, a new threat is almost constantly arising. Strip mining is more economical than deep mining, and the dangers to miners are lessened. And the new federal mine safety regulations, with stringent new requirements, concerning safety in deep mining operations, seems to be having the side effect of pushing more mining firms into surface mining operations.

But it has been demonstrated that concerted public reaction can halt the threat, if it comes soon enough and is persistent enough.

One case in point is what happened in a six-county area along the North Carolina-Virginia border in late 1969 and early 1970.

The Gibbsite Corporation of America, a subsidiary of Colonial Oil and Gas Corporation of Rochester, N.Y., late in 1969 began acquiring mineral rights leases in the area and in December announced plans for a mining operation to extract gibbsite, a low-grade mineral which can be used in aluminum production.

Some of the lands on which the company acquired mineral rights border the Blue Ridge Parkway, a scenic highway that stretches from the Shenandoah National Park in northern Virginia to the Great Smoky Mountains National Park at Asheville, N.C. Other land involved abuts North Carolina's Stone Mountain State Park, a new park being developed around a huge solid granite formation. The entire area is largely undisturbed scenic mountain land, an area that is undergoing development as an outdoor recreational and resort area.

When a newspaper made public what the firm was doing and what its intentions were, there was an immediate public outcry. Daily and weekly newspapers took up the battle cry; and local governments, civic groups, development associations, and even state legislators joined in.

The Gibbsite Corporation let its leases lapse and abandoned its plans.

There are many cases, however, in which the outcome has been different, and the struggle more frustrating.

In some counties in eastern Kentucky, local governments have become concerned and local citizens aroused. In Pike County, Kentucky, there have been demonstrations against strip mining, with people lying down in the paths of mining equipment to try to halt the operations.

But the strip miners had a big head start in Kentucky, and the opponents have had little success.

Harry Caudill, a lawyer and author who lives in Whitesburg in Letcher County, has become a recognized spokesman for conservationists in the Appalachian region. He is a native of Letcher County and has lived all his life with the mining problems in eastern Kentucky. His book, *Night Comes to the Cumberlands*, in the early 1960s became a textbook on the problems of Appalachia.

Caudill frequently talks in terms of rape when he discusses strip mining. And rape it may well be in eastern Kentucky, for, under mineral rights leases acquired 50 to 100 years ago by major corporations outside the state, much of the land has been strip mined without the consent of the property owners.

Caudill's concern is not only for the immediate effects of strip mining. He feels strongly that the answer to the nation's growing water shortage problem may lie in the Appalachian region, where rainfall is heavy and water is stored. Damage to the watersheds could eliminate a valuable national supply of water.

He also feels that the damage being done to the forests is eliminating valuable hardwood stands (and even where reclamation is successful, most of the plantings are in pines, not hardwoods), and perhaps more significantly, is eliminating an effective means of control for the growing smog and air pollution problems in urban centers. The trees produce oxygen, helping to purify polluted air.

Caudill is a former Kentucky legislator and had a major hand in the state's strip mining laws, which he says are woefully inadequate. Caudill has suggested the following answers to the strip mining threat:

Forbidding strip mining in areas where the slopes are so steep and the rainfall so great that reclamation would be impractical or impossible, and in areas of particular scenic beauty, areas important to wildlife, and heavily populated areas where "important human values would be disrupted."

Allowing strip mining for minerals only in areas where total reclamation can be carried out "promptly and effectively."

Requiring, in areas strip mined, that the topsoil be scraped off and set aside, then the subsoil and rock strata lifted out, and all replaced in their natural order and compacted when the mining is completed; further, that the land be treated with fertilizer and limestone and planted with trees. (He says this has been done effectively, and with economic feasibility, in Germany, England, and Czechoslovakia.)

Federal purchase and reclamation of lands already stripped and not restored.

At the state level, Caudill feels that a "severance tax"—a tax on the minerals extracted—is needed. He recommends that this money—perhaps several cents a ton, or a percentage of the profits per ton—should be used partly for land reclamation and partly to provide schools, libraries, and hospitals and to repair roads in areas mined.

In the meantime, strip mining continues to spread. The Department of the Interior estimates that more than 5 million acres across the country will be affected by 1980. Conservationists are convinced that time is running out—that so much has been done in the past 20 years that irreparable damage to natural resources is a certainty unless better reclamation efforts are made now and industries stop strip mining in areas where reclamation is impossible.

[From the Environmental Journal, July, 1971]

TVA RAVAGES THE LAND

(By KEN HECHLER)

(NOTE.—KEN HECHLER is a congressman from West Virginia. He has introduced a bill in Congress that would ban all strip mining in the U.S. by 6 months after its enactment and authorize 90 percent federal matching funds to states for reclamation of land that has already been stripped.)

When Franklin Delano Roosevelt launched the Tennessee Valley Authority, his April 10, 1933, message to Congress rang with phrases about conservation of our land resources. One of my boyhood idols, a sad-eyed senator from Nebraska named George W. Norris, also dreamed of a Tennessee Valley Authority that would produce public power and provide unified planning for an entire river basin, so that the soil, forests, hillsides, and streams would be protected for future generations.

The dreams of Roosevelt and Norris are being shattered as the hills of Kentucky and Tennessee are gouged by strip miners to satisfy the insatiable thirst of the Tennessee Valley Authority's steam plants for coal. In particular, the Cumberland Mountains of eastern Kentucky are being devastated by the escalating demands of TVA for strip-mined coal. TVA, the nation's biggest producer of electricity, is turning its back on one of its original objectives—to preserve the land—in order to generate vast quantities of power.

More than 80 percent of TVA's power is supplied by 11 coal-burning steam plants. Last year, TVA bought 32 million tons of coal, which is about 10 percent of the coal burned by the entire electrical industry. Approximately half the TVA coal was strip mined.

Of all the destructive and polluting activities that modern man has unleashed upon the earth that sustains him, one of the most devastating has been the one least noticed by the American public. Strip mining for coal used to be carried on in isolated areas, but now the rapidly increasing demand for production has thrust this rape of the environment into people's backyards and revealed the ugly scars along frequently traveled highways. It is ironic that of all the giant industrial interests that are implicated in strip mining, none is more deeply involved than Uncle Sam himself.

Deep or underground mining entails removing the coal from the earth; strip mining removes the earth from the coal. In eastern Kentucky, one of the largest TVA contracts provides for the purchase of 50,000 tons of coal per week from Kentucky Oak Mining Company from July 1, 1970, through June 30, 1975, at a cost of $78 million. Other smaller contracts have been concluded by TVA to purchase strip-mined coal in eastern Tennessee.

In the case of the eastern Kentucky stripping, the earth is cut away from a lateral "contour" around the side of a mountain in order to expose the seam of coal. Sometimes it means decapitating the mountain altogether—removing 50 to 100 feet of earth and rock from the top of the mountain to reveal the coal seam lying beneath it.

Even the coal industry itself shudders self-consciously about the shoddy mining practices in eastern Kentucky. James Garvey, Vice President of the National Coal Association, testified before the Senate Interior Committee in September 1970: "In the eastern section TVA has taken advantage of the willingness of non-career coal companies to 'cream the contours.' TVA in its eastern section has lived off the very inexpensive coal which could be, and was, obtained from strip mining the contours of the hills."

The earth and rock that are cut and blasted away to expose the coal are cast over the side of the hill in great, unstable aprons of rock, leaving mud and debris clinging perilously to the slopes. Rains carry some of these materials into the watercourses and streams. The result is an alarming threat of floods throughout the strip-mined regions. Acid and mineral pollution are equally severe problems in strip-mined areas. The rocks and shales adjacent to the coal seams include pyritic rock, which is a potent producer of acid, iron pollution, and other forms of mineral pollution.

The U.S. Geological Survey completed a thorough scientific study this spring of the area where TVA purchases huge amounts of strip-mined coal. Entitled "Influences of Strip Mining on the Hydrologic Environment of Parts of Beaver Creek Basin, Kentucky," the study fully documents the appalling destruction of the land and streams. In strip-mined areas, the rains washed away 27,000 tons of earth per square mile each year, contrasted to 1,900 tons in areas where strip mining had not occurred. Minerals washed out of the earth at a rate of 1,370 tons per square mile in stripped areas, contrasted to 111 tons in nonstripped areas. These highly acid conditions killed all fish and nearly all plant life in the stream affected by the strip mining. Six years after the stripping had been concluded, these conditions were largely unchanged and nature had not, as some contend, "healed its own wounds." The growth of trees and plants on the stripped areas also was retarded by the acid quality of the water.

The social cost of strip mining is as appalling as the cost to the earth itself. The ancient "broad-form deeds" under which mineral rights were bought entitle the coal operator to remove coal from the earth by any means whatsoever. Thus a farm-owner may find his property destroyed in the greedy search for surface coal.

On March 1, 1971, three environmental groups—Natural Resources Defense Council, Environmental Defense Fund, and Sierra Club—filed suit in U.S. District Court in New York to enjoin TVA from purchasing strip-mined coal in Kentucky and Tennessee. The suit also charged that TVA was in violation of the National Environmental Policy Act, signed by the President on January 1, 1970. The Act instructs agencies of government to "fulfill the responsibilities of each generation as trustee of the environment for succeeding generations," and to "attain the widest range of beneficial uses of the environment without degradation," and also to "enhance the quality of renewable resources." Under the National Environmental Policy Act, federal agencies are required to file an environmental statement on any major action that significantly affects the quality of the human environment or has any irreversible and irretrievable impact on resources. The environmental groups correctly pointed out and charged in their suit that TVA had never filed such a specific environmental statement, despite the fact that in other actions TVA showed awareness that strip mining does have a damaging effect upon the environment. The plaintiffs pointed out that TVA did include reclamation requirements in its contracts with coal suppliers and that in December 1970 it made some of its mining and reclamation regulations more stringent.

The suit had a dramatic effect upon the Tennessee Valley Authority. On March 26, 1971, the Washington representative of TVA sent me a document dated simply March 1971, entitled "Policies Relating to Sources of Coal Used by Tennessee Valley Authority for Electric Power Generation," and headed as "Environmental Statement."

It is too early to analyze other effects that the suit, whether or not it is successful, will have on the efforts of TVA to protect the land, soil, hills, forests, and streams that now are being ravaged by the strip mining of coal purchased by TVA. The revised and "toughened" reclamation provisions that TVA published in December 1970 are no doubt superior to the ones they replaced. Yet they contain loopholes such as the following: "Contractor shall, *as closely as practicable following the mining operation*, cover coal faces and bury all toxic materials including coal wastes and strongly acid shales" (emphasis supplied). And also: *"To the maximum extent practicable*, the foregoing work shall be performed at the same time the mining operation is taking place . . ." (emphasis supplied). One can only conclude when viewing the devastation of areas "reclaimed" in eastern Kentucky and other strip-mined areas that the strip miners rarely seemed to find it very "practicable" to restore the land—if indeed that be possible.

The environmental groups that have filed suit against TVA contend that the reclamation requirements contained in TVA contracts with coal suppliers are "tokenism in order to permit the agency to continue a method of extracting coal that is devastating to land in general and destroying the Cumberland Mountains of eastern Kentucky in particular."

If the states in which TVA purchases its strip-mined coal had tough and effective regulations, there would be less to fear from the large contracts that TVA has for coal extracted by this process. In Kentucky, a supposedly tough strip-mining law was passed in 1966, but events have proven the law to be practically worthless. In 1970 strip miners in Kentucky tore up nearly twice as much land as in 1969 (13,000 acres in 1969 and 23,000 acres in 1970), and the early figures for 1971 show that this upward trend is continuing. Kentucky State Reclamation Director Elmore Grim is reporting major problems with mud slides on "reclaimed" mountain slopes. Recent Bethlehem Steel ads in large magazines like *Time* and *Newsweek*, purporting to depict beautiful fishing lakes and recreation areas fashioned out of stripped land, have in some instances been proven somewhat phony. Pat Furgurson of the *Baltimore Sun* recently analyzed a Bethlehem Steel ad in *Time* that revealed in beautiful color a fishing lake entitled "Fishpond Lake" in Kentucky. Furgurson visited the site and found that the photographer must have worked hard for an angle that avoided "coal slides into the water, scars in the mountainside . . . gritty dust blowing from the irreparable gash in the slope opposite."

Whether or not the suit against TVA is successful, it is difficult to argue with the fact that virtually no stream system in the 15 million acres of eastern Kentucky now remains free of mine pollution. The fact is that TVA is buying increasing amounts of strip-mined coal, and so-called reclamation has been largely esthetic in nature, like putting lipstick on a corpse. Through TVA, the federal government is a direct participant in this process of environmental and social destruction.

[From The Environmental Journal, July 1971]

THE MOUTAINEERS IN THE AFFLUENT SOCIETY

(By Harry M. Caudill)

(NOTE.—Harry Caudill, a lifelong resident of eastern Kentucky, is a lawyer, former state legislator, and author. His book *Night Comes to the Cumberlands*, published in 1962 and already a classic, describes the tragic history of the Appalachian mountaineers and their hills. He is a leader in the efforts to halt strip mining practices and improve the lot of the victims—both people and the land—of industrial "progress.")

Only a coal operator can visit the flayed and mutilated hills of eastern Kentucky without feeling grief for their ruin. The ancient hills and valleys nurture an incredibly old and complex web of life that reached its present form millions of years ago. The ice sheets brought an immense variety of plants and living creatures to the hills, where a benign environment embraced and shielded

them. Fifty million years ago the forest was strikingly like its modern counterpart. More than 2,000 seed-bearing plants—a hundred of them trees—have been identified by plant scientists, far more varieties than are to be found anywhere in Europe or Asia.

Strip mining for coal shatters the ecological balance with a finality that defies description. Explosives, bulldozers, and giant shovels assault the hills cataclysmically, like the barrages of Verdun and the fiery mushrooms of Nagasaki and Hiroshima. Whole ranges are decapitated, gigantic gashes deaden the stumps of ridges, forests are buried, streams are choked with mud and poisonous acids. And, initially at least, the disruption is total. All life flees or is buried, and the hideous heaps of "spoil" lie naked and forlorn. In their natural state no region in the world is lovelier than the Kentucky highlands; but as "development" of strip mines proceeds, they become as ghastly as the rotted face of a corpse.

The last to enter Appalachia's web of life was man. His foot first trod the deep black loam about 5,000 years ago. The red men scarcely marked the hills and lived within them as securely as the elk, buffalo, and black bear that had roamed their solitude for ages.

The white man was vastly different. He brought the enlarged appetite of an advanced and rapidly expanding technology. For their natural resources he plundered the hills with a murderous efficiency that would have shamed a Roman general. His greed has culminated in the stripping that now reduces much of Appalachia to desolation, a modern Carthage plowed and salted. But whereas the people and culture of Carthage were foreign to the Romans who annihilated them, American industrial man attacks the people and culture of Appalachia—near the heart of his own homeland.

My first brush with stripping occurred in 1949. As a coalfield lawyer I was, of course, accustomed to a social, economic, and political order dominated by absentee mining corporations. But *Russell Fork Coal Company, et al.* v. *Hawkins,* 311 Ky. Decisions 449, 223 S.W. 2d 887, stunned me with the abrupt realization that in the courts of their native state the mountaineers no longer possess any rights when their adversary is coal.

In the spring and summer of 1946 Russell Fork Coal Company strip mined 10 acres on the top of a hill at the extreme head of Weddington's Fork of Ferrel's Creek in Kentucky. This narrow rugged valley was the home of nearly two dozen families. They were served by a small general store at the mouth of the valley.

The stripping produced a broad flat on the hilltop with an "island," or round, man-made mesa, at the center. The timber, of course, had been pushed down, shoved over the hill, and covered to a great depth with rubble. In one area a considerable pond of water had collected behind a rim or "berm" of spoil.

On the night of August 2 thunder and lightning roared and flashed along the ridges; and for several hours a sustained, vicious downpour sluiced the dismembered hill. The pond deepened, and the rim broke beneath its weight. Enormous landslides sent cascades of broken stone, loose yellow dirt, and tree trunks roaring into the hollows. Here the gathering fury of the flood propelled the mass into the channel of Weddington's Fork. Witnesses related that the rubble formed a barrier about 15 feet high that rolled like a juggernaut down the valley. Fortunately the people were forewarned and fled for their lives. The tumbling avalanche splintered the houses one by one, adding their fragments to its destructive mass. At last it swept away the little store and poured into the broader channel of Ferrell's Creek. Behind it lay utter ruin for an entire community. The houses and barns had vanished. Gardens and croplands were blanketed with stones and yellow subsoil. The mud from spoil heaps cloaked everything.

The dazed people promptly filed suits for damages under the reasonable belief that the coal company had harmed them. One of the South's greatest trial jurists, R. Monroe Fields (who once sat through an entire 6-year term without a reversal), tried the first case to reach the docket. After receiving the judge's instructions on the applicable laws, the jurors returned a verdict for mountaineer Herbie Hawkins and his wife.

But the despoiled inhabitants of Weddington's Fork were to have no redress. Those masters of jurisprudence who composed the state's high court, the Court of Appeals, ordered a reversal. In what an earlier time would have treated as blasphemy, the judges termed the catastrophe an "act of God." It was adjudged that an exceptionally heavy rain, and hence the deity, had caused the damage. The coal company was absolved of all liability and freed to devote its energies to another mountain.

This medieval ruling since has been bolstered by many other decisions. On at least 90 percent of the land, title to the underlying coal and other valuable minerals is held by companies that bought it generations ago. At the turn of the century when the mountaineers sold mineral rights to their land for a pittance, strip mining was unknown. Mountaineers and coal companies both envisoned traditional mine shafts and underground digging. The "broad-form deeds" covering the transactions entitle the operator to remove the coal "by any means convenient or necessary." Consequently, the resident mountaineers own only the "surface estate." The Court of Appeals has opined that the owner of the minerals has a right to get out *all* of them, if necessary by strip mining or other processes that totally destroy the land. The owner of the soil and trees is entitled to compensation for his loss only if he can prove the company acted "wantonly or arbitrarily."

Fortunately no other state has burdened itself and its people with these kinds of horrifying decisions, but such rulings have brought destruction and despair to thousands of Kentuckians. The courts afford them no relief for the ever-spreading devastation of their land, and their every effort to protect the earth has brought down upon them swarms of armed officers to protect the "rights" of the strippers.

In the spring of 1952 Pittsburgh Consolidation Coal Company was stripping on Beefhide Creek, then an unbelievably wild and lovely valley in the Elkhorn coalfield. One hundred and sixteen voters made their homes there, and a little white-framed school provided a measure of education for their children. Descendants of the first settlers, they worked in mines, farmed the hillslopes and narrow bottoms, attended their fundamentalist churches, buried their dead in graveyards on cedar-darkened knolls, and knew a peaceful self-reliance that since has utterly vanished from the coal counties. It vanished from Beefhide Creek with the thunderous explosion that "cast the overburden" of rock and soil from atop the coal and flung it into the valley.

On a sunny afternoon a distraught man, still in the coal-blackened garb of a miner, appeared at my office. He had ended his work shift and returned to his home to find it a wreck and his frightened family huddled at the home of a neighbor. He wanted me to go with him to see with my own eyes the plight to which they had been reduced.

We drove 22 winding miles and found a huge tawny cloud of dust from the shattered hill still drifting down the valley. The modest, four-room, tin-roofed cottage with its narrow lawn, flowerbed, and vegetable garden was a splintered ruin.

A block of sandstone the size of a bushel had arched upward from the explosion on the ridge in front of the house and plunged through the roof into a bedroom. It struck center of a counterpaned featherbed, carrying it and the iron bedstead through a gaping hole into the earth below. The terrific impact had sagged the floors; pulled the walls inward; turned over stove, refrigerator, and chairs; and knocked out eletcric power.

Outside, a lesser stone had bounced off the top of the battered family sedan, pressing it flat against the steering wheel. Rocks littered lawn and garden, and a rooster lay where a piece of slate had crushed him.

My friend got a flashlight from his pickup truck and led me around the slope to the little plot where his parents were buried. An immense shard of rock had shattered the tombstone above the bones of his mother and then buried itself deep in the yellow mound. The grave had collapsed downward through old, rotted boards, but a finger of light poked through the darkness by the edge of the missile. It revealed a thin-shouldered skeleton with bony fingers crossed on a black dress.

On the hill a bulldozer sent boulders crashing through a stand of young tulip trees. The miner wept in outrage and fury.

The stripping went forward relentlessly for another year. The company paid the family a few thousand dollars because, as their agent said, "we like to do the right thing." Worn out and hopeless, they joined the human tide flowing into Cleveland, and only a chimney now marks the place where they lived. Rocks and mud have covered the graveyard, and it is choked with weeds.

The precinct now has fewer than a dozen voters, and the school was abandoned years ago.

Thus the ravages of this monstrous industry came to the jaded and apathetic people of the Kentucky Cumberlands. Worn down by their prolonged isolation, lack of education, archaic attitudes toward government, and by dependency on nonresident landlords for their basic necessities, the mountain people have capitulated in multitudes. Many simply died beneath the weight of the ugly horror that crept like a devouring dragon along their familiar hills. Nearly half of them fled to distant cities, and most of those who remained—mainly the aged, the infirm, the illiterate—now subsist in the shrunken, dying communities. Weak and corrupt State and local officials joined the miners in hope of gaining some of the loot, and no one was left to guard the land.

The TVA with its immense appetite for cheap dirty coal has toiled as a willing accomplice in the ruination of the mountain people. Its suppliers, working in a buyer's market through the 1950s and early 1960s, despoiled whole counties.

In 1965 a coalition of Knott Countians calling themselves the Appalachian Group to Save the Land and People went to the state capitol to complain that stripping was totally impoverishing them. Eighty-year-old Mrs. Bige Ritchie related to Governor Edward Breathitt how the dozers had come to her land. Frail and trembling with age and fatigue, she shouted to the operators that her family cemetery lay immediately in front of them. Big-bellied and hard-hatted, the driver sank the giant blade into the earth and roared ahead. "I liked to have died," she told the spellbound governor, "when the coffin of my child went over the hill and was covered up again."

This account prompted another member of the group to observe that "the strippers are digging up the dead and burying the living."

Nor do the strippers restrict their depredations to the homes of the poor. In 1965 in Perry County a boulder was sent down a hillside into the home of the county attorney. And many of the scenic overlooks so important to Kentucky's much-touted tourist trade have been destroyed.

Not all mountaineers have accepted quietly such outrages. On a single night at one operation a reported $700,000 worth of mining machinery was dynamited into scrap iron, and at least one dozer operator fell victim to a well-directed shotgun blast from somebody hiding in a thicket.

More than a hundred thousand acres of Kentucky mountain land and its veritable empires of living things have been "disturbed," to use a euphemism dear to the lexicon of strippers. The flow of people out of the hills rolls unchecked into midwestern and northern cities already groaning beneath unassimilated millions. The counties with the most stripping saw population drops of one-third between 1960 and 1970. The land is dotted by hundreds of empty houses and by tattered little communities huddling beneath the sheer slopes of gigantic spoil heaps poised on mounds of uprooted and rotting trees. Japanese, German, and American industrialists have their cheap coal; America's purple mountain majesties are grim, reproachful wrecks; and the nation's welfare rolls have thousands of new names.

On the night of May 30, 1927, a cloudburst stuck eastern Kentucky. Then the hillcrests were in timber and a youthful population could flee the rising waters. Yet more than a hundred people drowned before dawn.

Now those same hilltops are mounded for hundreds of miles with naked, unstable soil. The creeks are silted to their brims; and old, forsaken people cluster in little houses, apprehensively waiting. Appalachia is wet country, and flash floods are common to its history. It requires no gift of prophecy to foretell that sometime—and soon—calamity will strike. The Weddington's Fork experience will be repeated in a vast area embracing not only eastern Kentucky but parts of a half dozen neighboring states. A man-triggered "act of God" is abuilding, and thousands may perish.

Sadly, when the calamity strikes it will engulf no rail, coal, steel, or power tycoons. They will be safely elsewhere, with the directors of TVA and the corrupt politicians who have sold out an entire region to its doom. Only the poor will perish, the Appalachian poor in their strange archaic world—a world devoid of future in what John Kenneth Galbraith has so quaintly termed our "affluent society."

A MEMORABLE VISIT WITH MR. AND MRS. KENNETH ENTERLINE AND FAMILY

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. SCHNEEBELI. Mr. Speaker, to those of us privileged to represent congressional districts close to Washington, most constituent visits are everyday occurrences. These can, however, be most memorable and enlightening events.

Such was the occasion last week, when Mr. and Mrs. Kenneth Enterline and their family called upon me in my office. From Riverside, Pa., the Enterline family includes four "natural" children, one adopted child and—at last count—eight foster children.

Over the past several years, Mr. and Mrs. Enterline have opened their home and their hearts to more than 60 foster children. Some have had behavior problems; others were removed from their own homes while family crises were being resolved.

If these may be termed "problem" children, however, it is certainly not evident from their behavior. It was a normal, healthy, happy group of children who visited my office last week.

The Enterline parents have no more than a median family income, so Mrs. Enterline makes all the main clothes items for the children—and their outfits are in good taste and noticeably very clean. The children are very well disciplined and exhibit a great spirit of camaraderie. The feeling of love and loyalty obviously pervades the entire family. The children are fortunate in being raised in this cooperative, happy, and active family.

Mr. Speaker, the Enterlines are a young couple who are deserving of our praise and gratitude, but, more importantly, they are deserving of assistance in the one endeavor in which they have requested it. There are many other children, they say, who can lead normal lives through the love and understanding of a foster home.

No one can be more aware of this fact than the Enterlines. It is a pleasure to be able to point to their experiences, in the hopes that the understanding they have achieved might aid many more children through the awareness of others.

LEE W. RALSTON, LEADER IN VOCATIONAL EDUCATION

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. CORMAN. Mr. Speaker, today, Lee W. Ralston fulfills a 21-year commitment in the office of the Los Angeles County superintendent of schools as director of practical arts education. I commend him for his many years of distinguished service to education, business, industry, and numerous governmental agencies at the local, county, regional, State, and national levels. As the leading vocational educator in Los Angeles County, his efforts have brought honor to our State and Nation and to the profession of vocational education.

Lee Ralston was born in Redlands, Calif. After graduation from Redlands High School, he earned a B.S. degree in mechanical engineering at the California Institute of Technology. Later, he completed graduate work at the University of California at Los Angeles, earning a Masters Degree in Education. His wife, Wilma, shares his consuming interest in education. She recently retired from the elementary school classrooms of the Inglewood High School District.

Under his leadership, the vocational education program of Los Angeles County has achieved a nationwide reputation for effective and economical administration. His encouragement of this kind of administrative practice has attracted many honors for himself and for the Los Angeles County schools office. He received the California Industrial Education Association Citation of 1968; the American Vocational Association Citation of 1964; and the 1960 Epsilon Pi Tau Laureate Citation.

His close association with leaders, young educators, and the community through membership in numerous educational organizations bears witness to his dedication to leadership development in public education. He has attracted nationwide notice as an inspiring leader in three National Leadership Conferences. He has worked for both industry and education. He has served as a valuable member of summer session faculty in trade and technical teacher education at a variety of institutions. He currently serves as national vice president of the Trade and Industrial Education of the American Vocational Association, has served as president of other educational and employee organizations, and has also been successful with many business and governmental organizations.

Lee Ralston's commitment to vocational education signifies the increasing interest of all people in the proper role of vocational education in America; a role which provides the means for constructing a better future and providing more opportunities for all people. Men like Lee Ralston have continued to strengthen the abilities of our school system to furnish skills for today's and tomorrow's jobs. With such inspirational leaders, vocational education will help assure the continued prosperity of our Nation.

WHO'S GOT A SECRET?

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. PELLY. Mr. Speaker, those of us who have been here in Washington, D.C., for a number of years are fully aware that some of the so-called secrets sitting in locked files are secret only in the fact that they keep the public from knowing the truth about terrible blunders made by some of our Government's top officials. And, we have taken some steps to correct this, but to little or no avail.

Now, the world is aware of the absurdity of some of these top secret classifications with the printing of the Pentagon papers on the Vietnam war.

This entire matter is well-discussed in an editorial in the Bainbridge Review, a newspaper printed in the First Congressional District, which I am proud to represent. For the information of my colleagues, I include the editorial at this point of the RECORD:

WHO'S GOT A SECRET?

Those top secrets are being spilled, and one of them comes as no secret to anybody.

It is this: A lot of important people have been busy thinking up lies.

They lied to Congress. They lied to the public. In all probability, they reached the point where they were believing their own lies and basing their decisions on them.

There is something painful about the sight of the Justice Department going to court to keep the New York Times and the Washington Post from telling Americans any more about the origins of the Vietnam war.

Does anybody really think the Russians, or the Red Chinese or the Viet Cong, are

going to get any valuable information by learning how our country managed to lead itself into this mess? For that matter, does anybody really think those secret Pentagon papers are really hiding any secrets from the communists?

It is ironic that the New York Times should be the defendant here. It was the Times that made the decision to keep secret the plans for the Bay of Pigs invasion. If that story had been published, our country might have been spared a bitter experience.

There will be more bitterness over that Pentagon study of how America went into Southeast Asia.

This Vietnam blunder has caused terrible damage to our country. We need to know how it happened, and who is responsible. We need to know how it is that a free people can be manipulated with such ease.

TRIBUTE TO THE LATE WILLIAM J. O'SULLIVAN, JR.

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. DOWNING. Mr. Speaker, last week I attended the final rites of a friend and constituent, William J. O'Sullivan, Jr., in our hometown of Newport News, Va. As a former staff scientist with the Langley Research Center of the National Aeronautics and Space Administration, Mr. O'Sullivan was a friend indeed to all Americans in particular and mankind in general. He was a member of that small and highly dedicated group of individuals who spends his adult life studying the problems of flight with a view to their practical solution.

Hundreds of millions of people the world over who never knew Bill O'Sullivan and never even heard his name have seen the efforts of his work flashing across the skies. The Echo I satellite which was his conception and his invention remained in orbit from August 1960 until May 1968. In 1960 Echo I was commemorated by the issue of a U.S. postage stamp.

His inflatable space vehicles also took the name of Explorer and Pageos, the latter being virtually identical to Echo I, having been in continuous orbit since June 21, 1966. It has enabled the establishment of a worldwide triangular network to permit more precision of locations on earth than hitherto possible. Several 12-foot diameter inflatable satellites known as Air Density Explorers are still in orbit and are providing new information about the earth's atmosphere near the fringes of space.

Mr. O'Sullivan's accolades included a $5,000 cash award from NASA for his invention of the inflatable space vehicle, the 1961 Astronautics Engineering Achievement Award, the NASA Exceptional Scientific Achievement Award, the Distinguished Virginian Award, 1962, and the Certificate of Achievement of the American Astronautical Society.

His innumerable patents were assigned to the United States as represented by the Administrator of NASA.

Following early education at his hometown of Louisville, Ky., Mr. O'Sullivan graduated from the University of Notre Dame as an aeronautical engineer and joined the staff of the Langley Center in 1938. He retired 2 years ago to his home in Newport News and passed away last week after a lengthy illness.

The quest for knowledge drives many men in mysterious ways. It was this insatiable thirst to know more about his environment not only on earth but throughout the vastness of space which surrounds us that drove Bill O'Sullivan to experiment with a very thin aluminum-coated mylar-plastic sphere. He demonstrated that this sphere, stretched slightly beyond its elastic limit during the inflation process, would retain its shape regardless of subsequent loss of internal pressure. Thus he proved this device could serve as a useful and most inexpensive space research vehicle.

With these giant balloons O'Sullivan actually added to the galaxy in the heavens at which man never ceases to marvel.

Only time and the continuing efforts of man will ever be able to determine the ultimate value of the inventive genius of William J. O'Sullivan, Jr.

THE WASHINGTON SENATORS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1971

Mr. WYATT. Mr. Speaker, Attorney Robert L. Recken, Portland, Oreg. has written me a letter concerning the Washington Senators and Owner Bob Short which makes such good sense I want to share it with my colleagues:

JUNE 11, 1971.

Hon. WENDELL WYATT,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WYATT: Two stories were in the sports sections of the newspapers this week, which when read together make me very upset:

1. Mr. Bob Short and the Washington Senators are way behind in the rental payments due for the stadium in Washington, D.C.

2. The Washington Senators have drafted some hotshot prospect from Dartmouth and Mr. Bob Short is ready to sit down with an open check book and do everything necessary to sign this young man because he is used to issuing big checks to Denny McLain and Frank Howard, for instance.

The stadium was built and paid for by the taxpayers. If Mr. Short can't or doesn't pay the rent, but can still pay large salaries to the likes of Mr. McLain and Howard and this presumably large bonus, who is paying these salaries and this bonus? It is the taxpayers, that's who and it is absolutely ridiculous. I know of no reason why a taxpayer in the First Congressional District of the State of Oregon should contribute even one cent so that a person who can throw, catch or hit a baseball better than someone else (or hopefully will be able to do so in the future), can get a fat salary or a large bonus. Mr. Short and company should pay the rent that is due and if they do not pay the rent in the future, they should be evicted. It would be better for the stadium to stand empty than to subsidize high-priced "athletes". If Mr. Short doesn't like it, he can move elsewhere or build his own stadium. That would be free enterprise at its best.

Very truly yours,

ROBERT L. RECKEN.

MINIMUM WAGE LAWS DO NOT ALTER ECONOMICS

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. EDWARDS of Alabama. Mr. Speaker, the current hassle over increasing the minimum wage in the Nation has produced an unusually large amount of opinion, some of it rational, some of it not so rational. One of the most rational pieces of opinion I have run across is contained in an editorial by columnist James J. Kilpatrick in the Tuesday, June 29, 1971, edition of the Washington Evening Star.

I hereby submit a copy of it for the RECORD and commend its attention for all Members to read:

MINIMUM WAGE LAWS DON'T ALTER ECONOMICS

(By James J. Kilpatrick)

The Nixon administration is doing its best to soothe a rash of proposals for an increase in the minimum wage, but the outlook is not especially cheerful. A House subcommittee has completed hearings and will have its bill in shape by mid-July. The Senate just about wrapped up its hearings with a flock of witnesses last week. The thing is coming to a head.

Since 1966, the federal minimum wage in covered areas of employment has been fixed at $1.60 an hour. The Nixon administration is willing to see that go to $1.80 on Jan. 1, but with a couple of sensible restrictions: The White House would like to see the minimum held at $1.60 for persons under 18 and for full time students under 20. The administration also is resisting any move to extend a federal minimum wage law to farm workers generally.

The AFL–CIO has a different idea. It is asking an immediate increase to $2 an hour. Other proposals call for phased increases up to $2.50 by Jan. 1, 1973. Senator Harrison Williams of New Jersey, one of the leading proponents, is pushing for $2.25 next year.

Now, Williams is an intelligent man, and so is Jacob Potofsky of Clothing Workers Union. It is reasonable to assume that they are not deliberately seeking greater unemployment, worse inflation, higher welfare costs and crueler hardships in the ghettos. Yet the sharp increases they are proposing in the minimum wage would produce precisely these consequences.

Economics mixes poorly with emotion. Like blindfolded children, wondering what it feels like to be blind, we can try to imagine how difficult it must be to support a family on $64 a week, which is what a minimum wage worker earns, less deductions, in a 40-hour week. As Williams properly points out, this is below the poverty level.

But suppose the minimum wage is raised abruptly to $80 a week. In small business enterprises especially, but in large industries also, a great many economic consequences promptly ensue. The first of these falls immediately and directly upon the worker who simply is not worth $80 a week to his employer: He gets fired. Most such workers, regrettably, are the poor whites and blacks of limited education and largely manual skills.

What has thus been achieved? The worker who was employed is now unemployed. He applies for public welfare. And instead of contributing $3,200 a year to society, through his labor, he now becomes a like burden on the state. The intangible loss is still greater in terms of a man's dignity and pride and sense of self-sufficiency. He loses these along with his job.

The trouble is that Congress, through the legislative process, cannot amend the laws of economics. No law can successfully declare a man worth $80 a week, for economic worth is fixed in the marketplace. All that a higher minimum wage law can accomplish, so far as this poor devil is concerned, is to spin him off his little island on the fringe.

Other consequences are equally predictable. Wage differentials have to be maintained, according to skill, tenure and responsibility. If workers on the bottom rung must be paid 25 percent more, workers on the upper rungs must be pushed up accordingly. Somewhere in this broad land there may be a few employers who could absorb such higher labor costs out of profits, but they must be few indeed. In the ordinary case, if no one is to be fired, the alternatives are to raise prices or to go out of business.

When a business fails, unemployment increases, welfare costs climb higher, and tax revenues decline. As prices go up, the purchasing value of the dollar goes down. It is small wonder that the Nixon administration, whose very survival depends upon the state of the economy next year, is resisting the Williams bill. But it is mystifying that responsible members of Congress when they look at the proposed minimum wage, do not comprehend the maximum folly it contains.

GUN CONTROL

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1971

Mr. DIGGS. Mr. Speaker, gun control is a subject that should be of major concern to those of us charged with the responsibility of protecting the citizens of this country. I would like to take this opportunity to insert a speech on the "Legal Aspects of Gun Control" which was made by Judge George Edwards, U.S. Court of Appeals, Sixth Circuit at the American Psychiatric Association annual meeting held in Washington, D.C., on May 5, 1971:

LEGAL ASPECTS OF GUN CONTROL

(By Judge George Edwards)

In the United States in 1971 the topic of gun control and the topic of murder are inseparable. This speech could properly be called four myths about murder. They are:

1) That present conditions in this country justify the average citizen in living with a top priority fear of being murdered.

2) That most murderers are premediated killers for money.

3) That the most likely murder is a stranger—particularly one of another race.

4) That you can protect yourself from murder by keeping a pistol handy.

None of these myths is true.

The statistical chance of being murdered in any year is approximately one in 20,000. You can compare that to the chance of being killed in an automobile accident, which is one in 4,000.

The great majority of murders are products not of cupidity, but of high emotion. Anger, fear and jealousy are leading factors.

The great majority of murders are committed by someone closely related to or associated with the victim.

The possession of a handgun greatly increases the possibility that you or someone you love will be killed with or as a result of that weapon.

All present public opinion surveys indicate that fear of criminal attack and homicide is rampant in the mind of our urban dwellers. Such fear may indeed be the most destructive single force in the deterioration of the American city. Yet of all the causes of death, murder is an infinitesimal percentage, and even if we chose to deal only with violent death, criminal homicide rates as one of the smaller of the causes.

Automobile accidents, for example, cause five times as many violent deaths as does homicide. Home and industrial accidents cause two and one-half times as many. Falls cause twice as many, and more than twice as many people commit suicide as are killed by the willful act of another. Almost as many people die by fire each year in these United States as are murdered, and very nearly as many people die by drowning to name just two other risks in our daily lives to which few of us ever give more than a passing thought.

Arthur Conan Doyle was one of my favorite authors as a boy. I read everything he wrote that I could lay my hands on—not the least of these being the Sherlock Holmes stories. But his detective novels and those of his successors gave me very poor preparation for what I was later to see of murder in real life. Six years as a trial judge, thirteen years as an appellate judge, and two years as Police Commissioner of Detroit have given me some very vivid contact with the crime called murder. There is almost no resemblance between ordinary murder as seen in the courts and the average murder mystery.

The murder mystery writer hypothesizes a single evil malefactor who concocts a long range plot to kill an innocent party for his (or her) money. There may be such murders. But I have had somewhat vivid contact with perhaps a thousand murders without ever seening one which fits the pattern. The closest to this pattern in our day, of course, are the gangland executions of the Mafia. But here the evil purpose is sustained by numbers of conspirators and enforced by the discipline of the mob.

Most murder in real life comes from a compound of anger, passion, intoxication and accident—mixed in varying portions. The victims are wives, husbands girlfriends, boyfriends, prior friends or close acquaintances (until just before the fatal event). The quarrels which most frequently trigger murders might well result in nothing more than bloody noses or a lot of noise, absent a deadly weapon—handy and loaded.

All the statistics show that if you choose with care the people who will share your bedroom with you or your kitchen, or the adjacent bar stool, you will improve your chances from one in 20,000 to one in 60,000.

As for the one-third of murders committed by strangers, the overwhelming motive is robbery. Murder generally results from resistance and surprise. Police recommendations in every city are unanimous in counseling against a holdup or burglary victim attempting resistance. Reaching for a gun is the most dangerous possible gesture when confronted by an armed felon. Outside of the movies, there are few people who win in trying to draw when someone else has a gun in his hand.

Much of the current fear of being assaulted and killed by a stranger involves racial fears. Actually in the overwhelming majority of homicides the victim and the assailant are of the same race. Marvin Wolfgang put it this way in his book "Crime and Race":

"National and official crime statistics do not provide data, but enough research has been conducted to permit the definite statement that criminal homicide, like most other assaultive offenses, is predominantly an intragroup, intraracial act. In a detailed five-year study of homicides in Philadelphia (1948–1952), it was noted that in 516, or 94 per cent, of the 550 identified relationships, the victim and offender were members of the same race. Hence, in only 34, or 6 per cent, of these homicides did an offender cross the race line: 14 were Negro victims slain by whites, and 20 were whites slain by Negroes."

Nothing which I have said to this point is designed to minimize the problem of criminal homicide which we face in this country. We have a murder rate over ten times that of Great Britain—and as we will see, since the mid-1960's it has been increasing. I believe deeply in the sanctity of human life and in the duty of our country to guard and protect its citizens. But the mythology of murder has occasioned all too many people purchasing arms as a means of self-defense when in fact such measures greatly increase the hazard to them and their loved ones.

This brings me directly to the topic of gun control.

During the past three and one-half years I have served as a member of the National Commission on Reform of Federal Criminal Laws. Recently this Commission sent its Final Report to the President and to Congress. The report deals, of course, with the whole of the criminal law and must be judged on more than just its recommendations on the most controversial topics. There was a substantial minority of the Commission which opposed any new gun control laws. But this is what the report says concerning the majority position on gun control:

"(A) majority of Commissioners recommend that Congress:

"(1) ban the production and possession of, and trafficking in, handguns, with exceptions only for military, police and similar official activities; and

"(2) require registration of all firearms.

"Among the arguments supporting the majority view are the following. Crimes of violence and accidental homicides will be markedly reduced by suppression of handguns, which, on the one hand, are distinctively susceptible to criminal and impetuous use, and, on the other hand, are not commonly used for sporting purposes as are long guns. State control is ineffective because of differing policies and leakage between states. A comprehensive and uniform registration law will facilitate tracing a firearm when it has been used for criminal purposes."

The working papers of the National Commission on Reform of Federal Criminal Laws and the staff report of the Commission on the Causes and Prevention of Violence contain some compelling data concerning the relationship between murder and handguns:

1) Between 1962 and 1968 sales of long guns doubled while sales of handguns quadrupled (10 million sold in the last decade). Also note that since 1963 homicides involving firearms have increased 48%, while homicides by other means have risen only 10%.

2) Handguns are the predominant weapon in crime, although they comprise only 27% of firearms in the country. Of crimes involving firearms, handguns are used in 76% of homicides, 86% of aggravated assaults and 96% of robberies.

3) The commission studied three major areas of crime: homicide, robbery and aggravated assault. They found that: "Two out of every three homicides, over a third of all robberies, and one out of five aggravated assaults are committed with a gun, usually a handgun.

4) Regarding homicides, they observe that firearms are "virtually the only weapon used in killing police officers," and that handguns have been involved in eight of the nine assassination attempts on presidents or presidential candidates.

5) 1966 data shows that the rate of accidental firearms deaths by geographic region parallels the pattern of firearm ownership. Over half of firearms accidents involving fatalities occur in or around the home, and about 40% of the victims are children or teenagers.

6) Firearms were used in 47% of all completed suicide attempts.

7) The fatality rate of the knife (the next most frequently used weapon) is about one-fifth that of the gun. A rough approximation would suggest that the use of knives instead of guns might cause 80% fewer fatalities.

No one who fairly contemplates the criminal carnage which occurs in the United States can fail to conclude that disarming the criminal element of our population is essential to our civilization. National statistics indicate that over 6,000 homicides occur in the United States each year with the use of firearms. Yearly we produce a murder rate more than ten times that of England—and that of many other European countries. I know of no way by which we can achieve disarming the criminal or the criminally inclined without accepting the flat prohibition of some weapons and the sale and use of others under some regulation.

The theory believed by many that as a nation we cannot legally accomplish reasonable firearm control because of the Second Amendment to the Constitution is simply not valid. The language of the amendment and its historic interpretation in the courts is not nearly as restrictive as is popularly believed.

The Second Amendment provides: "A well regulated Militia, being necessary to the security of a free State, the right of people to keep and bear Arms, shall not be infringed."

The basic United States Supreme Court interpretation of this amendment came in *United States v. Miller*, 307 U.S. 174, from which we quote the holding in the opinion of Mr. Justice McReynolds:

"In the absence of any evidence tending to show that possession or use of a 'shotgun having a barrel of less than eighteen inches in length' at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly it is not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the common defense. *Aymette v. State*, 2 Humphreys (Tenn) 154, 158.

"The Constitution as originally adopted granted to the Congress power—'To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress. With obvious purpose to assure the continuation and render possible the effectiveness of such forces the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view." United States v. Miller, 307 U.S. 174, 178.

From this case (and other leading cases, such as *United States* v. *Tot*, 131 F.2d 261 (3d Cir. 1942), Goodrich, J; *Cases* v. *United States*, 131 F.2d 916 (1st Cir. 1942), and *Velazquez* v. *United States*, 319 U.S. 770 (1943)) these two conclusions follow:

First, the prohibition of the Second Amendment has been held to apply only to the Federal Government and not to the States.

Second, the right to carry arms is applicable to the sort of arms which "a well regulated militia" would carry.

While rifles and shotguns have legitimate relationship to the Second Amendment and have legitimate value for both hunting and home defense—handguns suitable for concealment are basically the weapons of the assassin, not of the militia.

Acquaintance with this problem as a judge, as a former Police Commissioner of the City of Detroit, as a former infantry officer, and at least an occasional hunter convinces me that these three steps should be taken to lessen our criminal carnage.

1. The manufacture and sale and possession of handguns suitable for concealed weapons should be prohibited by state and federal law.

2. The purchase and possession of rifles or shotguns should in my judgment be a matter of right for any law abiding citizen. Such weapons should, however, be registered under state law and sold only on proper identification.

3. Interstate mail order sale or delivery of firearms of any kind should be banned by federal law.

Let me close by telling the poignant story of my own home town of Detroit where the present Mayor (Mayor Gribbs) has just proposed a tough gun control ordinance.

I was Police Commissioner of Detroit in 1962 and 1963. In those two years we watched murder figures with alarm at the possibility they might exceed 100. We did not know when we were well off. In the next few years race tensions increased markedly for reasons too long to tell here. In four years, starting in 1965, gun registrations in Detroit quadrupled.

In six years, starting in 1964, murders in Detroit more than tripled, from 138 to 488. Concerning these figures Inspector Delore L. Ricard, head of the Detroit Police Department's Homicide Bureau, said:

"There are more homicides in the city because there are more handguns in the city.

"The relationship is that clear. You can't go by the increase in registrations, either. The bulk of handguns used in violent crime are not registered."

These were not Conan Doyle type murders. Inspector Ricard also said:

"It usually involves people who know each other well or members of the family. They are sitting around somewhere—a home, a bar—and there is an argument.

"Suddenly someone has a gun in his hand. Then someone else is dead.

"The argument doesn't have to be important. Maybe it's about cards or politics or even baseball. I can show you homicides that were committed for reasons you could not believe."

Gun accidents increased too. The Violence Commission found that in 1967 more homeowners were killed in gun accidents than had been killed by burglars or robbers in the home over the previous four and one half years.

The problem spilled over into the suburbs too. In Dearborn handgun registrations tripled between 1967 (the year of the Detroit riot) and 1969. During those years the Dearborn police were advertising instructions for women on the use of handguns. From 1967 to 1969 the homicide rate in Dearborn went from zero to an all time high of seven.

The Violence Commission report provides us with this summary:

"In our urbanized society, the gun is rarely an effective means of protecting the home against either the burglar or the robber; the former avoids confrontation, the latter confronts too swiftly. Possession of a gun undoubtedly provides a measure of comfort to a great many Americans. But the data suggest that this comfort is largely an illusion bought at the high price of increased accidents, homicides, and more widespread illegal use of guns."

Justice Oliver Wendell Holmes once remarked, "Taxes are the price we pay for civilization." In the '70's in this country gun control may well be the price we have to pay for civilization.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. FRASER. Mr. Speaker, many of those who testified at the recently held Minneapolis health hearings are concerned with a specific field of medicine. Dr. Frederic Kottke, professor and head of the department of physical medicine and rehabilitation at the University of Minnesota, discussed the need for improved programs in the field of physical medicine. Also, however, Dr. Kottke's statement spoke directly to the larger questions of organization of medical care, Federal programs assisting in the training of health professionals, and the community situation as it exists in Minneapolis. Dr. Kottke presents a major statement on health care needs and I commend it and his letter to all of my colleagues:

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., March 2, 1971.

Congressman DONALD M. FRASER,
House Office Building,
Washington, D.C.

DEAR DON: Enclosed is a copy of the statement which I submitted at your hearing on February 27. I find that the one which I left with you had some garbled sentences in it. This copy is corrected.

I appreciated the opportunity of making a presentation at your hearing. The members of the faculty in the Health Sciences are very much concerned about the increased demands for health personnel and health services at the same time that we are experiencing relatively reduced support for education in medicine and the other health sciences.

For example, we expanded our entering medical school class this year by 60 students under the Physician Augmentation Program anticipating a comparable increase in faculty support, but, in fact, receiving only a small portion of that. In the previous 15 years we had increased our medical class size from 130 students to 168 students with no increase in educational support. The Legislature takes the attitude that we have absorbed this load before and we can do it again. However, we have now used faculty time to the limit and unless we obtain support for more faculty the program is bound to suffer.

Ironically, one of the ways in which the program has suffered most in the past 10 years has gone unrecognized. We are increasingly criticized for withdrawing from the community and living in an ivory tower. The actual matter of fact has been that as we have been overworked in the classroom, we have had to discontinue community associations and community activities in order to keep up the scheduled class work. If I use my own schedule as an example: I arrive in the office at 7:00 a.m. and do not leave the University Hospital until 6:30 p.m. on a usual day. Three or four nights a week I return to the office to work until 10:30 or 11:00 or sometimes even later. I put in a 10-hour day on Saturday and usually an 8-hour day on Sunday. On that kind of a schedule I do not even see colleagues from other colleges on the campus. I have classes scheduled three noon hours a week and staff meetings the other two. It really does not give much time for community interaction does it?

There is a limit to the effectiveness of that kind of concentrated effort. It cannot be car-

ried on indefinitely. In our Department time studies show that on the average the faculty are working between 60 and 70 hours a week. This is some more of the basis for requesting Federal aid for medical education.

The enclosed statement relates to Federal support to medical education and three other aspects related to the delivery of health care.

Sincerely,

FREDERIC J. KOTTKE, M.D.,
Professor and Head, Department of Physical Medicine and Rehabilitation.

STATEMENT OF FREDERIC J. KOTTKE, M.D. ON FEDERAL GOVERNMENT'S ROLE IN REFORMING AND FINANCING THE DELIVERY OF HEALTH CARE SERVICES

Mr. Fraser, I deem it a great privilege to be allowed to appear before you to present some of the problems which must be resolved in order to provide the high level of health care for citizens of Minnesota and of the United States which American medicine has the potential to provide. I am speaking today on behalf of the faculty of the University of Minnesota Medical School as well as representing my own views. My testimony, also, reflects my experience as a teacher of medical students and other health professionals for more than twenty years that the delivery of a high level of health care is dependent upon making available to the public the trained personnel who can provide those services. Education of personnel, appropriate distribution of personnel, and financial support of the health services to be provided are the three pillars upon which any health delivery system is dependent.

Other members of the faculty of the medical school will also appear before you so I wish to restrict my comments at this time to four aspects of the delivery of health care services:

1. A comprehensive system of health care and health maintenance should be made available to every person in the United States.

2. Major medical coverage without a fixed dollar limitation, but rather available according to the need of the individual should be available in order that each unfortunate person who has a permanent disability or chronic disease may receive health care according to his needs.

3. Regional spinal cord injury centers should be established in conjunction with medical schools in order to provide the necessary acute treatment and rehabilitation for these catastrophic disabilities.

4. There is need for adequate Federal support of education of all of the health professions. The health of the people of the United States and also the education of health professionals in the United States is a national resource rather than a local problem and therefore should be evaluated and supported by the Federal government.

Now I would like to present each of these ideas briefly. The maintenance of health of each individual throughout his lifetime is the goal toward which we should be striving. Lack of illness is an asset to the individual, the family, the community, and the nation. Conversely, serious or prolonged illness is costly to the community, disruptive to the family, and often catastrophic to the individual. Maintenance of the individual at his optimal level of health requires a lifelong program of systematic examination and treatment so that health is maintained and illnesses are abated before they become major. This is comprehensive health care and health maintenance. To provide such health maintenance requires an organization of physician specialists and other health service specialists, each of whom is trained to provide specific services as they are needed by the individual.

For this type of systematic health care it is necessary to have an organization of these health services so that the professions work together to provide the health services needed by the individual. This type of optimal health care requires a continuing relationship between each patient and the health professions providing the maintenance. A person in good health may have little contact with his health maintenance organization but should have that organization available on a moment's notice if he should have a health problem. On the other hand, a patient who has a chronic disease may require frequent services from the health care team over a period of months or even years in order to maintain him at the optimal level that is possible under the conditions of his chronic disease. Such a system of health maintenance is possible only if people recognize that maintenance of health is a normal cost of living and make timely arrangements to finance such care. Experience has demonstrated that only prepaid plans of health care can establish such an arrangement for comprehensive maintenance, for it is obvious that if health services are to be organized so that each person may receive the health care which he needs when he needs it a functioning health team organization must be established and maintained on a continuing basis.

Health insurance should be established in a way which emphasizes and rewards maintenance of health rather than rewarding illness. If you examine a current medical insurance contract it will provide specific payments for identified services to the patient, and these payments generally get bigger with the severity of the patient's illness. There is no payment, or reward if you will, for keeping the patient healthy. The orientation of the insurance policy, therefore, is a payment for a service when the patient is ill but no concern whether or not the patient stays well. In our society where the health professions as well as others live by the income which they earn, the lack of any monetary reward for preventive medicine has resulted in virtually no physicians practicing preventive medicine. Rather, doctors and other health professionals perform those tasks for which they can receive a reasonable payment. The end result is neglect of health maintenance and minor illness and progressively greater emphasis on more and more expensive services as the patient becomes increasingly ill. If physicians have a positive interest in maintaining the good health of their patients, they are likely to put more emphasis on preventive maintenance. The health benefits to the nation could be tremendous, and it might even be that the cost of health care would be less than under the current system.

MAJOR MEDICAL INSURANCE

A comprehensive insurance plan at a capitation cost similar to premiums being paid in health insurance today provides for the needs of approximately 90% of people. However, about 10% of people in the United States have chronic diseases so catastrophic that they exceed the dollar support or the time covered by their insurance contracts. These persons need the special consideration of major medical insurance which is not limited in time nor in dollar value.

In my specialty of Physical Medicine and Rehabilitation, the majority of my patients are patients who have physical disabilities or chronic diseases which leave them partially impaired throughout life. Their medical needs are variable, but those needs may continue for months or years. If they have insurance which lasts for 90 days or 180 days, this leaves them objects of charity and usually with no resources when their insurance runs out. Not infrequently they cannot continue the medical care which they need, and as a consequence they show progressively increasing disability and become dependent on the local or state welfare agencies. Many of these patients can be rehabilitated to independence if there is financial support for the rehabilitation and health care programs which they need. In the absence of such care, however, they become progressively more crippled, more dependent, more destitute, and more despondent. The cost to the community of maintaining these people in this pitiable state also becomes progressively greater.

There are a number of typical examples which might be cited of kinds of disease which fall in this category. Rheumatoid arthritis is a disease of unknown cause which produces major disability in about two per cent of our population. The disease, when it occurs, lasts for months or years, and probably half of these patients have rheumatoid arthritis for more than five years. Obviously health insurance for 90 or 180 days is not going to take care of their health needs. In addition in-hospital health care is not what most of these patients need. They do need continuing medical treatment, rest, physical therapy, and control of their activity. Some of the patients who are very acute do, in fact, need to be hospitalized for prolonged periods of time to protect them. Rheumatoid joints which are over-used or exposed to pressure suffer tiny fractures under and around the joints. This destruction of bone increases the disability of the patient progressively until he is a hopeless cripple. On the other hand if the joints are adequately protected during the acute stage of rheumatoid arthritis, when the acute phase is over the patient can resume activity again. Our current health insurance programs do not begin to meet the needs of these patients. The limited time and limited care provided forces the patient to overuse and destroy his joints and forces him into increased disability.

Cerebral palsy is a congenital disease resulting in damage of nerve centers in the base of the brain. Children with cerebral palsy have a variety of problems including spasticity, incoordination, lack of balance, difficulty in eating, swallowing and speaking, visual problems, and may have mental retardation. In spite of the neurological damage, many of these children can learn to sit, stand, walk, dress and care for themselves, and progress in learning in school. With the proper management to help them develop to the level of their potential, many can become self-sufficient. Others can become partially independent, and still others, although dependent, can learn to do things which make their limited lives more enjoyable. These children, like normal children, develop increasing muscular control and intellectual capacity as they grow through the years of childhood. Like normal children, these children need years of training and schooling, but because of their damaged central nervous systems they develop more slowly and must have those special conditions which allow them to develop at their own rate. Our current insurance programs do not provide adequate coverage for the prolonged physical therapy, occupational therapy, speech therapy, possible surgical procedures, medical management and special training that these children need. Special provision should be made for the medical care required by these children.

Stroke is a common condition of older age and a fairly common condition even in middle age. Patients who have stroke require months or even a year or more to regain their optimal capacity for function. We often see patients who have not completed their rehabilitation from stroke when their health insurance expires and they are forced to go into a nursing home because they have not yet been rehabilitated to the level of independence where they can return home again. The consequence of this incomplete therapy is the increased cost of care of these patients who remain dependent.

Spinal cord injuries due to car accidents, diving accidents, or falls from heights are

catastrophes that occur mainly in young men. These spinal cord injuries produce lifelong need for continuing medical care and soon exceed any kind of short-term health insurance. It is obvious that if we are going to maintain these individuals at the functional level of which they have a potential they must have major medical insurance which provides for their needs.

REGIONAL SPINAL CORD INJURY CENTERS

It is recommended that regional spinal cord injury centers be established in conjunction with medical schools to provide for the comprehensive care of patients with injuries of the spinal cord from the time of the injury through rehabilitation until they return to society again. Paralysis occurring following injury to the spinal cord in the neck is called quadriplegia. Paralysis occurring in the trunk and lower extremities because of injury to the spinal cord below the neck is called paraplegia. Spinal cord injuries usually occur from highway accidents, diving accidents, or falls from heights. They occur most frequently in active young men. These patients, with the appropriate care, have a life expectancy of 40 years or more.

All-too-frequently following a spinal cord injury from a traffic accident, improper handling of the patient between the time of the accident and the time that he gets to expert attention in the hospital results in more injury to the spinal cord and a greater amount of paralysis than was caused by the accident itself. Consequently, appropriate first aid and rapid transportation to a place of expert management is an essential part of the optimal care of these patients. When the spinal cord is injured, there frequently are fractures of the vertebrae of that area and disturbance of the circulation to the spinal cord because of compression from the fractured bone. If the circulation is cut off for more than a few hours, the nerve cells of that area die and there is no chance for restored function. On the other hand if the circulation can be restored within the first few hours the patient may not develop a severe paralysis. Likewise, we are finding today that other measures such as cooling of spinal cord help to decrease the amount of edema following trauma and preserve the circulation and metabolism of the nerve cells. All of this emphasizes that early retrieval of the patient following an automobile or diving accident and rapid transportation to the hospital where he can be treated by a competent spinal cord injury team is essential for the best possible results.

Following the acute evaluation and treatment of the patient with spinal cord injury, that patient needs continuing, careful and proper management in order to maintain the alignment of the spine, prevent further injury to the spinal cord, maintain nutrition, care for urinary tract, and prevent decubital ulcers. Failure to provide this type of care may result in secondary problems which will interfere with the recovery of the patient and may greatly increase the later hospitalization and medical needs and with it the costs of care. When he is over the acute stage of recovery the patient with spinal cord injury needs rehabilitation to restore him to his optimal level of performance to care for himself and participate in a vocation.

Past experience has shown that effective care of spinal cord injured patients, with the multiple problems they have, requires a team of physicians, surgeons, and allied health professionals. There should be approximately 40 to 50 patients in each center so that this team is continually working with these problems and maintains its skills. Placing these centers in medical schools allows them to become research centers for problems of spinal cord injuries. There are many types of problems which need research, which I will not enumerate for lack of time. In addition, placing the regional spinal cord injury centers at medical schools would facilitate the training of health professionals who care for these types of patients.

SUPPORT OF EDUCATION OF THE HEALTH PROFESSIONS

Health care is a national resource which makes the personnel in the health professions also a national resource. There are an inadequate number of persons trained in the health professions to provide the services needed by the citizens of the United States. Training of health professionals in any region is not a local problem but rather a national problem because personnel travel and practice throughout the United States. A part of the crisis in health care at the present time is due to the fact that there has been inadequate support for training in the health professions for many years. Now the shortage has become critical.

There is another factor that has added to the problem of training in medicine and the other health professions. In former years the University Hospitals was the welfare hospital for the state of Minnesota. Patients from all counties in the state were referred to the University Hospitals for their medical care and the state helped that county pay the cost of care of the patient at the University Hospitals. During the time the patient was in the hospital he was used in the teaching of medical students, nurses, physical therapists, occupational therapists, public health nurses, and others. However, with the change of Medicare, Medicaid and other Federal programs which provide that a patient may be cared for by the physician of his choice the University Hospitals have lost the welfare patients who formerly were available for the teaching programs. University Hospitals today are rapidly converting or already converted to private hospitals and must finance the care of patients just as private hospitals do. This means that University Hospitals must be comparable to private hospitals in their charges for services. They receive no more money from insurance carriers for patient services than do other private hospitals. However, the cost of patient care in a teaching hospital is more than 25% greater than the cost in a private hospital because of the increased staff and the increased time necessary to teach the students how to care for patients. This cost of clinical teaching must receive support. At the present time we are not receiving adequate funding of these costs from the state legislature. Neither will health insurance programs agree to bear any part of this cost. Since health care is a national need it seems appropriate that Federal support be provided education and clinical training in the health sciences.

Support is needed not only for the teaching of medical students but also for the training of the allied health professionals. The University of Minnesota has recognized that all of the health professions work together in providing health services for the individual. For this reason the Health Sciences have been established as a major unit of the University consisting of the Colleges of Medicine, Dentistry, Nursing, Public Health, and Pharmacy. In addition, there are allied health programs associated with these colleges. All of these health professionals work together in providing health services to the patient. Therefore, it is essential that there be support of all of these training programs working in coordination to prepare the health professionals for their cooperative roles in health services in the community. The educational facilities and programs must provide the inter-disciplinary training and experience essential for the provision of comprehensive health services throughout the state. It should be emphasized that comprehensive health care is dependent on a health team working together. The educational programs must be organized so that the student acquires the necessary skills, attitudes and principles and knowledge to enable him to participate effectively on this health team.

There are a number of well-established allied health professions and also needs for the development of new allied health professions. Both the existing and the new allied professions need educational support in order to train enough students to meet our health care needs. The Bureau of Health Professions Education and Manpower Training of the National Institutes of Health has provided some support for expanding programs in certain of the existing professions. However, this support has never been financed up to the authorized limits, and is most inadequate to meet our needs. In addition, there are new health professions which need to be developed either on an experimental basis or developed because they have been tried and found effective but we do not yet have established training programs.

The existing allied health professional programs in the Health Sciences at the University of Minnesota include medical technology, occupational therapy, physical therapy, radiologic technology, rehabilitation counseling, dental hygienist and dental technician. For all of these the demand for personnel is greater than the supply, but for lack of resources and faculty the University has been unable to increase the number of students in training. In addition, the Health Sciences have identified a number of additional allied health personnel who would be valuable in the provision of health services. Programs for training of these personnel need to be developed.

The Medical School is developing a program for physicians' associates under which a medical student, after the second year of training may go into a rural practice as the associate of a family physician for a period of a year or more. This program provides an immediate increase in health personnel in the rural area. It allows the medical student to experience rural practice and learn for himself whether this is the type of practice which he would like to continue. It provides a financial resource for the medical student who needs financial assistance during his time in medical school. A number of medical students have expressed an interest in this program for the physician's associate. It may well prove to be an extremely valuable means of building up family practice.

Inhalation therapists are needed for the increasing incidence of pulmonary disease and emphysema. The anesthesiologists at the University of Minnesota have wanted to begin a training program for inhalation therapists for a number of years. Electroencephalography technicians would be trained by neurologists to assist in the collection of electroencephalographic records. Surgical technicians are being trained to carry out the duties of an assistant in the operating room in much less time than necessary to train a nurse in all of the tasks of general nursing.

Obstetricians recognize the need for cooperative teams of physicians, nurse-midwives, obstetrical registered nurses and other health personnel to improve the availability and quality of maternity care.

Other allied health professions in which there is a need for more personnel are bioengineering, biomedical data processing and information retrieval, medical artists, medical record technicians, and medical social workers.

Our health care system today involves many people in an integrated program in order to provide the complex services needed by patients when they are sick. The result of a well developed integrated program is the capacity to successfuly treat conditions which we were unable to treat formerly. The price we pay for the more complex services required is, in fact, the cost of good health. We

cannot achieve that level of health without providing for the support of these training programs. The teaching hospital and the staff who run it constitute the training laboratory for the health science students and constitute the workshop through which health is provided to the sick patient. Rather than the cost of health care being large the price of restoration of health is small when it is compared to the cost of lack of health.

THE BREAKDOWN OF GI DISCIPLINE IN VIETNAM

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. DOWNING. Mr. Speaker, recently we have heard a great deal about the lack of morale among our soldiers in South Vietnam.

Gen. Bruce C. Clarke, now retired, was a former commander in chief, U.S. Army Europe, and has had command experience in three combat zones where wars were being "wound down." He is knowledgeable of problems involved. Recently he addressed himself on this subject when he made a talk in Brooklyn and I include it in the RECORD:

THE BREAKDOWN IN GI DISCIPLINE IN VIETNAM

(By Gen. Bruce C. Clarke)

President Nixon said at West Point recently, "It is no secret that the discipline, integrity, patriotism and self-sacrifice, which are the life-blood of an effective Armed Force can no longer be taken for granted in the Army."

If this is true, and I am inclined to agree in some organizations and areas, we should ask who is to blame. Is it the Army? Is it the American people? Is it a relative few who are trying to tear down America by causing its Armed Forces to disintegrate?

Led by two or three of our Presidents, we went into Southeast Asia to prevent the spread of International Communism from overruning a struggling nation—South Vietnam.

Today, we hear many now say that this is not of interest to the United States—some on the floors of Congress. The problem has not changed. It still exists.

Our troops are in Vietnam pursuant to official orders of elected and appointed civilian officials.

The problem of G.I. discipline in Vietnam is the primary result of a breakdown in morale. A breakdown in the morale of our people at home and in our troops in Vietnam.

What factors constitute the morale level of a G.I. in Vietnam? There are three:

1. A feeling of how important is the job he is doing?

2. A feeling that he is doing it well.

3. A feeling that his sacrifices are appreciated.

Who contributes to these three factors the most?

The military has a part to play in factor No. 1. But mostly, the press, members of Congress, the clergy, our educators and the American public have to support, in his mind, the reason for his being in Vietnam.

The military has a large part to play in factor No. 2. But the military must observe the orders, missions and restrictions placed upon them by its "civilian masters."

The military is carrying out its part of factor No. 3. But the people back home are doing very little to show appreciation to its sons who are in Vietnam and very little to them when they return home. In many cases the opposite is true.

What is the result? When the young American soldier arrives in Vietnam he is about twenty years old. The Army has trained and prepared him for only a few months, but he has had his educational, physical, mental, religious and emotional make-up nearly fully set by nineteen years in the home, church, school and community before he came into the Army.

The factors which make up his morale as a soldier become accented in his mind from his Army training. He is conscious of them. When they are lacking he feels it early and deeply.

Discipline is a very thin veneer on most Americans. This is true of the soldier. When this film is ruptured by the actions, indifference, or hostility of those whose duty it is to sustain him, he suffers a "let-down" which is most serious to a soldier in the combat zone:

His alertness is lowered and security relaxes.

Carelessness grows.

Maintenance of self and equipment suffers.

Black market activities flourish.

Use of drugs and alcohol increase.

Accidents occur.

Incidents and crimes increase, and

Discipline, the required ingredient for team work, is reduced.

As a result, combat and non-combat casualties increase, sickness increases, use of drugs and alcohol increases and accidents, crimes and incidents increase. The Army alone cannot prevent these things.

Today the non-combat casualties in Vietnam often exceed the combat casualties. This is an indication of lowered morale.

When you read the next weekly casualty report from Vietnam ask yourself how many of them are the result of our not supporting the G.I.'s morale in Vietnam? How many of them are caused by the tearing down of the G.I.'s morale by statements in the press, church, school, on the floors of Congress, our radio and T.V., and from the lecture platform and by letters from family and friends back home.

Having commanded troops in three combat zones while wars were being "wound down," I am aware of the problems involved. It is at this time that the soldiers still there need sustaining by all elements of our society at home. Unless they are, a lot of needless casualties will occur and many more dope addicts will return from Vietnam.

MIKVA HONORS SACRIFICE OF SOVIET COSMONAUTS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. MIKVA. Mr. Speaker, the recent deaths of three Soviet cosmonauts is a loss which must sadden us all.

Man is a fragile being in the face of the enormity of the universe. The brave men who risk their lives in an effort to expand man's knowledge of his world do so on behalf of all mankind.

It is remarkable, I suppose, that this is only the third such tragedy in the history of space exploration. The last, of course, was the fire which took the lives of our three Apollo I astronauts, Virgil Grissom, Edward White, and Roger Chaffee in 1967. Let us hope that we can learn from this latest mishap as we did from the Apollo I fire, and can reduce even further the risks of future space exploration.

Man has challenged and conquered his natural environment on land, sea and in the air. The pioneers of space, like those of the mountains, the oceans, and stratosphere, venture into the unknown carrying a part of each of us with them. It is we and our children who will benefit by their courageous exploits. It is we who owe a debt of gratitude for their brave sacrifice.

THE MILITARY AMNESTY PROGRAM

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. FREY. Mr. Speaker, recent reports of servicemen being discharged on other than honorable conditions for drug usage after they had volunteered under the amnesty program for treatment illustrates the need to establish legislatively an Armed Forces-wide amnesty program that will guarantee each volunteer immunity from prosecution under the UCMJ for possession or usage of drugs or a discharge on no less than honorable conditions, and a limited privileged communication right.

Department of Defense Directive 1300.11, which authorized the military departments on a trial basis to establish amnesty programs, states that "action under the UCMJ may be suspended" and if rehabilitation and restoration to duty is precluded, a discharge under honorable conditions "shall be considered."

It is apparent that the language in DOD 1300.11 does not provide any assurance that action will not be initiated under the UCMJ or that a discharge will be given on less than honorable conditions; indeed, it simply leaves it up to the local commander to determine which course to take and, from all reports, the actions of the local commanders have often been capricious and arbitrary.

Moreover, except for the Air Force, there is no privileged communication right. Information volunteered to one's commander or medical personnel when seeking medical assistance for drug usage has been used against those persons in actions under the UCMJ or to support an administrative discharge on other than honorable conditions.

A poll taken of the Americal Division in Vietnam, where an amnesty program does exist, showed that many men—40 percent—are suspicious that the amnesty program is just a means of coralling drug abusers for primitive action.

I introduced H.R. 9207, the "Military Drug Rehabilitation Act of 1971," with the 14 members of the Republican Task Force on Drug Abuse last week to, in part, establish a servicewide amnesty program and to correct the abuses mentioned above.

Only the Army has instituted an operational amnesty program. The Air Force has just recently granted a limited priv-

ileged communication right for those seeking assistance for drug usage.

Under our bill, an amnesty program is to be established on a permanent, not a trial basis, in all the branches.

Immunity from prosecution under the UCMJ and a discharge on honorable conditions for those who cannot be restored to active duty will be granted for the use or possession of illegal drugs, but not for other drug-related offenses. Also, a volunteer will be granted a limited privileged communication right: Information volunteered to one's commander or medical personnel when seeking assistance for drug usage will not be used against that person in actions under the UCMJ for use or possession or to support an administrative discharge on other than honorable conditions.

Thus, this provision of the bill will make it mandatory that each branch establish a permanent amnesty program; and, by removing the fear of prosecution or self-incrimination for use or possession, many more servicemen will be induced to volunteer for treatment.

HOUSE FUNDS ENDOWMENTS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. HUNGATE. Mr. Speaker, President Nixon is to be commended on his strong support of the arts and humanities. I should like to join in congratulating him and the distinguished subcommittee chairman, JULIA B. HANSEN, as well as the other members of the Appropriations Committee on this forward step in a long neglected area.

The article follows:

HOUSE FUNDS ENDOWMENTS

(By Alan M. Kriegsman)

A double outlay for the National Endowment for the Arts received virtually unanimous approval yesterday from the House of Representatives.

The arts provision was embodied in an appropriation package for the Interior Department and related agencies, passed by a 400 to 5 vote. The bill, H.R. 9417, allots $30 million to the arts endowment for fiscal 1972 (which begins Thursday), twice as much as the $15 million for the past fiscal year.

The passage represents a triumph for the Nixon administration, which has strongly endorsed "full funding" for the arts and humanities. "Full funding" means an appropriation equal to the full amount previously authorized by Congress.

If Senate action coincides with the House, it will mark the first time since the founding of the arts endowment in 1965 that full funding has been achieved. Last year, for example, $20 million was authorized, but only $15 million actually appropriated.

Another $28 million was approved yesterday for the National Endowment for the Humanities, which thus fell short of full funding ($30 million was authorized) by $2 million, a cut made by a House appropriations subcommittee.

Questioned about the cut, the subcommittee chairman, Julia B. Hansen (D-Wash.), indicated that the humanities endowment up to now has had no mechanism for the distribution of funds directly to individual states, comparable to the state arts councils, which receive a sizable portion ($5.5 million, in the new House bill) of the arts endowment budget.

The humanities endowment, however, is now designing and testing just such a program, and hopes to see it funded next year on a basis roughly equal to the arts endowment allocation for the states.

The present $2 million cut, therefore, Rep. Hansen explained, would help lay the groundwork for next year's increased request. The $28 million accorded to the humanities still represents a substantial jump from last year's $13.5 million, a larger percentage rise, in fact, than for the arts endowment.

The total measure appropriates to some 17 agencies and bureaus, including, besides the arts and humanities endowments, the Fine Arts Commission, The National Gallery of Art, the National Park Service and the Smithsonian Institution.

In another part of the Interior appropriations package, the House passed an amendment to halt a proposed Bureau of Mines public relations campaign.

It was the only amendment to pass.

The only floor objections to the arts and humanities provisions were raised by Reps. Durward G. Hall (R-Mo.) and H. R. Gross (R-Iowa), but neither offered an amendment to reduce the amount. Senate action on a corresponding measure is expected in the near future.

TYRONE, PA., IS TAKING CARE OF ITS ECONOMIC PROBLEMS

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. WHALLEY. Mr. Speaker, I would like to call my colleagues attention to the effort that is being made by Tyrone, one of our towns that has been hard hit by economic problems.

Their situation and how they are helping themselves is very aptly explained in an article from the Tyrone, Pa., Daily Herald, May 21, 1971, which I am inserting in the RECORD:

[From the Tyrone (Pa.) Daily Herald, May 21, 1971]

T.I.C.: ONE GOAL IS REACHED—$150,000 "NEW JOBS FOR JOES" PASSED $200,000 NOW TARGET

The Tyrone Improvement Corp. today raised its sights and fired away toward a target of $200,000 after topping its $150,000 "New Jobs for Joes" fund campaign goal.

An audited report issued today by T.I.C. Treasurer Richard W. Getz shows that 785 persons, firms, organizations and employe groups have subscribed a total of $150,330.40 and a spokesman said there is still evidence of more contributions and pledges to come.

The money will be used in the attempts to attract new industry to Tyrone, to offset the loss of some 550 jobs created last Dec. 2 when Westvaco Corp., the community's largest employer, announced steep cutbacks in its operation here. Westvaco now has about 350 persons at work, compared to more than 900 last year.

BEGAN DECEMBER 8

The intensive campaign was initiated by T.I.C. on Dec. 8, less than a week after the Westvaco announcement. In a 3-hour meeting, T.I.C. directors and committeemen established a goal of $100,000 and J. Thomas Marsden and John A. Hiller were named co-chairmen for the campaign.

Ten days later, on Dec. 18, the goal of $150,000 was recommended by the co-drive chairmen, and T.I.C. directors immediately accepted the plan.

At the end of December the campaign and the effort to offset the economic plight here had been snowballing, with various groups offering assistance.

MAJOR OFFERS

One of the major pledges of aid came from the Columbia Avenue United Methodist Church. The church, under its pastor the Rev. Lero Harrison, for a couple years had been planning to relocate its edifice near the Gray Field practice field, Clay ave. and Garfield st. On Dec. 29 the congregation of the church voted unanimously to provide immediately a guarantee of $100,000 of its building funds to cover pledges to the T.I.C campaign. This would allow T.I.C. to have money available immediately, should the need arise, rather than being required to borrow against its campaign pledges.

The first four months of 1971 saw additional offers of help roll in to this community.

PENELEC POWER

Major offers of assistance came rapidly from the Pennsylvania Electric Co. which put its industrial development experts to work in contacting prospective industries; from the Indiana University of Pennsylvania where its President, a former Tyroner, Dr. William W. Hassler, offered the services of his trained professional educators in devising training and promotional projects; from five townships and Birmingham Borough which sent representatives to A.M.I.D. (Area Municipal Industrial Development) to offer its financial and other aids, and of course Altoona Enterprises, Inc., one of the most highly successful industrial development organizations in the nation, which has been responsible for bringing more than 30 firms into Blair County in some 16 years.

Aiding the cause was the Bureau of Employment Security office and the office of the Blair County Board of Assistance, both of which set up offices in Tyrone to process applications for work and for unemployment benefits, by the mill workers who were laid off.

TALENTS OFFERED

Hundreds of individuals and heads of organizations wrote to T.I.C. President Harry K. Sickler offering their specific talents. The Altoona-Johnstown Diocese's Bishop James J. Hogan gave his diocese's offer of help, and the Tyrone Ministerium did likewise.

At Tyrone High School, students went to work under direction of their teachers. They conducted a "Tyrone, I Like It" essay contest and members of the business curriculum offered to help type application and other forms to the laid off Westvaco people.

Tyrone Borough Council was among the first organizations to offer financial support. At its December meeting it approved a resolution offering assistance and cooperation with T.I.C. At its February meeting it approved the contribution of $4,500 for 1971 to the T.I.C. That same night Snyder Township Supervisors approved a contribution of $2,000 annually over five years toward the project.

AGENCIES HELP

The B.E.S. officials joined in the effort by scheduling a day-long meeting here of leaders in the various state and federal agencies who could assist the community. Robert Johnson, a Tyroner, employed by B.E.S. at Altoona, organized a meeting of CAMPS, an acronym for Cooperative Area Manpower Planning System. The theme of the meeting was "uniting a Region for Jobs." The various agency representatives outlined their agency's program and how they could apply to Tyrone's plight.

WORD SPREADING

At this chronological point the word had been spreading of Tyrone's effort to shake off a heavy economic blow. Hundreds of newspapers, radio and television stations found

the story unique, and carried the message to thousands.

Penelec and its parent-company, General Public Utilities, came up with the idea of an advertisement in the Wall Street Journal with national circulation. The advertisement appeared on May 14 depicting some 1,000 Tyroners facing the camera, with the eye-catching line above them "This Town For Hire."

The ABC-TV network got wind of the advertisement and rushed to this community to make what became a 3-minute documentary feature on Tyrone and its problems. The Wall Street Journal adv. had side-benefits. Newspapers picked up the picture and story and spread the word.

Back home T.I.C. was nearing its $150,000 campaign goal, and beginning to wonder if the goal should have been higher.

With warm Spring weather arriving, the T.I.C.'s shell building at its industrial tract at the former Athletic Park began to take physical form. Today, with steel rising above the base, the shell is more than halfway completed. It will provide adaptable 50,000 sq. ft. of work space for an interested firm.

The effort will continue for months to come, with the ultimate goal a viable economy for Tyrone and its environs.

THIS TOWN FOR HIRE

For over 80 years, our town's major industry was a paper making plant. Good labor relations and high worker productivity prompted the company to keep the facility competitive.

But late in 1970, changing marketing conditions forced the company to mothball over half its facilities at the plant.

Five hundred and fifty skilled workers—almost 90% of us in our 30's or younger—were let go. Hundreds more lost their jobs as the ripples spread through the surrounding economy.

Tyrone, Pennsylvania, is ready to go to work for new companies. We have a large pool of trained people—machine operators, woodworkers, electricians, material handlers, foremen and supervisors. But we know it takes more than available labor to attract industry. So we've built a new 50,000 sq. ft. shell industrial building. It's 200' x 250', with bays 30' square and 18' high. All utilities are available and the site has access to the Penn Central Railroad.

If your company is looking for a plant site where workers still believe in delivering a day's work for a day's pay, consider this offer:

You can move into our new building without putting up a nickel of your capital. That's right, 100% financing. The same offer applies to several prime industrial sites within our town. We'll even arrange a loan to help cover the cost of capital equipment. And Pennsylvania's VO-Tech program stands ready to retrain as many workers as you require with special skills not available in our labor pool.

We'd like to send you all the facts on Tyrone, its industrious work force, and the 100% financing available to companies relocating here. Clip the coupon and mail it back today. Or for faster action, call Ernest L. Petersen collect at Pennsylvania Electric Co. (814) 536-6611.

TYRONE IMPROVEMENT CORP.,
Route 220, Wilson Development,
Tyrone, Pa.

GENTLEMEN: I'd like more information on Tyrone, Pa., and details on:

——The new 50,000 sq. ft. shell industrial building.

——Other industrial sites in Tyrone available with the same 100% financing plan.

Name _____
Address _____
City/State/Zip _____

SEEKS CONTINUATION OF AID TO NURSE'S EDUCATIONAL INSTITUTIONS

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. BEGICH. Mr. Speaker, in the effort to make adequate health care available to all Americans, the continuation and expansion of aid to nursing education is crucial. The shortage of medical personnel, including nurses, is especially critical today in the State of Alaska.

The College of Nursing at Alaska Methodist University in Anchorage is our State's only institution training vitally needed registered nurses. The college faces a serious shortage of funds which endangers its continuation after June 1972. The college requires, according to Beulah E. Miller, its dean, "immediate and long-term financial support."

To maintain its operations, the college needs assistance from both private and governmental sources. The House of Representatives can help fulfill the Federal Government's pledge to improve health facilities and services in the United States by passing H.R. 8630, an authorization of Federal support to nursing education. Following are some brief remarks by Dean Miller in support of the Nurse Training Act of 1971 and the continuation of the College of Nursing at Alaska Methodist University:

Currently, in my state of Alaska, the one and only school of nursing is the College of Nursing at Alaska Methodist University in Anchorage. This College of Nursing is a new school in the only State, that previous to the school's establishment, had had no program for preparing registered nurses.

It has been well established that Alaska Methodist University, including the College of Nursing is in serious financial straits and needs immediate and long term financial support. As recently as May, 1971, it was announced that Alaska Methodist University College of Nursing will be continuing. This continuance is made possible by a Federal project grant of $89,052 from the Public Health Service, Division of Nursing, plus funds from the State of Alaska budget for the Department of Health and Welfare, Division of Public Health. This announcement makes clearly evident the essential role the Nurse Training Act has had in deciding that this College of Nursing would indeed continue.

Funding has been found only for the academic year 1971-72. The continuance of the College of Nursing beyond that is dependent upon the availability of Federal funds, as well as State funds and monies from private sources. Monies are needed for student aid, operating expenses (capitation grants), and construction of facilities for housing offices and classrooms.

As we consider H.R. 8630 today, it would seem clearly evident to me that all the provisions, as presented in this authorizing legislation, are absolutely essential to the provision of continued and improved Federal support for nursing education. The College of Nursing has tremendous potential for increased enrollment—which is dependent upon the Institutional grant section of H.R. 8630. When compared with the authorizing legislation for the Health Professions, it is quickly evident that the proposed nursing authorization is absolutely minimal—especially in the area of Capitation (Institutional) grants—and that there is no room for shaving this item in the budget. Nursing schools have never received any basic support (capitation grants) to off-set the institutional costs of instruction. I feel it is mandatory, with current Health Manpower legislation expiring as of June 30, 1971, that we vote favorably and quickly to facilitate having new, improved nurse manpower legislation signed into public law as soon as possible.

A FEDERAL FINANCE AGENCY

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. FULTON of Tennessee. Mr. Speaker, today I am introducing legislation designed to protect the economic well-being of the Nation, while providing job security for thousands of present and future workers.

The bill is designed also to provide Federal assistance to large industries and firms whose failure would have an adverse economic impact on the national economy or certain regions.

The legislation will create an independent Federal Finance Corporation to provide financial assistance to these firms much as they did the now defunct but very effective Reconstruction Finance Agency of the New Deal era.

At this very moment, the Congress is moving toward a decision on a proposal to extend a Federal guarantee of a $250 million loan to the Lockheed Corp., a form of relief which I firmly feel is not only needed but completely justified in light of all considered factors.

Under the legislation I am proposing, however, it would not be necessary for the Congress to act in each particular situation as it now must with the Lockheed loan guarantee proposal.

The Federal Finance Corporation could loan or guarantee loans of up to $400 million to a distressed major industry providing:

First, the industry proved that the loan was needed to enable the borrower to continue to furnish goods or services to the public and that failure to meet this need would—

Second, adversely and seriously affect the economy of the Nation or a major region of the Nation.

Third, private financing was not available without assistance as made available in the act.

Fourth, that the borrower evidenced ability to repay.

Every effort would have to be made by the industry alone, as well as with the assistance of the corporation to secure private financing before the industry would be eligible for assistance. Only in the unlikely event that the industry was unable to obtain private financing with a Federal loan guarantee would consideration be given to a direct Federal loan. Direct loans would be made at interest

rates which the board determined was the prevailing rate.

Commercial banks would be encouraged to participate in the program through direct loans, guaranteed loans and through purchase of FFC notes at discount rates.

The Corporation's Board of Directors would be made up of five men, three appointed by the President and two by the Speaker of the House of Representatives. All five would be subject to confirmation by the Senate. It would be the intent of the Congress that this board be nonpartisan. In addition, the Secretary of the Treasury, the Chairman of the Federal Reserve Board, the Chairman of the Home Loan Bank Board, and the Administrator of the Small Business Administration would serve as ex-officio members of the board and would serve as members of the agency's loan policy board. Members of the Board of Directors would also serve on this body.

The corporation would be directed to recoup its loans and expenses, thus being self-sustaining.

I have outlined my proposal to the people of my congressional district and response, particularly from the business community and from the press, has been very favorable.

On Thursday, June 24, the Nashville Banner carried an editorial addressing itself to this topic and I include it in the RECORD at this point, recommending it to the consideration of my colleagues:

FULTON MOVE WELCOME: IN FORMAT OF THE RFC, AGENCY NEEDED NOW

To the Nashville Banner, which on June 17 urged editorially the creation of an equivalent to the former Reconstruction Finance Corporation, it is gratifying that Rep. Richard Fulton has announced intention of introducing legislation along that specific line. As he put it in a statement at Washington, his proposal is to establish an independent government corporation similar to the historic, and highly effective, RFC.

The rank and file of a constituency concerned for practical facilities to assist failing businesses which, through no fault of their own, face bankruptcy—or threat of it—will likewise be gratified. For the institution in question does not dispense funds, as in a handout, but is an administrative agency for loans.

The Lockheed Aircraft Corporation has been in that plight, due to circumstances not of its own making; and the collapse that would impend if no loan arrangement is forthcoming would have disastrous impact on kindred industries and subcontracting firms—including some in Middle Tennessee. The Nixon administration has sought congressional consent for federal guarantee of a loan to Lockheed.

Back in the '30s, and for a period beyond that, there was an agency for that: The Reconstruction Finance Corporation, formed during the Hoover administration to meet needs stemming from a worldwide depression. The agency functioned well, under a series of administrations, and was finally dissolved. Its record still is its own highest recommendation for a similar service—for any valid and essential business operation in an economic squeeze, and qualifying.

The plan outlined by the Tennessee Fifth District Congressman would provide a "Federal Finance Corp." with a life expectancy of ten years, with a capital stock of $2 billion, and authority to grant or guarantee loans totaling $4 billion.

Certainly, a feasible structural plan and working design can be established, within which the need can be met; and as was true in the case of the RFC, it would follow no partisan line. Members of Congress, and people at home, on both sides of the party line, will recognize the validity of the case . . . and that it needs attention now, not at some time indefinitely in the future.

It is to be hoped that the legislation suggested will be forthcoming soon, enacted and put to work with a promptness warranted by the urgency of the case.

RIGHTS AND WRONGS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. HUNGATE. Mr. Speaker, in the continuing discussion of the first amendment and national security, the following article in the Christian Science Monitor contains much worth considering:

RIGHTS AND WRONGS

(By Erwin D. Canham)

The rights and wrongs of the Pentagon Papers situation are very complex.

The general information contained in the documents, it seems to me, was the American people's by right.

But the means by which it was communicated to them raise very serious doubts.

One is not happy about "leaked" information. The motives of those who purvey official secrets may sometimes be noble; they are often base. Newspapers have obtained information in this way for long years. It is sometimes a messy business. Gossip columns have lived on the peddlings of blackmailers or revenge-seekers.

And yet the fact remains that the public does have the need to know how the United States got so deeply into the Vietnam war. The people still do not know all the facts, for the McNamara report has notable omissions. History and democracy demand a full hearing of this misbegotten episode.

CODE THREATENED

The most damaging effect on the United States out of these publications is the revelation of various kinds of duplicity, strategic and information. The 1964 presidential campaign was conducted in a mist of false pretenses by the administration. Barry Goldwater has a right to be indignant.

Also damaging, but to a degree which cannot be determined from the outside, is the fact that the New York Times published texts which had been transmitted in code. Presumably these and all other dispatches were recorded by foreign intelligence agencies at the time. Perhaps everything sent in that code can now be decoded by them. The harm could be very great; we do not know how much.

The Times has done itself a great deal of damage, it seems to me, by printing so much textually. It would have been almost as effective, and quite as informative, to paraphrase and summarize. The Times staff could have written a powerful series of articles based on the material in the report's 2.5 million words, and not exposed the newspaper vulnerably to the legal attacks now being made upon it.

ANOTHER COURSE?

The Times might have said: "We have come into possession of this extraordinary report. We recognize that it is highly classified and sensitive. We will not quote it verbatim, but we will describe in our own words what happened. Rest assured our account is based on good authority. We are not prepared to violate security, although we protest vigorously the way in which this material has been kept from the public and the Congress, and the way the American people have been deceived by their leaders."

A newspaper, it may be argued, has no right to "declassify" secret documents. A government, it may also be argued, has no right to "overclassify" materials. The only way to prevent abuse on either side is for both to behave responsibly.

RIGHT TO PRIVACY

There is such a thing as a right to privacy, even in government. Few can deny that some secrets must be kept. Informal, formative, tentative discussions may be justifiably private. Not all government has to be conducted in a goldfish bowl. But the people do indeed have a right to know the general way in which decisions have been reached. Extensive reportages also published by the New York Times on various previous crises have been informative, informal, and have not violated security.

President Nixon's vigorous pursuit of this case may seem to be contrary to his own political interest. With the onus falling upon his predecessors, he seems to be aligning himself with them by trying to bottle up the evidence. Either his protests are a Machiavellian ploy, or they are an impressive instance of his defense of the security of executive government arising above political benefit.

We will be unscrambling rights and wrongs for a long time.

PRESIDENT DESERVES CREDIT FOR HIS COURAGE IN VETOING THE ACCELERATED PUBLIC WORKS ACT

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. TERRY. Mr. Speaker, yesterday the President announced his veto of the Accelerated Public Works Act. The President deserves much credit for the courage he displayed in objecting to this ill-conceived and unproductive measure.

Supposedly, the bill was designed to help the unemployment problem on an immediate basis. It is worthwhile to examine how effective the vetoed bill would be.

A major portion of the accelerated public works bill dealt with construction projects. We have learned that such projects require as much as 18 months before they can actually generate jobs. This is hardly an immediate response to the unemployment problem.

Second, if in response to the need for immediate implementation of the proposal, improperly conceived projects were funded. Irreparable damage could be caused to the environment and a large number of unproductive public works projects would be constructed.

Because so many of the advocates of this bill have claimed it as an immediate solution to the unemployment problem there is every likelihood that the hopes of many people in this country would be raised only to be met with disappointment after the program did not produce the desired results.

This proposal does not accomplish the desired results of responding to the unemployment problem. We have labored under the same assumptions for nearly

40 years; public works is the only way to solve unemployment. The Federal Government does not want to engage in the business of subsidizing unproductive or make work jobs. That is exactly what would result if the accelerated public works is enacted.

The Nation needs a new approach such as that embodied in the special manpower revenue-sharing proposal before the Congress this year. It is time that we recognized the inadequacies of the old approaches and enacted legislation which will truly be responsive to the critical problem of unemployment.

SOCIALIZED MEDICINE NEEDS SOCIALIZED DOCTORS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. SCHMITZ. Mr. Speaker, everyone is better for health care. This does not mean, however, that everyone must be for socialized health care. This points out one of the fundamental errors in logic currently infecting Congress: For example, the belief that better health care is brought about by massive, "crash" governmental programs, increased expenditures and more government control and direction of the medical and health professions. As we have learned from examples as disparate as England and Uruguay, this is not the way it works.

H.R. 8629, the Comprehensive Health Manpower Training Act of 1971, which last week was passed by the House, represents this kind of fuzzy thinking. It constitutes, as I said in my minority report to the Subcommittee on Health and Environment of the House Interstate and Foreign Commerce Committee, "a quantum escalation in the trend toward nationalization and socialization of medicine and health services in the United States."

There are many areas of objection to this bill, but two are particularly noteworthy. The bureaucrats who want the Government to pay for the establishment of a national, socialized medical corps contend that there is a severe shortage of doctors. On examination of the facts, however, we find the following: In 1963 the ratio of physicians to patients in the United States was 140 per 100,000. At that time, health care officials had as their goal the maintenance of that ratio. In 1970, the ratio had risen to 156 physicians per 100,000—a considerable increase. Nevertheless, we are now told that this higher figure is "inadequate."

Furthermore, despite the fact that HEW officials realize that there is a built-in "escalation" in the present system which will increase the per-100,000 ratio to 166.7 in 1976 and 190 per 100,000 by 1985, they continue to call for increased governmental participation. This is especially troublesome when we consider the advances in medical technology available to doctors and the increased output of paramedical personnel to help doctors with many of their more routine functions. It is as if socialized medicine will be made a complete reality by disregarding the facts of the situation. And let us not forget that "free" medical care tends to multiply the numbers of "patients."

The second particularly dangerous facet of H.R. 8629 is its provision for blatant "reverse discrimination." One subsection of the proposed act would authorize $412 million in "special projects grants and contracts" designed to "increase admissions to and enrollment in [medical] schools of qualified individuals from minority or low-income groups."

A most startling section of the proposed act provides grants for scholarships to medical schools based on the following formula: $3,000 "multiplied by the number of full-time students of such school who are from low-income backgrounds."

This means that medical schools will be competing for students from members of a specific racial or economic group—a departure from the procedure of trying to secure the best students of whatever background. The Department of Health, Education, and Welfare Secretary is also empowered by the act to forgive loans completely or partially for these students, regardless of whether they complete their studies or not. This further worsens the matter as the schools have nothing to lose at all by taking in underqualified students and getting paid by the Government for doing so.

These provisions of the act, in addition to others which I criticized in my minority report, have not been seen so far as the dangers they really are. As I concluded my report:

H.R. 8629 is "in the Spirit of the Times." Socialized medicine requires a socialized medical corps. This bill is a massive move toward such a goal.

CONNECTICUT PETROLEUM ASSOCIATION HONORING CONGRESSMAN CONTE

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1971

Mr. GIAIMO. Mr. Speaker, the Connecticut Petroleum Association at its annual convention in New Haven last month had the honor of being addressed by our colleague from Massachusetts, Mr. CONTE.

The CPA is an association of independent fuel oil and gasoline jobbers and, as such, it is one of the most knowledgeable organizations in the troublesome area of skyrocketing prices in the domestic oil industry. A powerful champion of independent business and the consumer, it has vigorously protested unwarranted price increases and investigated questionable trade practices in the industry.

At the close of his remarks, the association presented to my good friend and colleague its Distinguished Service Award. It is altogether fitting and proper that such an active leader in the effort to secure adequate supplies of oil at reasonable prices for the consumer should be honored in this manner.

I join the association in commending Mr. CONTE for his service in this area, and at this time I include the text inscribed on the award that was presented to him:

TEXT INSCRIBED ON THE AWARD

Whereas, Silvio O. Conte, U.S. Congressman from Massachusetts, is regarded as one of the champions of Small Business, and

Whereas, he has devoted endless hours and tireless energy to protecting and raising the stature of the Small Independent Businessman, and

Whereas, Silvio O. Conte is an outstanding example of a public-conscious, civic-minded and dedicated member of Congress; therefore, be it

Resolved that the Connecticut Petroleum Association recognizes his significant contribution by bestowing upon him this award.

Witness our hand and seal.

DONALD B. CRAFT
President.

CHARLES S. ISENBERG,
Executive Director.

NEW HAVEN, CONN., *May 20, 1971.*

TAX REFORM

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. COUGHLIN. Mr. Speaker, I am pleased to introduce today a bill that would speed up tax reductions already enacted under the Tax Reform Act of 1969 to help the overburdened low- and middle-income taxpayers. It also would aid the economy without subjecting it to added inflationary pressures.

A similar measure was introduced in the Senate by the distinguished Republican leader and senior Senator from Pennsylvania, the Honorable HUGH SCOTT.

The bill advances by 1 year the higher deductions which originally were scheduled to become effective on January 1, 1972, and January 1, 1973. Under provisions of this measure, the minimum standard deduction of 13 percent of yearly adjusted gross income with a ceiling of $1,500 would be advanced to 14 percent and $2,000, effective January 1, 1971. The 15-percent deduction with a $2,000 ceiling would go into effect January 1, 1972.

Enactment of this legislation would place an additional $1.1 billion in buying power mainly in the low- and middle-income brackets by making the money available in fiscal 1972 and 1973, boosting both employment rolls and consumer purchasing.

About $900 billion would be freed in buying power in fiscal 1972. Another $200 million would be added in fiscal 1973.

There are two significant advantages to this bill:

First, taxpayers who use standard deductions because they do not have enough expenses to itemize deductions would benefit directly by the year's step-up.

Second, the Secretary of the Treasury would be required to make prompt adjustments in Federal income tax with-

holding tables to reflect the increase in deductions, thus making the money immediately available to the taxpayers.

I favor this kind of approach because the bill provides a reasonable method of aiding those taxpayers who need the relief most through existing legislation and without the inflationary impact that new tax reductions might have. This accelerated technique has been utilized by various administrations to help business and industry, and I think that our low- and middle-income taxpayers deserve at least equal treatment.

This measure harmonizes with the administration's continuing efforts to restore the Nation to a healthy economic state. I believe it will be helpful in aiding the country generally and the individuals specifically who are in the low and middle income brackets. These are the people who most need the help and who most deserve it.

I feel that this bill can provide the noninflationary thrust to the economy for which we are all looking. It is responsible and prudent, and I hope would earn the widespread support of colleagues on both sides of the aisle.

To me it is another measure of the "tax justice" for which I have been working since entering the Congress. While the Tax Reform Act of 1969 is an important step in overhauling the Federal income tax structure, I view it as only the beginning of what must be a continuing reform of our tax laws.

The awesome tax burden upon the wage earner becomes more apparent each day. Escalating real estate taxes, increased local wage taxes and new State income taxes are starting to pile tax upon tax. They are falling particularly hard on the low- and middle-income taxpayers, the family man of moderate means, and senior citizens and others on fixed incomes.

I think it behooves those of us who are Federal legislators to act responsibly to bring a needed measure of tax relief to these people. I am convinced that this bill will do this effectively.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 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:

HOUSE RESOLUTION 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.

MIGUEL ACEVEDO MARTINEZ, JR. NAMED OUTSTANDING TEENAGE BOY IN AMERICA FOR 1971

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. DANIELSON. Mr. Speaker, Miguel Acevedo Martinez, Jr., a constituent of mine from San Gabriel, Calif., has been named as one of the two National Outstanding Teenagers of America for 1971. The Outstanding Teenagers of America program, now in its fourth year, recognizes and honors the abilities and the achievements of young people.

On Monday, June 21, I had the pleasure of presenting Mr. Martinez with a $1,000 college scholarship and the Outstanding Teenager of California trophy in a special ceremony in my office. Mr. and Mrs. Miguel Martinez, Sr., his parents, Mr. Arthur Kruger, his principal at San Gabriel High School, and several civic officials were present for this occasion of special recognition.

Miguel's selection as Outstanding Teenage Boy in America for 1971 came in competition with more than 13,000 high school seniors nominated by their schools in all 50 States and the District of Columbia. He won this distinct national honor in a contest with winners from other States after receiving his State's designation as Outstanding Teenager of California. The two national titles and scholarships are awarded to the boy and the girl chosen as most outstanding among all of the State winners.

Dr. V. Gilbert Beers, director of the Outstanding Teenagers of America program, said it is the goal of the awards program "to recognize and encourage the ability and achievements of today's young people. They are America's leaders of tomorrow." The program is guided by a board of advisers composed of national leaders of youth organizations.

Miguel is 17 years of age and is the student body president of San Gabriel High School. He was born in Chihuahua, Mexico, and he came to the Los Angeles area with his family when he was 3 years old. Miguel is the eldest of six children of Mr. and Mrs. Miguel Martinez, of 1969 California Street, San Gabriel, Calif. He hopes to become a physician.

Miguel's many activities and accomplishments indicate his leadership qualities that led to his selection for the national honor. He is a charter member of the Mexican-American Student Organization, having served as president and vice president of that group. He was Los Angeles County youth representative to the National Federation of Settlements and Neighborhood Centers held in Chicago. A member of the Key Club, Miguel was a delegate to the 1970 Key Club International Convention at Detroit.

Miguel has won the Presidential Physical Fitness Award, the Daughters of the American Revolution award for excellence in American history, the Notre Dame Award, the General Business Academic Achievement Award, the Industry Medallion Award, the Junior Civitan of the Month Award and the Meet the Students Award. In addition, he has received youth basketball's Most Inspirational Player Award. He was a semifinalist in the senate youth program sponsored by the California Association of Student Councils. He was a participant in the East Los Angeles Health Task Force.

Miguel has received a scholarship to attend Stanford University and is also a California State scholarship recipient. Other honors and awards include a Bank of America plaque, Optimist Club Outstanding Youth Appreciation Award, and Elks Club leadership certificate.

I am happy to commend such a talented and deserving young man on his selection as the Outstanding Teenage Boy in America for 1971.

ESSAY ON HANDICAPPED HAILED

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. FAUNTROY. Mr. Speaker, I am especially proud to call the attention of my colleagues to the achievements of 17-year-old Barbara Tone, a student of St. Patrick's Academy.

Barbara was recently named first-place winner of the 23d annual "Ability Counts" Survey Contest, a contest held among 11th and 12th grade high school students, sponsored nationally by the President's Committee on Employment of the Handicapped and in the District of Columbia by the Mayor's Committee on Employment of the Handicapped.

Miss Tone was awarded $100 by the Greater Washington Central Labor Council, AFL–CIO; an engraved plaque by the Disabled American Veterans; and a certificate of merit from the President's Committee on Employment of the Handicapped.

I congratulate Barbara Tone and salute as well, Grace Falcone, second-place winner this year as well as last, and a resident of the District. Both students won an all-expense-paid weekend in New York City, which was sponsored by a number of business and civic organizations and individuals.

The "Ability Counts" Contest is aimed

at making us aware of the problems faced by the handicapped in obtaining employment, and the many high achievements of severely disabled persons. As Barbara states in her report:

Only through community acceptance of everyone, including the handicapped, can we find the real answer to our problem.

It is a pleasure for me to share with my colleagues Miss Tone's report:

"EMPLOYMENT OF THE HANDICAPPED: COMMUNITY ATTITUDES"

(By Barbara Tone)

A handicapped person may be defined as one who has any deficiency that renders achievement more difficult. In one way or another, it is truthful to say that we are all handicapped, but there are those seriously handicapped by nature such as the mentally retarded, the deaf, the blind, and the physically deformed. On the other hand, there are those who become handicapped during life as a result of war or accidents. Many hundreds of servicemen during World War II became disabled, and many hundreds of them return from Southeast Asia today in unemployable condition. Many men and women are seriously injured daily on the job.

There are eighteen million handicapped Americans between the working ages of eighteen and sixty-four; forty-eight percent of these working age handicapped are not employed in the labor force. Only thirty-six percent of the working age handicapped are employed full-time. Although the handicapped are in all income brackets, about forty percent have a family income of $3,000.00 a year or less. Many disabled men and women with the proper training, understanding, and opportunities can and must be employed by our community.

Who employs the handicapped? Many are employed in our nation's leading businesses and in our own community services such as Sears Roebuck Company, Bell Telephone, American Telephone and Telegraph, General Electric and the Remco Industries. The employers of these businesses report that the handicapped have better safety records, better production records, and many are more dependable and trustworthy. They also report that they generally stay on the job longer and are more satisfied with their positions and their production. Through community attitudes the handicapped person can be helped to realize that his condition is not something to be ashamed of and that he or she can sometimes perform daily employment tasks as well as or even better than the normal employee. In 1966 local employment offices placed nearly 300,000 handicapped workers, well above the figure of 1960.

Where do the handicapped receive training? The Chrysler Corporation now trains future handicapped employees for tasks in their offices as well as on their assembly lines. The Washington, D.C. and Baltimore Post Offices train and employ the handicapped to distribute mail through desk sorting, instead of the usual sorting which involves standing and walking. The Baltimore Post Office now employs sixty-four men in this type of work. The Columbia Lighthouse for the Blind provides some employment for the blind as social workers, public relations workers, supervisors of social services and instructors of braille. They have trained people for clerical jobs such as stuffing envelopes collating material, and operating duplicating machines. Some handicapped persons have been able to obtain factory positions through this organization's training programs in operating sewing machines and brush making machines, packaging by hand and machine, and caning chairs—an almost extinct craft. The Veterans Administration supervises a rehabilitation program. Disabled Korea and Viet Nam veterans can apply at the nearest Veterans Administration office for job training and job opportunities. Gallaudet College is a symbol of the educational aspect of the handicapped. Here hundreds of deaf persons study and learn just as those attending regular college.

I believe that if the organizations and businesses mentioned continue these training programs and opportunities for the handicapped, they will lead the way to a better and new tomorrow for the less fortunate of our community. As we come face to face with the real troubles and problems of society, we see the only way to a solution. This must include all, and only through community acceptance of everyone, including the handicapped, can we find the real answer to our problem.

LET US HAVE MID-DECADE CENSUS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. DULSKI. Mr. Speaker, there has been a growing realization that a national population census every 10 years is no longer adequate to the needs of our society.

It is true that much of the other detail assembled in the decennial census is valid and adequate over the 10-year span.

But the headcount is not.

Indeed, the population data now is so fragile that it is hardly adequate even while the Census Bureau completes the many facets of statistics which are based on the headcount. And this is completed in the early years of the decade.

There is need for a population census every 5 years; that is, a mid-decade census.

Such a census was recommended by our Post Office and Civil Service Committee in 1967 and was approved by the House by a strong vote of 255 to 127. The bill died in the Senate.

SUPPORT IS ALL DOWN LINE

Since that time, the popular demand and recognition of the need for a mid-decade census has increased steadily. All levels of the Federal Government, as well as State and local governments, have given their support, as well as the wide range of business, labor, social, and other segments of our society.

Recently, our Subcommittee on Census and Statistics, headed by the gentleman from California (Mr. CHARLES H. WILSON), completed hearings on legislation to authorize the mid-decade census.

The surprising—and very disappointing—feature of the extensive hearings came when Dr. George H. Brown, Director of the Bureau of the Census, concluded his statement by saying that the incumbent administration "does not recommend a mid-decade census."

NEW STAND IS SURPRISE

The surprise was that Dr. Brown's conclusion—not supported by his testimony—was in direct conflict with a statement by his superior, Secretary of Commerce Maurice H. Straus last November 30.

At that time, following a meeting at the White House, Secretary Stans is on record as stating that:

This administration has already given its endorsement to a five-year census.

What changed their mind?

A good question without a practical answer.

Mr. Speaker, the case for a mid-decade census has been made repeatedly and forcefully—even by the administration which now appears to back off.

The shortsightedness of the administration is pointed up succinctly in an editorial in the Buffalo, N.Y., Evening News on June 21. Following is the text:

LET'S HAVE MID-DECADE CENSUS

Apparently because of the extra costs, the Nixon administration has unwisely changed its mind and now opposes having a mid-decade census.

A census in 1975 need not be as comprehensive as the one taken last year. But millions of people move from place to place in our modern, mobile society. These changes affect the nation in many ways. To take just one example, most federal, state and other aid formulas are based in part on the numbers of people living in a city or a suburb. Surely the formulas should reflect reasonably current population patterns.

As for extra costs of a mid-decade census, they would amount to only $30–$40 million if spread out on an annual basis. That's not too much to pay to keep America current with itself.

PRESS FREEDOM

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. FINDLEY. Mr. Speaker, vital to a sound democracy is a well-informed public. Today's Supreme Court decision allowing American newspapers to print the so-called Pentagon papers which include classified documents of the Vietnam war is a resounding affirmation of our enduring belief in the principle of freedom of the press. Few countries indeed hold this freedom in such high regard.

While some information such as facts about weapons and troop deployment obviously must be kept secret, it is clear that some Government officials use the classification system to excess, employing this device to avoid questions and personal embarrassment. In the process the public gets shortchanged, as it obviously has been about the origin of the Vietnam war.

Mr. Robert Northshield, executive producer of NBC News, is one man who is dedicated to keeping Government secrecy to a minimum. As a newsman he recognizes the media's responsibility to accurately give the facts.

On June 5, I had the privilege of hearing Mr. Northshield give the commencement address at Knox College in Galesburg, Ill. In it he explained the vital role of the news media in today's society. His eloquent remarks are inspired as well as informed. So that all Members of Congress may have an opportunity to read Mr. Northshield's address, I have inserted it here in the RECORD.

ADDRESS BY MR. NORTHSHIELD

President Umbeck, Professor Muelder, trustees, members of the faculty, distinguished guests, Joe, other graduating seniors, their wives and husbands, fellow parents and fellow doctors:

I have been a doctor for such a short time that, of course, I don't know just what I'm supposed to do. But I know what doctors always say: invariably, they ask, "Well, and how are we this evening?"

The answer this time, I think, is "fair." Not terrific, not awful, about medium.

Personally, I'm much better off than that. My position is almost unbelievably enviable. Consider this: for the next 20 minutes or so, I am to be allowed to say anything I want to my son . . . and you others, too . . . without his being able to leave the room or even interrupt me.

I've learned some things about speaking to people younger than I. Of course, most people are. As Casey Stengel once said at one of his innumerable birthday parties, "I'm very glad to be here because most people my age are dead."

In talking to groups on the other side of the generation gap, I have observed their total and wise intolerance of repetition. Therefore, I'll say just a few phrases and offer the guarantee that they will not be repeated:

I've already mentioned the generation gap and promise not to do it again. Nor will I say anything further about drugs, hair styles, life styles, working within the system, the poverty of my childhood and other groundless myths, the evils of affluence, ingratitude and Spiro T. Agnew.

I will not tell you again that you are the best-educated, best-equipped, luckiest class ever to be graduated. Nor that opportunity awaits you, that hard work is all you need to make it nor that making it matters.

All right. Now as to how we are this evening.

I think that we're worse off than we've ever been in many important ways. But we know it . . . and that means that we're better off than we've ever been.

There are getting to be too many of us. We use up too many forests and sheets of paper and peoples' spirits; too much oxygen and open space and liberty; we're losing quiet and credulity and privacy.

But we know that and that will save us, I believe.

We've come a long way and we've lost a lot, but we've held on to some wondrous things.

Consider this: just around the corner of this building, over by those metal steps, Abraham Lincoln and Stephen Douglas had one of their famous arguments. There were 20,000 people here and they interrupted and laughed and shouted . . . a lot. Presumably, everyone had a pretty good time for more than three hours. *Nearly* everyone.

It's difficult now to believe that either Lincoln or Douglas had much fun at Knox College that day. Judge Douglas was a tough little advocate. He used rhetoric and sarcasm and eloquence to attack apparent inconsistencies in the Lincoln arguments.

For an hour and a half, he quoted past debates and speeches to challenge the lawyer from Springfield. He insinuated and demanded, sneered and threatened. He was *very* effective.

On that day in 1858, right here, Stephen Douglas forced Abraham Lincoln to take a dangerous, incredibly radical position. When he took it, Lincoln lost an election and helped build a conscience for America.

Under relentless needling and challenging, Lincoln admitted that he believed that the Declaration of Independence really meant it when it said that all men are created equal. *All* men.

He said, "I do think that Judge Douglas, and whoever like him teaches that the Negro has no share, humble though it may be, in the Declaration of Independence, is going back to the era of our liberty and independence, and, so far as in him lies, muzzling the cannon that thunders its annual joyous return; that he is blowing out the moral lights around us . . ."

And he said, "Now, I confess myself as belonging to that class in the country who contemplate slavery as a moral, social and political evil."

That's the first time he said it out loud and it was remarkable for its time. A month later, the people of Illinois made Stephen Douglas their Senator, an honor forever denied his opponent.

In my own time, they have instead sent to Washington some men named Smith and Scott Lucas and C. Wayland Brooks.

What I'm telling you is this: it was an act of political suicide . . . although obviously not permanent . . . to contend that all men are equal. Times change and somehow improve.

And I'm saying this, too. That under pressure . . . pressure of competition or survival or simple opportunity . . . we must make some choices. That's where the good choices are always made and that's where you are today, all you beautiful young Bachelors of Arts and of Science.

A number of historians have argued that Lincoln's deep feelings about equality, his unsafely radical position on freedom came from his having witnessed a dozen slaves chained together on a river steamer that carried him and them from Louisville to St. Louis.

Years later, he wrote: "That sight was a continued torment to me, and I see something like it every time I touch the Ohio or any other slave border."

It was 17 years from the time he saw the shackled slaves until he spoke here. We don't wait that long to get our impressions and put them together as actions. That, of course, is because there are many more of us now, we do many more things and we communicate more quickly and more often.

Some important things *haven't* changed. We are still very much affected by what we see and hear and we are still free to do a great deal of seeing and hearing. That's called Freedom of the Press.

As we all know, the men who wrote the Constitution didn't wait any longer than Article One of the Bill of Rights to guarantee it. It doesn't involve my right to broadcast so much as it does *our* right to know.

It's very, very important.

In the last week of January, 1968, when you graduates were just getting well into your freshman year here, the Tet offensive ripped Viet Nam. The most memorable moment of that week was the execution of a suspected Viet Cong leader by the chief of the security police in Saigon. The closeup of the shooting appeared on page one of just about every newspaper in the world.

We had film of the whole thing . . . the handcuffed prisoner being led out of the building where he'd been captured, the quick and certain move by General Loan the police chief as he drew his revolver and gestured the crowd back and shot the man in the head, the victim's writhing fall . . . all of it in color via jet to Tokyo, via satellite to New York to your living room. It was the first awesome television event of an awesome year.

Two months later, I was in Milwaukee on a Sunday night, having a midnight meeting in a restaurant trying to figure out how to cover the news. The President of the United States had just announced that he wasn't going to run any more.

There were vast quantities of us in Wisconsin to cover a primary election that wasn't the biggest news of the week any more. A young man came to my table and identified himself as a graduate student at the University of Wisconsin and he'd been looking for me. He was writing his master's thesis on the decision to televise the execution by General Loan and wanted my explanation.

I abandoned the wiener schnitzel and told him what I'd repeat now: that has to be the shortest thesis in academic history. I don't think there *was* any choice. We ran the film because we had the film. There is ample precedent for reporting news, there is none valid for suppressing it.

Nowadays there seems to be a lot of bad news. We are told, some of us more than others, that we shouldn't report so much of it, that we should look for the happy, even the dull. For a journalist to do that, he must personally repeal the First Amendment. He must impose on his reader's, his viewer's, right to know.

For to have known about the police dogs and fire hoses in Birmingham and not reported them would have avoided some bad news. It surely would have perpetuated it, encouraged it. The same is true of what happens in Moscow and My Lai, in the slums of our cities, of the poisons in our air, the demagogues in our governments, all the rends in our national fabric.

Nobody much liked it when we showed it but now the police in Chicago treat demonstrators better and there aren't many riots there any more; Lake Erie and the Hudson River are getting cleaner; the Pentagon has changed some of its propaganda techniques; we are getting out of the bacteriological warfare business; the war in Viet Nam is a cause of national revulsion and it will be ended.

Not because journalists told the nation what to do.

But certainly in part because journalists told . . . and more important . . . showed some things that were significantly wrong.

News on television is different from news presented in other ways. Every day, it demonstrates that our technology is way ahead of our consciousness. Every day, it proves that things happen before we are conditioned to accept them. Every day, it shows us things which are bad.

The goods news, according to Marshall McLuhan, is in the commercials.

But good or bad or dull, the reporting of news is essential. For newsmen when they're good tell what's going on, what's happened. We don't, when we're good, tell anyone what to do about it. We deal with what is significant and that often is not happy. We deal with change because that's what news is.

Change is the last thing desired by those who profit by postponing it. The next to last thing they desire is the reporting of change or the reporting of obvious need for change.

The status quo is what's most comfortable, most safe. That's what all the shouting and suppressing and accusing is about.

And don't worry . . . I mentioned his name a while ago and I promised I wouldn't repeat it!

So, as I asked earlier, how are we this evening? The quality of our environment is deteriorating. Alarmingly. There is a war wanted by no one. As a nation, we are middle-aged with all the pains and infirmities and foolish prides that characterize those years. There are a great many of us who use signs and bumper stickers and songs about love but practice indifference . . . which is the precise opposite.

We have lots and lots of troubles. And we know it.

We know it because we are free to know it and are willing to look and listen. I submit that when we are no longer willing we will no longer be free.

We stand, almost literally, where Lincoln stood. All of us are being forced to make an essentially moral decision by our opponents. They would rather have us be equivocal or evasive or even silent.

With dubious modesty, I admit herewith that I am the author of the phrase, "The

Silent Majority." I used it in an interview with a good reporter doing a good job. But like so many things we say, it was taken away and misused. I meant that most people in this country would rather not say what they think and maybe even stop thinking very much. That sets up things very nicely for the minority who are willing and anxious to do all our thinking and talking for us.

A free press is their enemy.

The censor, the petty bureaucrat (even in high places), the polluter, the thief of our spirit and our vote, all these want a silent majority.

As a citizen and a journalist, I want a free press.

As a doctor, I want all of you, as every doctor does, to open your mouths and say "Ah!"

Loudly.

Without indifference!

So again, how are we this evening? Well, this is my second Knox commencement. On my first, I was in Camp Claiborne, Louisiana. My diploma was delivered to me later by registered mail in a foxhole in Germany. Literally. It was a pleasure to get this one from Professor Muelder instead of Corporal Saletta. So things are much better, at least for me.

How is it for you?

In the year this college was founded, Henry David Thoreau participated as a student speaker at his graduation from Harvard. This is part of what he told his classmates of 1837:

"This curious world which we inhabit is more wonderful than it is convenient, more beautiful than it is useful; it is more to be admired and enjoyed than used."

I assure you that you are about to have that confirmed: more wonderful than convenient, more beautiful than useful, more to be admired and enjoyed than used. Please, for your sake, keep it that way. And, for my sake and that of my contemporaries, keep it free! I am proud to be your classmate.

Thank you and congratulations to you all!

THE SOVIET NAVY

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1971

Mr. HARRINGTON. Mr. Speaker, the growth of the Soviet Navy is a subject that has received a great deal of attention in recent years. Unfortunately, however, much of the discussion has been alarmist in nature and based on uncertain data and weak analysis. One searches almost in vain for objective and dispassionate studies in this area.

A recent publication of the British Royal United Service Institution, "The Soviet Union in Europe and the Near East: Her Capabilities and Intentions," goes a long way toward filling the existing vacuum of rigorous analysis. It provides an important contribution to the understanding of the expansion and role of the Soviet Navy.

This report contains papers presented at a seminar sponsored jointly by Southampton University and the Royal United Service Institution and held at Milford-on-Sea March 23–25, 1970. I am putting in the RECORD three papers on the Soviet Navy by Michael MccGwire of the University College of Wales and James Cable of the Institute for Strategic Studies. I am also inserting a summary of Mr. MccGwire's article on Soviet naval capabilities that appeared in the London Times on October 13, 1970.

I hope my colleagues and others will take the time to read these papers carefully. The material follows:

SOVIET NAVAL EXPANSION—MORE MODEST THAN IT APPEARS

An extract by Michael MccGwire from a seminar on Soviet capability published today by the Royal United Service Institution.

Traditionally the primary mission of the Russian navy has been "to defend the homeland", and although the nature of maritime warfare has undergone fundamental changes, there is ample evidence (including the statements of Soviet leaders) that this still pertains today, although it is now set in the context of mutual deterrence and general nuclear war.

In support of its mission, the Soviet navy now has to discharge five primary tasks;

(a) To counter the *Polaris* submarine.

(b) To neutralize the strike carriers prior to aircraft launch.

(c) To contribute to the Soviet Union's strategic delivery capability.

(d) To gain command of the four fleet areas, particularly the Baltic, Black and Barents Seas.

(e) To provide maritime flank support for land operations along the coastal axes.

In assessing its requirement to establish command of its fleet areas at the outbreak of war, the Soviet navy must take account of the naval forces of adjacent countries, and also of their reinforcement by other navies at short notice.

To this must be added Russia's traditional sensitivity about her territorial integrity in peacetime, and the Russians police their seafrontiers as assiduously as their land ones. Together, these require the peacetime deployment of substantial forces in each of the four fleet areas.

All the older Soviet naval units gravitate to this traditional task, and it normally takes the bulk of new-construction of escort size and below, and a substantial share of the submarine force. For the last few years, however, many of the escort ships have had to be diverted in support of the Mediterranean deployment, and the Soviet navy also faces the block-obsolescence of the medium- and small-type submarines, assigned to this task. Both these deficiencies should be corrected as the current generation of new-construction begins to join the fleet. Nevertheless, taking account of Russia's lengthy coastline, the geographical separation of the four fleet areas, and the scale of the potential opposition, it would not appear as if the Soviet navy has any disposable surplus of *effective* combat units, over its requirements for this task.

Any Soviet concept of operations covering general war in Europe must provide at some stage for the seizure of the exits from the Baltic and Black Seas and amphibious landings along the Norwegian coast. The nature of their exercises, and the size and shape of Soviet amphibious forces, denotes that they are tailored for this particular task, and the characteristics of their landing ships are not such as to suggest a more far-ranging concept of operations. The steady provision of such units has been consistent since the middle fifties, and there has been no sudden build-up, except in Western awareness.

In assessing Soviet naval capabilities, we should pay due regard to the evidence of their concelled warship-building programmes, which indicate that in Russian eyes at least, the designed performance of such classes was inadequate to meet the changed requirements since they were projected. We should also allow for the Soviet policy of sending new weapon systems to sea as production prototypes, before they are fully combat-operational.

The composition of her fleets, the pattern of their deployments and the statements of her leaders, all confirm that the Soviet Union has built a navy for strategic deterrence and general war. Her navy is deficient in its capability to discharge three of its five primary tasks, and this deficit will probably persist, at least in the task of countering *Polaris*. Her surface ships can sail around the world in time of peace, but because of the unbalanced structure of her fleet which has been built to meet a particular threat, and the West's naval predominance, the Soviet navy does not have the capacity to sustain general naval operations in a hostile maritime environment at a distance from Russia's shores. The Soviet Union currently lacks a world-wide maritime capability.

Nothing which has been said is intended to suggest that the Soviet navy, if allowed to develop uncountered, would present anything but a real threat to Western interests. In absolute terms it is a powerful force and its submarine fleet in particular is of major and increasing significance. Nor can one disguise the fact that the Soviet navy's shift to forward deployment has brought disadvantages to the West, introducing another factor into our foreign policy calculations, complicating the operation of our naval units and bringing propaganda dividends to Russia.

Nevertheless, it remains a fact that Soviet naval policy has been conceived in response to the greatly superior maritime capability of the West. For that reason, the employment of Soviet naval units will always be conditioned, and often be dictated, by the prevailing maritime policy of the West, by the way in which we deploy and operate our forces, and by the apparent degree of our commitment in different situations.

The extent to which the Soviet Union will seek to exploit her naval forces to extend her political influence, will largely depend upon her estimation of the speed and certainty of Western response. Although the Russians hope to conceal the fact through the skillful use of propaganda, past performance and present capabilities confirm that Russia's flexibility of action and degree of commitment are both severely limited by an overriding concern for her primary national objectives.

The Soviet Union will therefore try to avoid confrontation whenever the West shows its determination to use military force to resolve an ambiguous situation. The Soviet navy's forward deployment cannot be ignored. But its wider influence will be directly related to the extent the West allows it to inhibit our traditional freedom of action at sea.

SOVIET NAVAL CAPABILITIES AND INTENTIONS

(By Michael MccGwire)

Before turning to the main body of this paper, I want to discuss the growing tendency to speak of two conflicting bodies of opinion concerning the significance of Soviet naval developments. These are generally (but erroneously) referred to as 'offensive' and 'defensive' schools of thought, a misleading classification which generates further error, since people naturally tend to split the difference between the two.

In practice, these apparently conflicting bodies of opinion reflect two quite different approaches to the same problem, each concerned to answer a different question, involving different factors and requirements. The one approach is concerned with the theatre-tactical level of threat, and concentrates primarily on Western vulnerability to possible Soviet maritime aggression. Since it reflects the imperatives of contingency planning, its purpose is to identify the most dangerous, rather than the most likely course of Soviet action.

The other approach is concerned with the politico-strategic level of threat, and tries

to unravel the main strands of Soviet naval policy since the war, and to assess the Soviet Navy's evolving and varying capacity to meet the threat to Russia, which the West's maritime superiority has posed. It therefore concentrates on Russia's naval requirements in the face of this threat, and tends to highlight the extent of Soviet, rather than Western vulnerabilities, as it seeks to identify the nature of their intentions and the most *likely* course of Soviet action at sea.

Both approaches are valid, and both are equally necessary, reflecting the distinction between the quite separate processes underlying contingency planning and long-range policy formulation. But what does tend to happen is that this essential distinction becomes blurred and the "possible courses of enemy action" which are used as the basis of contingency planning, are promoted to become categorical statements of Soviet intentions, with no stronger justification than that such action is conceivable. This logical fallacy need not detain us, but it does explain many of the rather extreme statements in circulation, and why it is unsatisfactory to take the mean of the range of assessments.

A more relevant point is that within the two different approaches, lie the opposing dangers of over-alarmism and undue complacency, respectively, and it is here that it is both so important and so difficult to strike the right balance. It is on this question of the correct balance that the divergence of well-informed opinion really centres, and this derives as much from differing assessments of Western political will as of possible Soviet intentions. Most qualified opinion is in fact agreed on the essentially defensive requirements which caused the Soviet Union to develop its present naval capability, although there is a wider range of opinion as to where this may lead them in the future. All are also agreed that, irrespective of its genesis, growing Soviet naval strength presents a potential threat to Western interests, which must be countered. But starting from these points of agreement, opinion then divides into two broad groups. There are those who see the greatest danger to the West, in a democracy's reluctance to provide adequate resources to long-term defence in peacetime, and who therefore tend to formulate the threat in extreme terms, both of military capability and aggressive intentions, in order to frighten the politicians into releasing adequate funds to naval defence. And there are others who consider that more certain damage to Western interests has been, and will be caused by alarmist assessments (however worthy their motives) which exaggerate Russian maritime capabilities and ignore the considerable constrants which limit the flexible employment of Soviet naval forces.

I hold unreservedly to this latter opinion, and it is not because I under-rate the very real threat to Western interests which is implicit in Soviet naval strength nor because I am persuaded of their friendly intentions. My reasons are twofold. Firstly, experience as a long-range planner has shown me the dangers of 'fiddling the factors' in order to produce some predetermined conclusion, and how in the long run it always rebounds to one's disadvantage; in formulating a threat which will persuade the politicians, we run the risk of obscuring our own perception of the real danger to Western maritime interests, and at the same time we are likely to distort our wider foreign policy assessments. And secondly, I have watched the way in which alarmist, and frequently ill-informed Western comment has brought Russia political benefits, which the Soviet Navy could never have achieved on its own.

Over the last three years, there has been a marked and substantial shift in the Soviet Union's political exploitation of her navy's enforced forward deployment; this stems from the aftermath of the Arab-Israeli conflict in 1967, and the sudden and vociferous public awareness in the West, that Russia had a navy which went to sea. Western commentators delivered a substantial (and undeserved) propaganda success to the Russians by insisting that the Soviet naval presence must paralyse Western naval initiatives, by failing to distinguish between the widely varying combat capabilities of the Russian units in the Mediterranean, and by speaking of illusory 'massive naval reinforcements' during the June war (which on one ocassion even included a water-tanker and an ice-breaker towing a patrol-craft).

They then confirmed Russia's naval standing in Arab eyes, by ridiculing official Western statements which pointed to the exposed nature of these Soviet deployments, and to the vulnerability of individual units to Western attack. This alarmism may have been thought necessary to arouse a sense of concern in NATO, or to extract funds from a reluctant US Congress, but it none the less provided the Russians with a detailed course on how to discomfort the West with the smallest diversion of resources; it has also given Soviet surface deployments a military credibility which is still largely spurious. It was most noticeable that, prior to June 1967, Russian deployments were primarily a navy-to-navy affair, with a relative disregard for the potential political benefits. The strategic reasons underlying these deployments have not changed, but since that date, naval visits have been increasingly used to reinforce the reputation which the West has gratuitously bestowed on the Soviet Navy.

In the late 1950's the Soviet Union derived substantial political benefits from the publicising by Western commentators of the mythical Bomber and Missiles Gaps, and the ease with which the West can still be induced to credit their opponents with an exaggerated military capability must be a source of continuing gratification to Soviet leaders. It conceals their technological inadequacies from critical world opinion, and allows them to make retrospective claims to have influenced the outcome of events in situations where they have sat by helpless, as selfishly worried spectators. It is significant that well into 1968, the Russians remained understandably silent about their negative contribution to the outcome of the June war, concentrating their propaganda on linking the presence of the US Sixth Fleet with the Israeli attack; but by 1969, the Soviets were emboldened to play back the West's more alarmist assessments, and now claimed that it was the Russian naval presence which saved the Arabs from imperialist intervention in 1967.

As with Soviet naval capabilities, so with their intentions, and they are only too happy that the West should concentrate on the former and assume the worst of the latter. By causing the West to over-estimate both her belligerency and her naval strength, the Soviet Union hopes to encourage inaction and acquiescence when otherwise the West might thwart her plans. She has not lacked support and from the start Western Jeremiahs have insisted that the mere presence of Soviet naval units, irrespective of their real or relative capability, must inevitably inhibit the West's reaction. The effect of these exaggerations is to obscure the limited nature of the Soviet Union's physical commitment outside the boundaries of the Warsaw Pact, and to induce a quite unjustified belief in both her capability and her readiness to use force. There is a perverse communality of interest between Russia's desire to obscure her naval inadequacies and the West's concern to guard against over-complacency. Naturally enough, the Soviet Union welcomes the Western amplifier which is now plugged into her naval propaganda machine, whose authoritative voice helps to compensate for the sometimes glaring shortfall between her words and deeds.

It is of course a distorted form of realism which insists that we must ignore our opponent's intentions. While it is proper to concentrate on capabilities in contingency planning or at the threatre-tactical level, such an approach is wholly inappropriate as the basis of policy formulation at the politico-strategic level. A country's national interests, intentions and essential defence requirements are equally important factors in the threat equation and to exclude these constraints on Soviet action, must inevitably distort Western maritime policy and inhibit the effective use of our naval superiority. By ignoring the 'most likely course of enemy action', and by concentrating our attention solely on some hypothetical 'worst case', based on a rather flattering estimate of Soviet naval capabilities and an implied absence of Western reaction, we undermine our own maritime credibility while encouraging the Soviet Union to develop a taste for sea power, and to fulfill our most gloomy prophesies.

I make no apologies for this digression before getting down to the details of the paper, because Russian intentions are a function of Western political will and the extent of which Soviet maritime policy is shaped by the West's naval preponderance and by the nature of our response at sea, is inadequately understood. I will come back to this fundamental point, which should become clearer as we turn to consider the development of Soviet naval policy since the war, and gain a better idea of the changing requirements they have had to meet. This background knowledge is fundamental to analysing the present capabilities of their forces.

THE BACKGROUND TO SOVIET NAVAL POLICY

The intermittent public interpretation of Soviet naval policy since the war has in practice been a by-product of contemporary Western contingency planning. Over the years, this fragmented approach has produced an erratic and contradictory picture of Soviet naval policy, which to make sense requires the fallacious assumption that in naval matters Soviet leaders were both obtuse, and lacked all consistency of purpose. In actual fact, the consistency of Soviet naval policy (as opposed to operational concepts) has been striking. And as for the relevance of sea-power, some forty years ago the Soviet Union grasped the fact that maritime strategy is not some universal science, but particular to the country concerned. The Soviet Union finds herself opposed to the traditional maritime powers, but the strategy which she must adopt to counter this threat to her security, need bear no relation to the 'traditional' use of sea-power.

In the past, Russia's naval requirements have been dictated by her extended coastline and the fact that four quite separate seas wash her shores, requiring four, self-sufficient navies to defend them. This has meant that, although nominally a land power, for the last 200 years or more, her navy has generally been the third or fourth largest in the world. Although the effectiveness of the Russian Navy varied widely and was always hamstrung by maladministration and inadequate logistic support, the Russians have been persistent and successful technical innovators. They were the first to apply in battle such fundamental naval advances as the high-explosive shell, the torpedo and the mine, and Russian warship design has generally been at least equal to its design contemporaries.

After the Revolution, competing priorities meant that resources were not released to rebuilding the Red Fleet until the First Five Year Plan, beginning in 1928, but thereafter the Navy got rather more than its share; this included increasing shipbuilding capacity by about 80 percent, and the Twenty Year Programme (1928–47) provided for about nine battleships/battlecruisers, thirty cruisers, 200 destroyers and about 400 submarines, the lat-

ter being by far the largest force in the world. The most immediate threat came from the powerful and growing Japanese Fleet, but by the middle thirties, most European powers were committed to a naval arms race. For a variety of causes, part economic rationalisation, part ideological and part objective reasoning, a 'Young School' of naval strategy had been adopted in the early thirties, which rejected the concept of a universal maritime doctrine, applicable to all nations, and concentrated on what was relevant to the Soviet Union's particular circumstances. Emphasis was placed on the Navy's role as one component of combined military operations, on withholding engagement and on limiting the requirement to have command of the sea to those areas where it was essential for defence of the homeland. By comparison with contemporary navies, the Red Fleet had a disproportionate number of submarines, torpedo boats and naval aircraft, backed by coastal surveillance systems, and it relied on co-ordinated attacks relatively close to shore.

This concept of maritime defence was never tested, since the German Army overran Russia by land, outflanking the naval defence, while the Luftwaffe established control of the air. But it had considerable relevance to the threat which faced the Soviet Union after the war, when her opponents were the 'traditional maritime powers' who had just demonstrated their capacity to project and sustain continental scale armies over vast distances of sea. These were the same powers who had brought intervention forces by sea in an attempt to crush the Revolution, and now, twenty-five years later, the threat of maritime invasion seemed very real. The Baltic Coast flanked her lines of communication to her forces in the West, while the Black Sea gave directly on to her industrial hinterlands, with the axes of advance paralleling the natural defensive barriers.

The Navy again received high priority, and to Maritime Defence of the Homeland, was added the task of bringing the Soviet Union's nuclear weapons (then under development) to bear on the United States. Being the only available weapon, the submarine torpedo was the original delivery vehicle, but by 1949–50, the feasibility of using submarine-launched ballistic missiles (SLBM) was confirmed. A nuclear warhead for a torpedo was probably developed by 1954 and an SLBM by 1955. The Navy was given priority in reactor development, and within the fleet, nuclear propulsion was reserved for the task of strategic delivery; the first series-production nuclear submarines were delivered in 1958 (N-Class SSN and H-Class SSBN).

CONCEPTS OF OPERATIONS

The concept of operations in support of the traditional mission of defending the homeland against attack from the sea, has undergone four distinct shifts since 1945, reflecting developments in the West's maritime capability and the Soviet Union's changing appreciation of the threat, but they all reflect the underlying approach of the 'New School' strategy.

In 1945, when they reviewed the outcome of the preceding six years of naval warfare around the globe, Soviet leaders found that their prewar preference for the submarine-torpedo and the aerial-bomb had been confirmed; they saw no reason to change the main features of naval strategy which had evolved by 1940, and in its main essentials the postwar plan carried on from where the prewar plan had been interrupted.

The Soviet Union still had the requirement to defend four separate fleet areas, and in 1946 she embarked on yet another Twenty Year Programme to build a fleet of forty cruisers, 200 destroyers and some 1,200 submarines.[1] Apart from 180 large-type submarines assigned to strategic delivery, the remainder of this force was intended to defend Russia against seaborne invasion. In its original form the plan foresaw the construction of fifteen new classes of surface ship of escort size or larger and eight new classes of submarine. Of these twenty-three different classes, only five of the earlier surface types ran to schedule, and by the half-way mark, all programmes had been radically adjusted.

After Stalin's death, Soviet national policy tried to break out from the dead-end of cold-war policies and to increase the Soviet Union's world influence by an outgoing policy of aid, trade and political penetration. This required merchant ships. But with one exception, all the major shipyards were fully occupied in naval construction, and at the same time, the mass-building programmes were placing a very heavy strain on many of the key sectors of the economy. The 1953–54 defence review led to a down-grading of the danger of maritime invasion, and the naval threat from the West was seen in more limited terms of nuclear strikes by carrier-borne aircraft, primarily against naval base areas. This was a very much reduced threat and encouraged the Soviet leadership to gamble on the successful development and application of long-range surface-to-surface missiles (SSM) to naval warfare, as the only means of escaping the requirement for very large numbers of individual units.

The current cruiser programme and the medium-type submarine mass-building programme were both abruptly curtailed and their successors cancelled. The current programmes of destroyer-size and below were allowed to run their course, but their successors (due for delivery between 1958–61) were cancelled. Only the strategic delivery submarine programmes (nuclear and diesel) ran-on as planned. Seven cruiser building ways were handed over to merchant construction, the other six having already been earmarked for the construction of nuclear submarines. Within three years, the naval budget had been cut by more than one half. The 1954 decisions were an important indicator of relative national priorities, since if the Soviet Union had allowed the original programme to continue (which by then included four aircraft carriers), they would have achieved a substantial surplus of naval capability over their essential requirements, as they saw them at that time.

Although the primary weapon was now a long-range missile armed with a nuclear head, the concept of operations was still based on coordinated attack by submarine, aircraft and surface ship, and the units concerned were programmed to begin delivery in 1962. The J-Class and *Longbin* SSM-armed diesel submarines (SSG), the *Kynda* Class missile-cruiser (to be followed by *Kresta*) and the *Badger C/Kipper* air-to-surface missile (ASM) system. Engagement was seen as taking place within range of shore-based air cover, hence surface ships were acceptable as launch vehicles, as were diesel submarines, which could transit on the surface.

THE STRATEGIC THREAT FROM CARRIERS

By 1957–58, the Soviet Navy realised that it had been geographically and technologically outflanked. The US Navy's A3D carrier-borne aircraft could reach Russia's industrial areas from the South Norwegian Sea and the Eastern Mediterranean; the US Navy's nuclear submarines were of much higher performance than the Soviet classes due to begin delivery; the US Navy was also establishing an anti-submarine area-defense system off its seaboard which would largely neutralise the Soviet strategic delivery units; the US Navy's *Polaris* would pose as additional strategic threat.

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The maritime threat to Russia was once more a national rather than a single service problem and the repercussions on naval building were considerable. Neither the missile-cruiser nor the SSG were of much use when the encounter-zone was beyond the range of shore-based aircover, and all these programmes were cancelled. The relatively inferior performance of Soviet strategic delivery submarines and the threat of nuclear strike by carrier aircraft combined to cause the reallocation of nuclear propulsion to what was now the top-priority task of countering the carrier. The second generation SSBN was cancelled and the hull/propulsion unit was configured as an SSGN, making use of the J-Class weapon systems. Meanwhile the Soviet Union misinterpreted the future scale and nature of the *Polaris* threat, and saw it as a complementary weapon system to close the Northern arc, where principles of area-defence could apply.

The main requirement was to extend the range of helicopter operations, to achieve which two *Stalingrad* class (the *Sverdlov*-successor) cruiser hulls were adapted to build the *Moskva* Class anti-submarine cruiser. These were mainly interim measures, and the final answer had to await the third generation of nuclear submarines, which were projected at this time and due for delivery in 1968. These would include a nuclear submarine with a self-contained horizon-range missile system for use against the carrier and a much improved *Polaris* style SSBN. Meanwhile the Soviet Union adopted various other expedients such as basing W-Class submarines in Albania (1958) trying to set up a joint Sino-Soviet naval and air defence command (1957) and the stationing of intelligence units off the USA (1959).

THE INCREASED THREAT FROM POLARIS

By 1961, the Soviet Union had come to realise that the threat from *Polaris* was not limited to the Arctic, but that Western Russia was now threatened from 270° of arc, extending from the Indian Ocean through the Mediterranean to the Norwegian Sea, and that by the middle sixties, one third of the USA's nuclear strike capability would be seaborne. This generated a fundamental reassessment of naval policy which is discussed further below, leading to the decision that some form of permanent counter must be deployed against both *Polaris* and the US carriers.

In 1962, the Soviet Navy was ill-prepared for this radical reorientation of policy, both operationally and in terms of the necessary ships to implement the concept. Although primary reliance was to be placed on submarines and naval air, surface ships would be required in support, but their only surface-to-air missile (SAM) armed destroyer-type (the *Kashin*) was programmed to build at a mere two units a year. To ameliorate the situation, they undertook the major conversion of eight of the older *Kotlin* Class destroyers, and six of the *Krupnyj* Class missile units, into SAM-armed anti-submarine ships. This gave these ships a weapons performance comparable to the *Kashin*, for delivery during the latter half of the sixties.

In the longer term, they were somewhat better placed. They were already committed to a three-fold increase in their nuclear submarine building capacity, with the third generation of submarines due to enter service in 1968–69. Meanwhile, in the normal course of events, a new family of surface ships was scheduled to begin delivery in 1970, and the design of the larger type could be adjusted to reflect these changed requirements.

THE SHIFT TO FORWARD DEPLOYMENT

The last eight years has seen the Soviet Navy's progressive shift to forward deployment, as it attempts to counter the strategic nuclear threat which can now be posed from

sea-areas 2,000 miles or more from Russia's frontiers. Admiral Gorshkov has admitted that the change has not been easy, involving as it did the organic restructuring of the Navy and the reorientation of traditional naval policy and operational habits, in order to meet this qualitatively new requirement.[2] The process still has some way to go, but the pattern of operations is now clear enough to identify the underlying concept of operations.

Posing a permanent counter. For the Soviet Union, the implications of the USA's shift to seaborne strategic strike systems went far beyond the intensification and diversification of an existing threat. Most serious was that naval units would largely escape the intercontinental nuclear exchange; the USA would therefore have the option of holding back their seaborne systems, in order to dictate the subsequent course of a general war. To foreclose this option, the Soviet Union had to provide for the destruction of these US naval units at the outbreak of war, irrespective of whether the effective reaction time would also be able to prevent the launch of strategic weapons. Since the destruction of all US units could not be guaranteed, the Soviet Union would need to develop its own SSB force in order to ensure that the post-exchange nuclear balance was preserved.

In formulating an operational concept to meet these specialised requirements, Soviet naval leaders chose to exploit the particular characteristics of nuclear-missile war at sea; (it is likely that the alternative of trying to match the West's maritime capability was dismissed as impractical for both military and economic reasons). The Soviet Navy requires to destroy Western strike units at the outbreak of war. To do this, the Soviet Navy does not need maritime superiority, because their naval units deployed to this task have only to survive long enough to discharge their weapons; if they are already within weapon range of their opponent, the requirement is limited to surviving a pre-emptive attack. Meanwhile, the free use of the sea which has enabled the peacetime deployment of US strategic strike units within weapon range of the Soviet Union, means that the Russians are likewise free to maintain their own naval forces within weapon range of Western units.

This operational concept, which can be described as 'posing a permanent counter under the protection of peace', underlies the extending pattern of Russian naval deployments since 1962, and points the way ahead. The decision to by-pass the basic naval requirement to be able to survive in a hostile environment, is particularly significant, and has allowed the Soviet Navy to base its future plans on the sustained mid-ocean support of units on forward deployment. It does not however reduce the vulnerability of such operations to interference from the West, and militarily, is only tenable in the context of mutual deterrence.

As a corollary of this concept, existing Soviet 'zones of maritime defence' (which only reached 200–300 miles from Russian shores), were extended to cover the more vital sea areas of threat, such as the Norwegian Sea and the eastern Mediterranean. This served to contest the right of Western strike units to use these seas unhindered, while allowing the Soviet Navy to apply some of their established tactical concepts of anti-submarine area defence, in their efforts to counter *Polaris*.

Countering the carrier. Initially this involved the close shadowing of Western carriers whenever they approached to within strike range of the Soviet Union, in order to provide target location data to Soviet missile units, which remained permanently within weapon range. In the Norwegian Sea and Pacific the requirement could be met by sailing units as the need arose, but to counter the carriers of the Sixth Fleet in the Mediterranean, a continuous Soviet naval presence was necessary. In the longer term, as sufficient nuclear submarines armed with horizon-range missiles become available for the task, it seems likely that Western strike carriers will be marked wherever they may be. Irrespective of their current employment, as long as US carriers carry nuclear weapons in their magazines, their potential threat remains.

Countering the Polaris *Submarine.* The problem of posing a permanent counter to *Polaris* is of quite a different order, reflecting the difficulties of initial acquisition and remaining in contact with a nuclear submarine, as well as the vast areas of sea from which missiles can be launched against Russia, including the Mediterranean, the eastern Atlantic and the Arabian Sea, as well as parts of the Pacific. The range of methods adopted by the Soviet Union has yet to be fully perceived, but it appears that they are trying to develop some combination of continuous tracking and area defence. The problems are immense, and in most respects they are at a disadvantage to the US Navy in this field. The Soviets lag both in nuclear submarine design and submarine detection systems, and are badly placed in terms of maritime geography. But limited prospects of sucess have never discouraged the Soviet Union from embarking on measures which she sees as essential to her national security, and there is little doubt that the Soviet Navy will continue to give priority to their efforts to counter *Polaris;* certainly, these provide the explanation for a large proportion of their distant deployments.

THE EXTENDING PATTERN OF SOVIET NAVAL OPERATIONS

The past decade of Soviet naval operations illustrates the progressive implementation of the long term operational concept. The appointment of Kasatanov [3] to the C.-in-C. of the Northern Fleet in February 1962, was one of several indicators of the reorientation policy which appears to have been decided during 1961. Preliminary moves were made in 1962, but it was not until 1963–64 that the shift to forward deployment became more widely noticed. The initial areas of attention were those from whence both *Polaris* submarines and aircraft carriers could launch strikes against Russia; the eastern Mediterranean, the Norwegian Sea and equivalent areas in the Pacific. This was partly because the Soviet Navy already had some form of counter to deploy against the carriers, but also reflected their policy of trying to achieve a *de facto* extension of the Soviet Union's maritime frontiers, by maintaining a naval presence in those sea areas of most immediate defensive concern to Russia. After five years of steady if slow progress in these areas, the Soviet Navy turned its attention to the sea-route between the USA and the Mediterranean, and then to the Arabian Sea.

The Mediterranean deployment. The greatly increased range of seaborne strategic weapons has meant that the eastern basin of the Mediterranean is now in many ways of greater defensive concern to the Soviet Union than her northern seas. Moscow is equidistant between the two, but whereas population and industry thin out to the north of the capital, to its south and east lies the greater part of Russia's industrial strength.

It seems probable that the 1963 announcement [4] that *Polaris* submarines were taking up station in the Mediterranean, caused the Soviet Navy to advance its plans to project a naval presence in the area, before it was properly equipped to do so. Although there was a progressive naval build-up from the initial sorties in 1963, their afloat support was not designed to work from open anchorages, and they were neither able to sustain year-round deployments, nor substantial numbers of ships on station. It was not until after the June 1967 war that the availability of sheltered berths for their support ships in Egyptian harbours, enabled a substantial jump in the average number of ships deployed. Throughout most of 1968–69, the Soviet naval squadron was maintained at about seven to ten submarines and eight to twelve surface combatants, the number rising when overlaps were arranged to allow for major exercises; since 1967, the Soviet Navy has also been able to maintain a year-round presence in the Mediterranean, although it is still considerably reduced during winter months. The Arab-Israeli war led to the use of Egyptian airfields in support of Soviet naval operations, by UAR reconnaissance aircraft and by Soviet ASW *Badger* units. Apart from marking the carriers of the Sixth Fleet, Soviet naval activity concentrates mainly on anti-submarine (i.e. counter *Polaris*) operations in the eastern Mediterranean.

Besides these attempts to counter the US strategic threat directly (which includes posing a threat by proxy, through the supply of naval arms to Arab states), Russia is also pursuing a policy of 'maritime exclusion', designed to cause the US Navy to cease (or limit) its operations in the Mediterranean. The Soviet Union has always sought to achieve *de jure* recognition that the Baltic and Black Seas were 'closed' or 'neutral' seas, and has never accepted the right of non-riparian powers to innocent passage in these areas, and she is now trying to extend this concept to the Mediterranean. She made proposals in 1958 and 1963 about non-nuclear zones, but in April 1967 Kosygin demanded the withdrawal of the Sixth Fleet, and this signalled a policy of deliberate harassment by Soviet naval units.

By November 1968, Russian was claiming that since she was a Black Sea power she was by definition a Mediterranean power, and she declared that the area should be designated a nuclear-free zone from which the Sixth Fleet would be excluded. This diplomatic offensive is having some effect in the area, and Jugoslavia and Algeria have separately suggested that both Russia and the USA should take their quarrel and their fleets elsewhere. It is probable that on balance, such a solution would be acceptable to the Soviet Union, if she could be certain that *Polaris* submarines would also be excluded.

Extending the fleet areas. The Mediterranean deployment can be explained in terms of extending the Black Sea Fleet's 'maritime defence zone' to encompass the sea area where the threat now lies. This is more clearly visible in the case of the Northern and Pacific Fleets.

For the former, the Greenland-Iceland-United Kingdom Gap is a natural topographical boundary between the Norwegian Sea and North-east Atlantic Basin, and appears to have been adopted as the outer perimeter of their Remote Offshore Defence Zone; it seems possible that the Baltic Fleet's Defence Zone has been similarly extended to take in the North Sea, in order to cover the southern flank. The NATO Strike Fleet exercise in the fall of 1964 provided the first opportunity for the Soviet Navy to challenge the West's undisputed presence in the Norwegian Sea. Meanwhile, from 1962 onwards, the Soviet Navy annual exercise in the area had become increasingly ambitious in scope and content. They are however still planned around the same scenario of defending the fleet areas against carrier strike fleets and *Polaris* submarines with amphibious landings in support of military operations ashore.

The Indian Ocean. The geographic advantages of the Indian Ocean for *Polaris* operations are obvious. The Arabian Sea provides good coverage of central Russia, just including Moscow, and the western part of China as well; submarines on patrol to the south of India can be deployed within

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twenty-four hours to concentrate on either country. If the Soviet Union were not already alert to the strategic dangers of the Arabian Sea, the announcement in May 1963 that the US Navy was to build a VLF station at North-west Cape in Australia would have made them turn to their globe; [5] their concern would have been heightened by the agreement signed in April 1967, which gave the USA the right to build and use naval, air or communication facilities on the islands of the British Indian Ocean Territory.

The problem of posing any kind of counter to *Polaris* at this distance from Russia is considerable, but the pattern of operations suggest that it will not go unanswered. The initial Soviet naval deployment in the spring of 1968, was notable for the way in which the programme of courtesy visits to seven different countries required four long transits of the Arabian Sea, and for the excessive time spent on passage.[6] The second deployment at the end of 1968, which extended well into 1969, included a four-month period at sea by a submarine tender and two F-Class. This was comparable with the 1967 deployment in the Cape Verde area (see below) with the distinction that no missile support ship was involved; its absence is consistent with the operational requirement, since the problem in the Indian Ocean is limited to countering *Polaris*.

It may be significant that the two Persian Gulf ports were the only ones which featured in all three of the deployments up to mid-1969. The Persian Gulf brings a larger proportion of the key centres of the Soviet Union within range of the A-3 *Polaris* missile than anywhere outside the Arctic Ocean. Although its restricted waters are unsuitable for submarine operations, the possibility still exists. By encouraging a general build-up of naval activity in the area and the development of ASW forces by Iraq, the Soviet Union will ensure (at little cost to herself) that this area is excluded from the US Navy's strategic plans.

The Eastern Atlantic. In terms of nuclear deterrence, the Soviet Union would gain considerable strategic advantage from a naval capability on NATO's southern perimeter, along the Tropic of Cancer. Besides giving useful access to the Atlantic area, it would expose the route followed by US naval units deploying to and from the Mediterranean. It would also place Soviet naval forces in a blocking position should the USA wish to sail its carriers to the South Atlantic during the initial exchange.

In the summer of 1967, a Soviet submarine tender and a missile-support ship spent some five months in the general area of the Cape Verde Islands in company with a number of submarines. This is some 500 miles to the south of the USA-Mediterranean sea lane, and the northern arm of the Cape Verde Basin (which goes down to 20,000 feet) extends northwards as far as the Bay of Biscay, straddling the approaches to the Mediterranean.

It seems likely that this deployment was developing and evaluating operational techniques in preparation for the future deployment of some form of sustained naval presence in the area. This will probably include the capability for the mid-ocean support of nuclear submarines assigned to counter US carriers and *Polaris* submarines. This deployment was not necessarily related to subsequent naval visits to Nigeria and to Conakry in Guinea, and to Martinique and Barbados in the west, but the combination of these events is consistent with the strategic requirements.

CAPABILITIES VERSUS REQUIREMENTS

It is relative military power which is important, and the significance of the Soviet Navy's absolute strength can only be assessed in terms of Russia's essential requirements for maritime defence, and the capabilities of the navies which may oppose her. The development of Soviet naval policy since the war, which is evidenced by her shipbuilding programmes and the pattern of inter-fleet and longer range deployments, gives a clear idea of her naval requirements, which reflect her geopolitical situation and her position of maritime inferiority to the West. In the face of technological advances in maritime warfare, Soviet naval plans to build a fleet to meet these requirements have been continually disrupted. It is only recently, largely as the result of a pause in US naval development, that new classes of Soviet ships and submarines are being deployed to the tasks for which they were originally designed. To assess the capabilities of these forces it is therefore necessary to clarify the nature of the Soviet Navy's mission and supporting tasks.

Mission. Traditionally, the primary mission of the Russian Navy has been 'to defend the homeland', and although the nature of maritime warfare has undergone fundamental changes, there is ample evidence (including the statements of Soviet leaders) that this still pertains today, although it is now set in the context of mutual deterrence and general nuclear war. It is this basic mission which, over the years, had dictated the size and composition of their fleets, and the characteristics of their naval units. Before 1958, the nature of the maritime threat to Russia meant that (apart from strategic delivery) primary naval requirements were limited to operations in the four fleet areas, and these would take place following the outbreak of war. But the introduction of nuclear weapons and long-range delivery systems has radically altered the operational scope of the Navy's traditional mission. To defend the Soviet Union against attack from the sea now requires the Soviet Navy to operate in remote areas at a great distance from Russian shores.

Tasks. In support of its mission, the Soviet Navy now has to discharge five primary tasks:

(a) To counter the *Polaris* submarine.

(b) To neutralise the strike carriers prior to aircraft launch.

(c) To contribute to the Soviet Union's strategic delivery capability.

(d) To gain command of the four fleet areas, particularly the Baltic, Black and Barents Seas.

(e) To provide maritime flank support for land operations along the coastal axes.

There are of course many other ways in which Soviet naval forces can or would be used, particularly after the outbreak of fighting. But these five primary tasks have precedence, both chronologically and in determining the design specification of new classes of ships. And although all submarines have an antisurface capability, attack on sea-communications is not among these five tasks, all of which must be discharged during the initial nuclear exchange, or earlier.

The last two are traditional tasks, whose underlying nature has changed little, although the geographical scope has been somewhat extended, and it is assumed that operations will take place in a nuclear environment.[7] The first three derive from the availability of nuclear weapons and the increased range of seaborne delivery systems, and it is these tasks which embody the special characteristic of mutual deterrence and nuclear-missile war, of which the most significant is the force-consuming requirement that these tasks must be discharged continuously in peacetime, at a wartime level of readiness.

The Soviet Navy's capability to discharge its tasks. In assessing its requirement to establish command of its fleet areas at the outbreak of war, the Soviet Navy must take account of the naval forces of adjacent countries, and also of their reinforcement by other navies at short notice. To this must be added Russia's traditional sensitivity about her territorial integrity in peacetime, and the Soviets police their sea-frontiers as assiduously as their land ones. Together, these require the peacetime deployment of substantial forces in each of the four fleet areas. All the older Soviet naval units gravitate to this traditional task, and it normally takes the bulk of new-construction of escort size and below, and a substantial share of the submarine force. For the last few years, however, many of the escort ships have had to be diverted in support of the Mediterranean deployment, and the Soviet Navy also faces the block obsolescence of the medium- and small-type submarines, assigned to this task. Both these deficiencies should be corrected as the current generation of new construction begins to join the fleet. Nevertheless, taking account of Russia's lengthy coastline, the geographical separation of the four fleet areas, and the scale of the potential opposition, it would not appear as if the Soviet Navy has any disposable surplus of *effective* combat units over its requirements for this task.

Any Soviet concept of operations covering general war in Europe must provide at some stage for the seizure of the exists from the Baltic and Black Seas, and amphibious landings along the Norwegian coast. The nature of their exercises, and the size and shape of Soviet amphibious forces, denotes that they are tailored for this particular task, and the characteristics of their landing ships are not such as to suggest a more far-ranging concept of operations. The steady provision of such units has been consistent since the middle fifties, and there has been no sudden build-up, except in Western awareness; the reactivation of the naval infantry in 1963 reflected the increasingly specialised nature of amphibious operations, particularly in nuclear war, and (to quote Gorshkov) their task is to take part in operations conducted jointly by the navy and the army in the maritime areas.[8]

The deployment of empty landing ships to the Mediterranean since the disastrous Arab-Israeli war, suggests an understandable concern to salve the more important (or highly classified) items of specialised Soviet equipment should the future need arise.

Turning from these two traditional tasks, it is apparent that the disadvantages of geography severely handicap the Soviet Navy in its requirement to counter the West's seaborne strike capability and the long-term prospects of success depend partly on the Russians' progress in providing means for the sustained support of distant deployments. The other major consideration is the technological balance between the two sides; the relative capabilities of weapon systems and sensors, and the skill of those who use them is particularly important when mounting deterrent operations in peacetime, because the requirement to elude or remain in contact is continuous, and cannot be disposed of by a single well-aimed (or lucky) blow.

In assessing Soviet naval capabilities, we should pay due regard to the evidence of their cancelled warship-building programmes,[9] which indicate that in Russian eyes at least, the designed performance of such classes was inadequate to meet the changed requirements since they were projected. We should also allow for the Soviet policy of sending new weapon systems to sea as production prototypes, before they are fully combat-operational.

The first generation SSM system (*Strela*) mounted aboard the *Kildin* and *Krupnyj* class, provides examples of both. *Krupnyj* was selected for conversion to the *Kanin* class of ASW ship because it had the most modern hull/propulsion unit available (1958 vintage); the removal of both SSM mountings was however significant, and it is doubtful if *Kildin* has any real military capability

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outside a limited range of circumstances within shorebased air cover. Indeed, the cancellation of the *Kynda* programme and the recent employment of this class on naval visits, suggests that one of the more important functions of these missile units is to fill the flag-showing role which Khrushchev so contemptuously assigned to the *Sverdlovs*, and for much the same reasons.

The comparative capability for submarine warfare is of course crucial, particularly when submarine is pitted against submarine as in counter-*Polaris* operations. Partly because of the very different priorities during the first fifteen years after the war, the Soviet Navy lags behind the United States in the science and technology of nuclear submarine design, and in the performance of their submarine detection systems. Judging the latter by reference to the associated AS weapons mounted in surface warships, it would seem that the Soviet Navy is still some five years behind the West in ASW systems. Recent statements from America suggest that the family of third generation nuclear submarines now entering service with the Soviet Navy still lags behind their US contemporaries, and new types of US submarines with much improved performance have recently been authorised. These disparities in ASW and submarine warfare compound each other to the United States' advantage, and combine with the West's favourable geographical location to give the US Navy an appreciable lead in this vital field of maritime warfare, which figures so largely in the Soviet Navy's concept of operations.

Cruise missiles are another major factor in comparative capabilities and their widespread application by the Soviet Navy introduced a new dimension to war at sea, providing a heterogeneous range of naval units with the stand-off capability and weight of charge required to sink a major warship. The Soviet Navy was however unfortunate in its 1954 decision to concentrate on long range (100–300nm) SSM. Although long range was a prime attraction of the system within the original geographically-restricted concept of operations, it has turned out to be a serious disadvantage for wider use. It required bulk in the missile and its guidance radars, with resultant penalties in stowage, handlings and launching facilities, and reductions in self-defence systems. The limited airspeed and long time of flight makes the missile easier to detect and destroy while increasing the chance of material failure. The need for external target location data is a serious handicap, while the problems of co-ordinating time-on-target to achieve defence systems saturation, are considerable.

This is not to belittle the threat from long-range homing missiles armed with nuclear heads, which have to be knocked down well away from the force. But whereas the nature of naval weapons used to make it mandatory for the weapon carrier to be attacked (because it was virtually impossible to destroy the delivery weapon, be it shell, bomb or torpedo, once it had been dispatched), cruise missiles are akin to unmanned aircraft, and can themselves be destroyed, deceived or seduced. Long-range transonic missiles do in fact present a reasonably homogeneous air defence problem, where the greatest danger is systems saturation, from a well co-ordinated mass attack.

The Soviet Navy was not slow in appreciating the flexibility and other advantages of an ocean-going horizon-range system, with an organic target location capability, and the C-Class nuclear submarine is reported to carry such a weapon. Horizon-range systems can also be expected on the larger types of surface units which are due to enter service. Nevertheless, the lead time to develop counter-measures, which the original system gave the West, has been invaluable.

The vulnerability of Western carriers to long-range missile attack is largely related to their location. In the Norwegian Sea and similar areas, the threat from combined attacks could be formidable, depending on the number of missile units which survived to launch their weapons. In the Mediterranean the threat would be less complex, and should be within the capability of a carrier group's air defence envelope. Horizon-range systems considerably complicate the problems of defence. Details of the C-Class system have not been released, but it would be most dangerous to the West if it combined submerged launch with supersonic speed and a surface skimming trajectory.

Taking all factors into account, it seems that the United States lead in the field of submarine warfare will determine the extent to which the Soviet Navy can discharge its three deterrent tasks. At the moment the prospects are not favourable. Although the shift to forward deployment and the new classes of submarine joining the fleet will do something to improve the situation, the crucial lag in ASW and in submarine performance, combined with the West's geographical advantage, means that the US Navy is already capable of deploying a permanent counter against Russian SSBN, while the Soviet Navy is not yet able to reciprocate against *Polaris*.

While the final assessment must await the full deployment of Soviet counter-measures, it seems doubtful if they can ever be more than partially successful, failing some breakthrough in methods of submarine detection. Their lag in design and application must also tell against the effectiveness of the submarine component of their counter to the carrier, since it can itself be neutralised by an American submarine.

Nevertheless, some advantage has been gained. Although the US Navy still leads the Soviet Union in terms of numbers and comparative capabilities, the latter has partly redressed the balance of strategic deployment. The Soviet Union has achieved a *de facto* extension of her maritime defence perimeter, which has already complicated the US Navy's task and will cause an increasing diversion of effort.

The Soviet Union must however pay a penalty for this improvement in her defence against seaborne nuclear attack. Although primary reliance is to be placed on submarines, relatively weak surface forces are being drawn forward in support; these Soviet naval units, which ultimately have to rely on the protection of peace in order to discharge their tasks, are very vulnerable to Western counter-measures, particularly against their supply lines. The Soviet Union adopts an attitude of maritime truculence to disguise this weakness, but it should not conceal the fact that this forward deployment constitutes a dangerously exposed maritime salient, and the forces involved could be in hostage with the West.

The Soviet naval balance. The composition of her fleets, the pattern of their deployments and the statements of her leaders, all confirm that the Soviet Union has built a Navy for strategic deterrence and general war. Her navy is deficient in its capability to discharge three of its five primary tasks, and this deficit will probably persist, at least in the task of countering *Polaris*. Her surface ships can sail around the world in time of peace, but because of the unbalanced structure of her fleet which has been built to meet a particular threat, and the West's naval predominance, the Soviet Navy does not have the capacity to sustain general naval operations in a hostile maritime environment at a distance from Russia's shores. The Soviet Union currently lacks a world-wide maritime capability.

PROSPECTS FOR THE SEVENTIES

The fact that the Soviet Union has built a navy to discharge certain tasks does not rule out that these forces could be used to further Soviet interests in other ways. Nevertheless, the nature of strategic deterrence and of general war provides a powerful constraint on Soviet freedom of action.

The West is strangely unwilling to either accept or exploit this advantage. Although we always claimed that the United States' airborne and missile nuclear delivery capability had a determining influence on Soviet defence policy, and on the requirements for Soviet strategic strike and defence forces, there is a perverse reluctance to concede that the seaborne element of the Western capability (now about half the total) will have an equivalent effect on Soviet maritime policy, and the size and shape of their navy. This is partly because of the deceptive familiarity of naval units and maritime warfare, and a preoccupation with our own vulnerabilities at sea, but also because we are deeply imbued with traditional ideas on the use of sea power.

There is also a tendency to mistake the *mobility* of naval forces for the *flexibility* of seapower. Mobility is an important element, but the most crucial component of seapower is 'surplus' (whether overall or locally contrived) without which there can be no flexibility. The West's use of seapower since the war has depended on an overwhelming surplus, and the 'flexible' use of British naval force east of Suez has always relied on the NATO alliance to release a surplus, by covering the direct maritime threat to the British Isles.

The US example is of more specific relevance to the Soviet case, and demonstrates convincingly that the flexibility of sea power (even when there is an overall surplus) does *not* imply that naval forces can be diverted from tasks of strategic defence and deterrence in peacetime. Soviet naval forces deployed in this role cannot lightly be diverted in support of operations which will seriously raise tension with the West, since it is at times of crisis that the Soviet Union's concern for the security of the homeland becomes most acute.

Soviet maritime policy must reflect her position of naval inferiority to the West and her priority national interest in free access to, and use of the open seas in order to:

(a) Enhance her security by countering the West's maritime strike capability and by deploying her own ballistisc missile submarines.

(b) Increase her world influence and economic strength through trade, fishing, and the spread of political and commercial influence.

The furtherance of both these priority national objectives relies on continuing maritime stability and free access to the sea in conditions of peace. The Western maritime powers could control the sea-exits from Russia, and dominate the commercial and financial infrastructure of world trade, and it is within their capability to deny the Soviet Union the unfettered use of the sea.

There is no indication of the shift in the allocation of resources which would be required to redress the Soviet Union's position of overall maritime inferiority to the West. A comparison of Western and Soviet warship building programmes over the last twelve years shows Russia to be dropping progressively further behind the West in deliveries of major surface units.[10] Although this relative deterioration may be halted when the new family of surface classes begin to enter service, available evidence does not suggest the release of additional shipbuilding capacity to naval construction. The fact that the length of compulsory naval service was cut from four to three years in 1967, supports the conclusion that a build-up of naval surface forces is not planned at present. The three-fold increase in nuclear submarine construction is of considerable long-

Footnotes at end of article.

term significance to the West, but does not denote any shift in policy; Soviet leaders continue to place primary emphasis on the strategic role of nuclear submarines and aircraft, neither of which are general purpose types. Until 1968, the US Navy was in fact building nuclear submarines at a higher rate than the Soviet Union, and the latter has considerable ground to catch up, both in terms of her essential requirements and in order to deploy operationally effective units.

Future developments. We must distinguish between the main direction of Soviet naval policy, determined by the operational imperatives of their deterrent mission, and the minor variations, where the Soviet Union seeks to derive political benefits from the enforced presence of their naval forces, which have been drawn forward in strategic defence.

On present evidence, the shift to forward deployment has some way to go, particularly in the Indian Ocean and the central Atlantic, and the method which they have chosen to support these operations has major policy implications. The relationship between adequate forward support and the number of units maintained on station was demonstrated by the sharp rise in the scale of the Mediterranean deployment after Egyptian base facilities became available in July 1967. But in terms of countering *Polaris*, forward support facilities may be of even greater significance in permitting the use of surveillance and detection systems, which otherwise might not be made available.

On the basis of developments in the Indian and Atlantic Oceans, and the Mediterranean experience, there seems little doubt that mid-ocean afloat support will have a vital role to play in distant deployments. The important question is whether it will be able to carry the full load, or be limited to providing the forward echelon of shore-related facilities. It would seem probable that the Soviet Union would prefer to by-pass dependence on another state's territory if at all possible; Albania was only the most painful of many lessons on the fickleness of friends,[11] and her deepening physical involvement in Egypt can hardly be reassuring. But if the Soviet Union is unable to develop satisfactory alternative methods of providing for the sustained logistic and operational support of naval units on forward deployment, the advantages of shore-related facilities will become a major foreign policy consideration. In any case, the Soviet Union may well treat the willing availability of a convenient airfield or sheltered berth as a short-term bonus which should not be spurned.

Soviet naval intentions. The Soviet Union's intention is to counter the West's seaborne deterrent at two levels. At the tactical level, she needs to maintain forces within weapon range of Western strike units, capable of killing on command. The requirement is vast America has sixteen strike carriers, and two new units (nuclear powered) are in hand. There are forty-one US *Polaris* submarines, which can strike at Western Russia from vast areas of ocean and 270° of arc; Britain has four more. Thirty-one of the US boats are to be fitted with *Poseidon*. In both cases the initiative for deployment lies with the US Navy, and the transit time with the Russians. At the politico-strategic level she needs to challenge the US Navy's right to the unhindered use of the sea, and to try to cause it to withdraw from areas of particular strategic threat to Russia, such as the eastern Mediterranean. This is done by diplomatic manoeuvre, by seeking the support of countries bordering the area, and by projecting a Soviet naval presence into these waters. Their ships adopt an attitude of maritime truculence, both to emphasise their superior right to be there, and to distract attention from the exposed nature of these deployments.

Footnotes at end of article.

The fact that the Soviet Navy has been drawn forward in strategic defence, and that it was forced to deploy before it was ready to sustain such operations is important in assessing how the Soviet Union may try to exploit the presence of naval units. All the evidence suggests that in the absence of any threat of seaborne strategic strike, Soviet leaders would have been unwilling to divert resources to naval construction beyond those necessary for traditional maritime defence. The Soviet Union wished to use the sea for her various purposes, but it did not follow that she needed to deploy conventional naval force at sea. Within the prevailing balance of military capabilities, this did not appear to be either a useful or a cost-effective instrument of policy, by comparison with the political and socioeconomic alternatives available to the Soviet Union. Even now, the scale of naval construction is no more than adequate (if that) to meet her essential requirements. In other words, there is no Soviet drive to build up a powerful fleet, equivalent to the drive which underlay Japanese expansion in the Pacific, or Hitler's military policy in Europe. While the Soviet Union accords the highest priority to deploying an effective counter to the West's strategic strike capability, the degree of Soviet commitment to exploiting the presence of her naval forces in distant areas is limited.

The task of speculating how these naval forces might be used is left to the reader. In doing so, he is urged to approach it from the viewpoint of a Russian planner who is primarily concerned to further Soviet interests rather than inconvenience the West; to pay due regard to the wider aspects of Soviet policy, including internal economic and social problems, continuing unrest in the satellites, the enmity of China, and the need to demonstrate to the world that the Communist social and economic system is more efficient than the West; and to allow in his calculations for Western maritime predominance and the type of Western reaction which the Soviets would have to assume. In particular, he must get down to the details of comparative capabilities and to the factors of time and distance, varying transit speeds, weapon loads, logistic support and operational availability. The broad brush approach can only lead to error, and thence unnecessary alarm.

The impact of Western policy. Nothing which has been said is intended to suggest that the Soviet Navy, if allowed to develop uncountered, would present anything but a very real threat to Western interests. In absolute terms it is a powerful force and its submarine fleet in particular is of major and increasing significance. Nor can one disguise the fact that the Soviet Navy's shift to forward deployment has brought disadvantages to the West, introducing another factor into our foreign policy calculations, complicating the operation of our naval units and bringing propaganda dividends to Russia. Nevertheless, it remains a fact that Soviet naval policy has been conceived in response to the greatly superior maritime capability of the West. For that reason, the employment of Soviet naval units will always be conditioned, and often be dictated, by the prevailing maritime policy of the West, by the way in which we deploy and operate our forces, and by the apparent degree of our commitment in different situations.

There is little likelihood that the West will fail to provide adequate resources to contain this potential naval threat. More serious is the danger that extravagant reactions designed to publicise the Soviet threat, will obscure the certainty of our commitment and encourage the Soviet Union to maritime adventurism. The present ambiguous situation, where people talk of the sea as 'belonging to no one and to everyone' can only work to Soviet advantage, and we should clarify the distinctive nature of our interest in the sea, establish the primacy of this interest beyond doubt, and our determination to use our maritime superiority should need arise.

The extent to which the Soviet Union will seek to exploit her naval forces to extend her political influence, will largely depend upon her estimation of the speed and certainty of Western response. Although the Soviets hope to conceal the fact through the skillful use of propaganda, past performance and present capabilities confirm that Russia's flexibility of action and degree of commitment are both severely limited by an over-riding concern for her primary national objectives. Maritime confrontation in all its aspects of contesting possession, posing a permanent counter, the denial and defence of sea areas, is the priority requirement; to this all other naval usage must be subordinate. But even here, the vigour of the Soviet Navy's response will be tempered by an awareness that the primary national objective is to avoid war, and the naval task must always support, and never prejudice the attainment of this aim. The Soviet Union will therefore try to avoid confrontation whenever the West shows its determination to use military force to resolve an ambiguous situation. The Soviet Navy's forward deployment cannot be ignored. But its wider influence will be directly related to the extent the West allows it to inhibit our traditional freedom of action at sea.

COMPARATIVE WARSHIP BUILDING PROGRAMMES

While the difficulties and dangers of making generalised comparisons between the relative sizes and strengths of different navies cannot be over-emphasised, it is useful to compare the output of Soviet warship building programmes with contemporary new construction by her probable opponents. For comparative purposes, new deliveries are of much greater significance than total strengths, since they represent a relatively current allocation of national resources and hence reflect underlying policy. Furthermore Western shipbuilding programmes will have been a major factor in the formulation of Soviet naval policy.

Tabulated below are the new deliveries to the Soviet and to Western navies during the twelve years 1958–69.[12] This period has been selected as being a useful span, which also coincides with the beginning of the Final Delivery Period of the Soviet's Twenty Year Programme to rebuild their fleet after the war. Since we are primarily concerned with world-wide naval capability, the comparison has been limited to ships of over 1,000 tons and to ocean-going submarines, and only includes new construction, except for major conversions which significantly alter a ship's capability and represents a sizeable allocation of resources. On the Communist side of the account, all Warsaw Pact navies have been included, but in fact they have received no *new* ships within the categories concerned. On the Capitalist side have been included the NATO navies in the West (including France), and Australia, New Zealand and Japan in the Pacific. Communist China has not been included, since the Soviet Union cannot count on her as an ally, and in very broad terms her navy has been cancelled out against South Korea and Nationalist China, who are both excluded from the Western account.

It must be stressed that this tabulation provides for the comparison of resources allocated to shipbuilding, and the deliveries of very broad categories of ship; it does *not* provide for a comparison of naval strengths, since in war, like would not be pitted against like.

Any such grouping must be extremely arbitrary, particularly in the case of surface ships, but in both the Soviet and Western surface fleets there is a spectrum of types from the smaller to the more powerful units. The principle has therefore been adopted of grouping together those types which appear in the same relative position within the

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two different spectrums. This method flatters the Soviet Navy, since the Western spectrum is biased towards the more powerful end of the possible range.

NAVAL DELIVERIES, 1958-69

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
A. Soviet: Escort ships (1,050 tons)				6	8	8	8	8	8	8	8	8	70

These were designed for Defence of the Off-shore Zone. Their size limits their habitability and sea-keeping qualities, and hence their value as world-wide units.

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
A. Western:													
Destroyers and escorts:													
(a) 1,200 to 1,800 tons	11	7	6	3	6	2	3	1	5	5	2	2	53
(b) 2,000 to 3,500 tons	16	10	6	11	6	14	12	10	12	13	8	8	126
Of which United Kingdom	(5)	(1)	(5)	(6)	(2)	(7)	(4)	(2)	(4)	(3)		(6)	(45)
Total	27	17	12	14	12	16	15	11	17	18	10	10	179

Only the 1,200–1,800 ton escorts are really comparable to the Soviet units.

The heavier range of Western escorts and destroyers are more properly comparable to the Soviet units in category B. These Western units have only been listed here because they do not carry SAM (but the aircraft carriers are on *their* side). Their ASW capability is in general superior to the Soviet types in category B.

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
B. Soviet:													
Antisubmarine ships:													
(a) "Kashin" (3,500 tons)				1	2	2	3	4	1	1	1	1	16
(b) Conversions ("Kotlin, Krupnyi")									1	2	5	5	13
Total				1	2	2	3	4	2	3	6	6	29

These are the traditional 'destroyer-size' type of ship, for which SAM is now the standard fitting, to permit distant deployment outside the range of shore-based air cover.

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
B. Western:													
SAM armed units:													
(a) DLG	1	5	4	4	9	3	3	6	4	1	1		41
Of which United States	(1)	(5)	(4)	(2)	(6)	(3)	(1)	(4)	(4)				(30)
(b) DDG/DEG		2	6	7	5	5	3	1	7	4	3		43
Of which United States		(2)	(6)	(7)	(4)	(4)		(1)	(4)	(1)			(29)
Total	1	7	10	11	14	8	6	7	11	5	4		84

These span a very broad range of size and capability. Units listed within the US category of DLG, include ships classified as light cruisers by some Western navies.

By restricting this category to SAM armed units, Western predominance in the field of 'destroyer-size' category of naval unit has been understated. This maid-of-all-work type of general purpose naval unit, now covers Western ships from 2,000 tons right up to the light cruiser size of DLG.

The above comparison of building rates has no bearing on the West's relative *requirement* for this type of ship. This is related to the Soviet submarine threat, and the need to provide general escort to major naval units against all forms of attack.

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
C. Soviet: SAM cruiser conversion					1								1

The *Dzerzhinskij* carries the original land-based *Guideline* SAM system, and no further units were converted. This ship is probably of marginal operational value.

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
C. Western:													
Cruisers:													
(a) SAM conversion				1	3	1							5
(b) New gun cruiser		2	1									1	4

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
D. Soviet: Antisubmarine SAM-armed cruiser										1		1	2

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
D. Western: SAM-armed cruisers				1	2	1						1	5

These units are not really comparable. The Italian *V. Venito* has a similar type of capability to the *Moskva*, but on a smaller scale.

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
E. Soviet:													
Missile units:													
(a) Missile cruisers					1	2	1			2	2	1	9
(b) "Kildin, Krupnyj"	2	1	1	1									5
Total	2	1	1	1	1	2	1			2	2	1	4

Krupnyj are being converted to SAM-armed anti-submarine (*Kanin*), and only the *Kynda* and *Kresta* class missile cruisers are operationally significant.

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
E. Western:													
Attack carriers:													
(a) Light		1		1		1							3
(b) Heavy		1		3			1	1			1		7
Total		2		4		1	1	1			1		10

Although these two categories are not comparable, it is of interest that the West built more attack carriers during the last twelve years than the Soviets built missile cruisers.

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
F. Amphibious units:													
Soviet:													
Alligator LSV (4,000 tons)									2	2	2	2	8
See also "Moskva"										(1)		(1)	(2)
Western:													
(a) LPH	1	1	2	1		1	1		1	3			9
(b) LPD			1	1	1	3	1	3	1	4			15
(c) LSD												1	1

The *Alligator* LSV is in no way comparable with these major Western amphibious units; its closest equivalent would be a large LST, which have not been included in the Western account.

	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total
G. Submarines:													
Soviet nuclear	5	6	5	6	5	6	5	6	5	6	10	15	80
Western nuclear	2	3	4	7	5	9	17	4	10	11	6	11	89
Soviet diesel	15	15	15	17	16	11	8	8	2	2	4	16	129
Western ocean-going diesel	3	4	6	7	9	3	5	5	2	4	3	5	56

All Western diesel submarines are torpedo armed. Soviet diesel units include ballistic and cruise missile armed boats.

H. COMMENT

Soviet surface ship construction has lagged far behind the warship deliveries of their potential opponents, both in numbers and in capability; the Soviet scale of destroyer-size new-construction has been almost derisory. This table does not suggest the type of warship building programme required to challenge the West's world-wide, general-purpose maritime capability. Although deliveries of major surface units can be expected to increase substantially after 1970, this will only serve to check the present deteriorating balance.

The comparative submarine figures confirm what has been frequently stressed by Soviet military leaders, namely, that their submarine force is their primary weapon against the maritime threat from the West. It is however of interest to note that until the end of 1967, the annual building rate of nuclear submarines was higher in the USA than in Russia. Since then, the Soviet rate has risen to about fifteen nuclear and twenty diesel submarines a year.

FOOTNOTES

[1] Details of the postwar building programmes are summarised in the paper on 'Soviet Naval Procurement'.

[2] *Krasnaya Zvezda*, 11 February 1968.

[3] On Fokin's death in January 1964, Kasatanov became Deputy C.-in-C. of the Soviet Navy.

[4] *New York Herald Tribune*, 1 April 1963.

[5] VLF is taken to imply communications with submerged submarines.

[6] Preliminary deployments by naval hydrographic units would have taken place prior to this, i.e., before the British decision to withdraw from East of Suez.

[7] A design feature of the new classes which began delivery in 1961–62, is their apparent capacity to remain fully combat operational in nuclear fallout.

[8] *Pravda*, 11 February 1968.

[9] The paper 'Soviet Naval Procurement' provides details of such programme.

[10] See pp. 47–50.

[11] The Soviet Navy was not only ejected from Valona, but forfeited four submarines in the process.

[12] Western figures have been derived from Jane's. Soviet figures are taken from the shipbuilding analysis underlying the paper on naval procurement; the figures at A derive from dividing current OOB by the number of years since delivery started.

Political Applications of Limited Naval Force

(By James Cable)

On 6 May 1937, as General Mola's troops inched their way towards Bilbao, two ancient Spanish merchant ships crept out of the harbour and headed for the open sea. On board were 2,500 Republican refugees, mostly children, hoping to find refuge in France from the wrath to come. Their voyage had scarcely begun before it was checked by a peremptory summons to heave to from the Nationalist cruiser *Almirante Cervera*. Fortunately for the children she was not the only warship patrolling off Bilbao that day. As the startled passengers watched, HMS *Royal Oak* interposed her massive bulk between their ships and *Almirante Cervera*. The latter flashed an indignant signal:

'I got orders from my Government to stop any Spanish ship leaving Bilbao. I protest if you stop me in the exercise of my rights.'

Royal Oak replied: 'I have orders from my Government to protect them on the high seas.' [1]

A battleship was a battleship in those days, and after a few more signals had spluttered to and fro, *Almirante Cervera* sheered off and the children continued on their way.

That was a long time ago, and the reader may wonder what this story has to do with the political application of limited naval force by the Soviet Union. There are several answers to that question. First of all, the importance of Soviet naval activity in 1937 was the importance of what the dog did in the night: nothing. By that date 84 Soviet ships carrying arms to the Republicans had been stopped by the Nationalists. Some of them had even been sunk. As Admiral Kuznetsov later explained: 'We lacked the necessary warships and logistic support ships. At that time it became particularly apparent how important the sea is for us and how we need a strong navy.' [2]

The second answer is that *Royal Oak's* intervention was a classical case of the political application of limited naval force. Not a shot was fired, there were no threats, no ultimatums: just a better ship at the spot where one was needed. But *Royal Oak* had to be there. The strength of Britain and her prestige, such as it was in those days, were of no avail whatever if no British warship happened to be on the scene. Nearly 150 air attacks were made on British ships during the Spanish Civil War and British protests were just as ineffective as those of the Soviet Union.

The third answer is that *Royal Oak* was never built for rescuing Spanish children. The politicians and the naval officers who attended her launching in 1914 would have ridiculed the mere suggestion that this was a battleship's role. *Royal Oak* was meant to fight the German battle fleet. But from 1936 to 1938 she happened to be available, and her existence was more important for these unexpected peacetime tasks than it had been in 1916, when her presence at the inconclusive battle of Jutland probably made not the slightest difference either way.

So here we have the first argument: in time of peace a superior warship on the spot can achieve results not obtainable in other ways and without regard to the purpose for which the ship was built. What counts is the existence of the Soviet Navy, not the original motives of its builders. To be precise, what counts is the existence of ocean-going surface warships, because submarines are not much use in peacetime, when the object is to threaten force rather than use it and, if you have to employ violence, to do so at a level which will not provoke war. Now the Soviet Union has over 200 surface warships large enough to sail the oceans, and more and more of them have actually been doing this in recent years. Yet—and here we move from the first argument to the first objection—it is suggested that she has no surplus capacity for peacetime use. These ships cannot be diverted from the maintenance of instant readiness for their tasks at the outset of general nuclear war.

This is hard to swallow—and not only because some of the ships (the 11 cruisers, for instance) would be of rather limited value at the outset of a nuclear war. There is an even simpler argument. From 1967 onwards there have always been Soviet surface warships in the Mediterranean. In November 1968 there were as many as 18—fighting ships, that is, not tankers or landing craft. At the same time three more ocean-going warships were making a leisurely cruise of the Indian Ocean.

Twenty-one major warships, therefore, had been diverted from the four main Soviet fleets to other purposes. Now, some objectors call this forward deployment, and argue that the ships in the Mediterranean had a wartime role; to sink American carriers and Polaris submarines before these could launch a nuclear strike. No doubt they would attempt this if war did break out, but is this Soviet role either important or possible? It is, after all, uncertain whether the carriers of the US Sixth Fleet still play a part in the American nuclear deterrent. If they do, it is a very minor one. Even the three Polaris submarines usually in the Mediterranean are only a tenth of the force always at sea. The most the Soviet Mediterranean squadron could hope to achieve would be minor damage-limitation.

But most people believe they could not even do this; that missiles and bombers would be away before Soviet surface ships could do any damage, that the presence or absence of Soviet surface ships in the Mediterranean would make no significant difference to the nuclear devastation of the Soviet Union, which would have to be limited, if at all, by the efforts of the modern Soviet submarines now being deployed.

Of course, a Soviet Admiral might be more optimistic. But, if this is his constant, his priority, his indispensable task, why does the number of fighting surface ships in the Mediterranean fluctuate so much? Once as low as four, once as high as eighteen, usually eight to twelve. Why do ships spend so much time in Arab ports? Why are there not always a couple of ships with surface-to-surface missiles to mark the American carriers? I find it hard to believe that, out of our previous figure of twenty-one, at least ten could not be spared. Then there is the Black Sea Fleet, with a strength estimated by the Americans at 'about seven cruisers, at least 50 destroyers, frigates and escorts, plus two helicopter carriers (70 ships total)'.[3] What are all these ships going to do at the outset of a general nuclear war? Even the Soviet Government cannot be expecting the Sixth Fleet to come through the Bosphorous or the Turks to invade the Crimea.

Therefore, even if most of the Soviet surface warships are earmarked for instant availability in war, I cannot believe that all of them are. At the very least, this seems to me too rash an assumption for any Western planner to make. It is, after all, the stronger navy that needs to hoard its ships for victory. The weaker navy is going to be beaten in any case and can afford a gamble, as the Germans did when they sacrificed much of their navy to conquer Norway.

And that was in wartime. In peace governments who employ limited naval force seldom expect this to lead to serious fighting. They can afford greater risks.

Indeed, if we are to question the resources of the Soviet Navy, the lack of aircraft-carriers and of overseas bases are more serious weaknesses than any shortage of numbers. The two highest categories of peacetime naval operations—the opposed amphibious and the superior fleet—are beyond their capacity in most circumstances. And however much they develop their fleet train, they will find it difficult to maintain a permanent naval presence in distant seas unless they pay the sometimes heavy political price of establishing overseas bases. But these are weaknesses less relevant to the area we are now discussing. And for lesser operations involving only an imposing show of strength, the Soviet Navy does not

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Footnotes at end of article.

seem to be so badly placed as is sometimes suggested. Last year, for instance, a Soviet naval force of 29 ships, including one *Sverdlov* cruiser, two *Krestas*, two *Kashins*, two *Kotlins* and two *Rigas*, passed the Orkneys on their way to Atlantic exercises to the west of Ireland.

But if the Russians could spare the ships, what can warships do in peacetime anyway? Is not the whole concept of gunboat diplomacy something that went out with Queen Victoria? As a matter of cold, historical fact, it did not.

The use or threat of limited naval force, otherwise than as an act of war, in order to secure advantage, or to avert loss, either in the furtherance of an international dispute or else against foreign nationals within the territory or jurisdiction of their own state, has occurred in every one of the last 50 years with the single exception of 1944, when almost the whole world was at war.[4] It has been used by twenty-four countries against 52 separate states, some of whom did not even have a coastline. From 1960 to 1969 there were at least two and usually more instances every year.

There is an infinite variety of applications, from the single-ship operation in which individual warships threaten or use force in circumstances where no resistance is expected, through the *Royal Oak* type of superior ship operation, the simple fleet—where, as in the case of the Beira patrol, no serious opposition is likely—the simple amphibious (*Centaur's* intervention of 1964 in Tanganyika) to the rare and difficult cases of a superior fleet over-awing another or an amphibious task force carrying out an opposed landing. Nineteen sixty-three, for instance, provided several minor examples. Brazil deployed eight warships to persuade France to withdraw the destroyer *Tartu* from the lobster fishing grounds 60 miles off the Brazilian coast—a superior ship operation. The *USS Boxer* anchored off Santo Domingo ready to rescue Vice-President Johnson in case of trouble during his visit to the Dominican Republic. The same carrier with a task force and 2,000 marines stood by ready for an opposed amphibious landing, which proved unnecessary, in Haiti. Two Cuban warships put a landing party ashore on a British island in the Bahamas and seized nineteen Cuban refugees and two fishing boats. It goes on all the time.

Gunboat diplomacy, no less than other varieties, fails more often than it succeeds. It is only suited to a small minority of international disputes. Some of its uses—to convey a message, for instance, or to relieve injured feelings—may seem rather futile. But very occasionally it is a precision tool that achieves its end more economically than anything else. The North Korean seizure of *Pueblo*, for instance, was an entirely successful and definitive use of limited naval force against a super-power. American intervention in the Dominican Republic was a good deal more expensive, but it did in the end achieve what President Johnson wanted.

Moreover, there is a new factor in the modern world: the general fear of nuclear war. Once upon a time Britain almost went to war with France because a French cruiser had turned its guns towards a British cruiser.[5] Nowadays nations either answer minor violence in kind or else put up with it. Not a single war has been declared since 1945, but limited force has flourished as never before. It may not often achieve its purpose, but it is used and it is likely to go on being used—mostly, perhaps, on land, but also sometimes at sea.

But, even if other countries can play this game—and there are many more now than there used to be—can the Soviet Union? Will not anything done by the Soviet Union be regarded as an anti-Western move and countered by the superior naval force of the United States and their Allies, to say nothing of the American nuclear deterrent? In some cases, of course, this will be true. The West has the advantage at sea which the Soviet Union has on land. When twelve Russian armoured divisions entered Hungary in 1956 the United States could be as shocked as they liked. The whole of NATO didn't have half that number of tanks. It was a case of rockets or nothing, and, as the Soviet Union had doubtless calculated, it was nothing. But something else was going on in that same dying autumn of 1956. A 10-knot convoy was heading towards Port Said. The Russians were furious. They said 'we are filled with determination to crush the aggressors'.[6] But once again it was rockets or nothing and even the threat of rockets cut no ice. That was one thing the United States were not going to stand for.

But, suppose there had been a Soviet squadron in the Mediterranean then and that, instead of a little half-hearted harassment from the Sixth Fleet, the Anglo-French convoy had found half a dozen Soviet cruisers between them and Port Said, daring the convoy to shoot its way through. Would Sir Anthony Eden have given the order? Defying a Soviet threat to bombard London is one thing; attacking Soviet warships with the rest of the world against you is quite another.

This is not an entirely fantastic suggestion. In January 1968, after Mr. Rusk had described the seizure of the *Pueblo* as 'in the category of actions that are to be construed as acts of war'[7] and an American task force had assembled in the Sea of Japan, the Soviet Navy sent sixteen ships between the Americans and the coast of North Korea. These ships could not have prevented the bombing of North Korea, they could not even have defended themselves—only half were fighting ships—against three American carriers, three cruisers, twenty-six destroyers. But their presence conveyed a message: the Soviet Union was concerned and was ready to run some risk to make that concern quite clear. The American task force dispersed without doing anything.

That is one possible use of Soviet warships—to put a half-hearted Western power in a position where the West must shoot first or else back down. Another is to intervene in a dispute which does not particularly concern the West. It is not true that the United States can be expected to oppose everything the Soviet Union does. Soviet arms were supplied to Nigeria (which was also visited by Soviet warships) for years without persuading the United States to help Biafra. And, in the 1970s, with the United States in a withdrawing mood, there will probably be a number of countries outside the American sphere of influence where Soviet warships could help one brand of Communists against another without the American Navy interfering. Of course, the United States would make a propaganda fuss, just as they did over Czechoslovakia, and the Soviet Union did over the Dominican Republic. But, within reason, each superpower allows the other to discipline its own clients.

Nevertheless, and here I come to the last of my four objections, the Soviet Union is a land animal and has only used limited force in peacetime across its land borders. Even the naval battles of 1929 against the Chinese and of 1937 against the Japanese were fought in rivers. Or, to put this another way, Soviet use of force has always been intended to defend their frontiers or their adjacent zones of influence. Their operations overseas have employed diplomacy, propaganda, logistic support, subversion, but never—except in Cuba—the Soviet Armed Forces. Even if they now have a navy, why should they use it instead of continuing to rely on the well-tried and often successful methods of the past?

One reason might be that a fundamental change has taken place in the international posture of the Soviet Union. She is no longer a revolutionary power with nothing to lose, and much to gain, by helping other people to upset apple-carts which all belonged to someone else. For most of the two decades after the Second World War the Soviet Union swam with an advancing tide that was steadily demolishing the sand-castles of privilege, of feudalism, of alien capitalism and of European imperialism. In Eastern Europe, in China, in the Middle East, in south-east Asia and in Africa the old order was already under attack and only limited Soviet assistance was needed to complete its destruction.

National liberation, whether from native oligarchies or from foreign domination, was an objective which was widely, sincerely and independently pursued. It suited both the interests and the ideology of the Soviet Union and, as long as the struggle continued, involved no major conflict of purpose between Soviet state interests and those of the subject peoples. It didn't even matter what their ideology or their objectives were: the proletariat must support bourgeois liberation movements in colonial countries.[8]

But that was said in 1957 and this phase has largely come to an end. What is more, in the otherwise advantageous process of expelling or eroding hostile influences, the Soviet Union has acquired responsibilities and commitments of its own. These may be different in conception, even in their objective nature, from the relationships they replaced, but they confront the Soviet Union with problems that were familiar to the former Great Powers and that still perplex the United States. It is in Eastern Europe that the liabilities of the Soviet Union's new posture are most obvious, because it is there that time has completed the transformation of revolutionary Russia into the jealous guardian of the *status quo* and the anxious upholder of painfully acquired influence and authority.

Outside Europe the process is less advanced; but countries already exist where radical change, instead of helping the Soviet Government, could be acutely embarrassing to them. They may not derive much benefit from their links with Algeria, Syria and Egypt, but, in the eyes of the world, these are Soviet clients and the overthrow of those governments, even by their own people, could be a blow to the prestige of the Soviet Union. Moreover—and here I am treading on more speculative ground—there is some evidence of resentment in Russia itself at the excessive independence of the overseas recipients of Soviet aid; aid that has meant sacrifices by Soviet consumers. There may be a growing feeling that he who pays the piper should also call the tune. It is sometimes said, for instance, that, purely in terms of Kremlin politics, the present leadership could not afford to let President Nasser (a Hero of the Soviet Union) be overthrown. And if there is a danger of this, then, as seen from Moscow, the reason is that Soviet advice has been disregarded and Soviet aid misused.

Both for international and domestic reasons, therefore, the Soviet Government may now need to exert a more positive influence on client governments beyond the seas. But Communism, as this is understood in Moscow, no longer commands the same enthusiasm and obedience as it used to. There are newer and more exciting faiths, rival and more charismatic Popes. Now that she is on the defensive, the Soviet Union may find that a revolutionary ideology is not much help in promoting an essentially conservative policy. Having inherited some of the problems of the Western powers, she may also have to consider some of their solutions.

Today the Soviet Union has a stake beyond

Footnotes at end of article.

the seas. She has a navy that sails the seas. She is no longer entirely a land animal. She no longer supports all revolutions, and many revolutionaries no longer have much respect for Moscow. I do not believe, therefore, that we should be safe in expecting the Soviet Union, in her new defensive posture, always to stick to the patterns of behaviour or to the methods employed in the past.

If these arguments suggest that the political use of Soviet naval force is conceivable, how might this be applied in Europe and the Near East? Here the first point to be emphasised is that limited naval force is a very specialised instrument of policy and one that is only applicable to a small minority of disputes. Not only must the circumstances be appropriate; they must often be extraordinary. There has been no major use of limited naval force in European waters for 30 years and, if the structure of European states and the pattern of their relationships remain stable, there might well be none during the rest of the century. But nine British battalions in Ulster remind us of the danger of taking stability for granted—in any part of the world. Even so, Northern Europe seems an improbable area for Soviet intervention in time of peace, though one can just imagine a civil war in Finland, and a Soviet naval blockade to prevent the arrival of arms and volunteers from Sweden.

But the Mediterranean is more likely. Its Northern shore, politically speaking, is the soft under-belly of Europe, unstable and potentially explosive. There are Soviet warships in the Mediterranean, and these have a peacetime role. Soviet admirals usually prefer to indulge in romantic nonsense about defeating the American Navy in nuclear rocket war, but they sometimes take a different line on the Mediterranean. As early as February 1967, for instance, the Commander-in-Chief, Admiral of the Fleet Gorshkov, paid tribute to 'the crews of ships sailing in the Mediterranean Sea, who are fulfilling the responsible task of safeguarding the state interests of the Soviet Union in this region'.[9]

The Commander-in-Chief used almost identical words in February 1968, but it was left to his First Deputy, Admiral of the Fleet Kasatonov, to spell it out on 3 January 1969: 'Soviet warships entered the Mediterranean to consolidate international peace and security . . . in conformity with the interests of the Arab States who are victims of Israeli aggression'.[10]

Now some people regard this as all bluff and propaganda. Why, they ask, did the Soviet Navy do nothing to save Egypt in the Six Day War? This is to misunderstand the nature of limited naval force, which is a peacetime expedient, not an instrument of war. Once the dust of hostilities had settled, however, Soviet ships intervened in a minor, but appropriate and effective way. Eight ships, including a cruiser and two destroyers—one armed with missiles—moved into Port Said, and on 10 July Admiral Molochov announced: 'We are ready to cooperate with Egyptian armed forces to repel any aggression'.[11]

Whether or not the Israelis had ever intended to cross the Canal, they did not; and the Soviet Union recovered some of the prestige she had lost in the eyes of the Arabs, who felt that the Russians had at last shown some belated resolution and had actually run a small risk to help them.[12] Soviet ships returned to Port Said for the next crisis in October and, until November 1968, there were always some there. In September 1969 Tripoli Radio announced that their presence had prevented British intervention in the Libyan *coup d'état*.

No such intention ever existed, of course, but there were some Soviet ships in the vicinity and their presence was noted in London as well as in Tripoli. And if the Arabs thought Soviet ships made a difference, then these ships had done their diplomatic job. They had also helped to win themselves a base at Alexandria, a welcome in other Arab ports closed to British and American warships, and eager headlines in the Arab Press for every move they made.

Of course, all this is pretty flimsy stuff. It does not prove that the Soviet Government have decided to imitate the United States and to use their ships to support Soviet policy and diplomacy in the Mediterranean area. All it suggests is that, both in words and in actions, they have made a small beginning which they just might be tempted to continue if the right opportunities present themselves, even in the Levant and the southern shores of the Mediterranean. This is an area now so dominated by the Arab/Israel struggle, with behind it the spectre of superpower confrontation, that one can scarcely imagine any intervention unrelated to, and not excluded by, these over-riding issues. Yet the 1960s saw Western navies intervening in the Arab world without reference to Israel and without provoking any confrontation with the Soviet Union; the French and Algeria in 1960; the British and Kuwait in 1961; the French and Tunisia in the same year; the British and Aden in 1967. Might not local upheavals or inter-Arab disputes afford the Soviet Union opportunities—or confront her with problems—during the 1970s in Algeria, in Egypt, or in Syria which would have nothing to do with Israel and which would not be liable to provoke confrontation with the United States?

Nor should we forget that even the Arab/Israel War of 1967 prompted two naval interventions: the major, though abortive Anglo-American plan to secure passage through the Straits of Tiran; and the minor, but successful Soviet naval intervention at Alexandria and Port Said.

Finally, and at the extremities of our area, there are various thorny problems where a Soviet naval intervention now seems unlikely but, if circumstances were to alter, might not always remain so: Aden and the Southern end of the Red Sea; the Persian Gulf, and, if the attitude on this issue of Britain's allies were to deteriorate still further, Gibraltar.

There is no difficulty in devising scenarios for the political application of limited naval force in the Mediterranean. That classic sea has provided the setting for so many peacetime encounters already that one need only adapt the precedents. But scenarios prove nothing and, in any case, the use of limited naval force is more often an improvised response to an unforeseen emergency than the result of advance planning. Indeed, there is no need to assume the existence of sinister intentions or reprehensible motives. Governments with warships and overseas interests do use the former to defend the latter, and are seldom at a loss when it comes to justifying their actions. That is why the important question—the only one I have really attempted to answer—is purely negative: not, What will the Soviet Navy do? but, Is it safe to leave the Soviet naval 'X' out of Western equations? Naturally these Western equations, unlike mine, are usually concerned with war.

Governments build navies and formulate strategies for war. The peacetime existence and presence of warships is a mere by-product, but a by-product that may provide an extra option for the government which owns the ships and an extra headache for the government which does not.

The idea of this potential headache is often resented by planners, who feel that the wartime capacities and intentions of the Soviet Navy create quite enough problems without their having to worry about the entirely hypothetical, even fantastic contingencies of peacetime. But, if we try to peer into the mists of the 1970s, we should surely be too pessimistic if we regarded general nuclear war as our most likely problem. And we should certainly be too optimistic if we expected co-existence to be entirely peaceful.

The chances are that something will happen—disorder or dispute within or among lesser nations—that offers the Soviet Union the opportunity for gain, or threatens her with loss of a Soviet interest. Perhaps this will happen in a country that does not border on the Soviet Union but which is one of the five out of every six that are accessible by sea. No doubt Admiral of the Fleet Gorshkov was grossly exaggerating when he said that 'the Soviet Union is obliged to be prepared at any moment and at any point of the globe to secure the protection of the interests of our state'.[13]

But the existence of his warships might occasionally provide the Soviet Union with an extra option, and the possibility of their peacetime employment deserves some consideration by those responsible for the development and maintenance of Western navies.

In the immediate future, moreover, this option seems more likely to arise in the Mediterranean and—if the Suez Canal is opened—perhaps also in the Red Sea, than in more distant regions. The Chinese, admittedly, have more alarmist ideas. Last year they declared that 'the gunboat policy pursued by the Soviet revisionist renegade clique is essentially the same as that of Tsarist Russia . . . Soviet revisionism is stepping up the construction of ocean-going naval vessels, carrying out far ocean activities by its Navy and making global naval reconnoitering, thus threatening the security of some Asian, African and Latin American countries.'[14]

I prefer the more sober language of an American writer: 'the aim of the new Soviet naval development in the Mediterranean is not wartime combat with the U.S. Sixth Fleet, but the furtherance of Soviet policy objectives at a much lower level of risk and in an environment considerably less drastic than one of total U.S.-Soviet hostility.'[15]

Or perhaps we should let the Russians have the last word and accept the bland assurance of Rear Admiral Navoitsev, that 'the presence of the Soviet Navy in the Mediterranean is a most important factor for stabilisation in that troubled area of the globe'.[16]

FOOTNOTES

[1] The particulars are to be found in an interesting scrap-book entitled 'HMS *Royal Oak*, 1936–1938 Commission: Executive Officer's Log' in the National Maritime Museum of Greenwich. Quoted by kind permission of the Trustee.

[2] Quoted in Robert Waring Herrick: 'Soviet Naval Strategy', *US Naval Institute*, 1968.

[3] See 'Soviet Sea Power'—Special report by the Center for Strategic and International Studies, Georgetown University, Washington, 1969.

[4] Wartime applications are included only when the victims were allies or neutrals.

[5] In 1893—see Grey of Fallodon: 'Twenty-Five Years', Hodder and Stoughton, 1925.

[6] Marshal Bulganin to Sir A. Eden, 5 November 1956. See Anthony Eden: 'Full Circle', Cassell, 1960.

[7] Keesing's Contemporary Archives.

[8] Professor E. M. Zhukov in *International Life* No. 9, September 1957.

[9] *Krasnaya Zvezda*, 11 February 1967.

[10] Quoted in *International Herald Tribune*, 4 January 1969.

[11] *International Herald Tribune*, 11 July 1967.

[12] President Eisenhower's justification of the 1958 intervention in the Lebanon (see Robert Murphy: 'Diplomat Among Warriors', N.Y., Doubleday, 1964): 'Sentiment had developed in the Middle East especially in Egypt, that Americans were capable only of words—that we were afraid of Soviet reaction if we attempted military action'. This accurately represented the Arab view of the Soviet Union in June 1967.

[13] Quoted in 'Sea Power and Soviet Foreign Policy', by David H. Cox in *US Naval Institute Proceedings*, June 1969.

[14] New China News Agency broadcast in English from Peking, 14 June 1969.

[15] 'The Kremlin Builds a Cold War Fleet'—article by George Fielding Eliot in *Marine Corps Gazette*, June 1969.

[16] Article in *Moscow News*, No. 20 of 1969.

SOVIET NAVAL PROCUREMENT

(By Michael McGwire)

Reviewing the contemporary situation in 1928, Ivan Ludri, then C.-in-C. of the Red Fleet, commented that the development of naval forces over the previous ten years had inevitably run parallel with the development of industry, since the Navy ". . . more than any other type of military service, depends on the degree of industrialisation of the country".[1]

It has seemed worthwhile resurrecting this forty-year-old statement, since it remains fundamental to understanding the process and problems of naval procurement. Warship building is essentially an assembly industry, and its requirements for material and equipment stretch across the whole span of heavy and light industry, competing with other sectors of the economy for resources and skills which are invariably in short supply. If Ludri's statement was true in the 1920s, it is yet more relevant today, as the result of the radical advances in maritime warfare over the last fifteen years, which have called into service the full span of contemporary technology, with related operations ranging from outer space to the ocean depths. It now involves all methods of propulsion, the most varied types of weapons systems, and the frontiers of development in sensors and communication equipment, together with the specialised and widely different construction and metallurgical techniques appropriate to the aerospace industry, to deep diving submarines, and to the provision of stable weapon platforms in all-weather surface ships.

Naval procurement is a vast subject, and it has seemed best to limit this paper to outlining certain aspects of naval shipbuilding in the Soviet Union, which are important in relating the output of their yards to the underlying policy decisions.

The Shipbuilding Industry. The Soviet shipbuilding industry has always been a coherent entity, if not always organisationally separate. For the last fifty years it has rated the equivalent to its own Ministry of Shipbuilding Production (MSP), responsible for all ship-construction yards of significant size, and for certain specialised machinery and equipment production. The MSP builds for *the* various user fleets (Naval, Merchant, Fishing and River, who do however have their own repair yards), but the boundaries between production facilities allocated to warship construction and to civil shipbuilding are fairly rigid, and their alteration requires top-level political decision. Since the war, it is merchant-type construction which has made gains at the expense of the Navy. The most notable example came in the middle 1950s when seven of the so-called cruiser and battleship slips were re-allocated to commercial construction; the other six slips had already been reassigned from cruiser to nuclear submarine construction.

The complexity of warship design has meant an inevitable tendency for certain facilities and sometimes whole yards to become identified with particular types of naval construction, such specialisation going back in several cases to before the revolution. However, the majority of so-called naval yards run both warship and civilian production lines, and spare capacity is sometimes taken up when naval building programmes are cancelled.

Footnotes at end of article.

The MSP has its own specialist design offices, and submarine design teams have stayed together from the earliest post-war diesel programmes to the latest nuclear boats; [2] and this presumably applies to surface types as well. Naval control of design and construction is exercised by a traditional form of inspectorate, which parallels both the MSP organisation and the various other industries responsible for production of specialised weapons and equipment. In this respect, Soviet procedure is comparable to that in the West.

Shipyard Facilities. About thirty-five major shipyards have been identified throughout the USSR, civilian and naval, construction and repair, which between them employ about one million workers. Some thirty of these have at some time been occupied in work for the Navy. But most were only temporarily involved, as a hangover from their wartime participation, and the requirement to repair, refit and modernise naval units in the early post-war years. Other yards constitute the refit and/or maintenance facilities at the more important naval bases, which by now are fully committed to supporting the much larger operational fleet. This leaves twelve major yards which have been primarily concerned in naval shipbuilding; all except one of these (the least important) were in existence before the war, and most of them have even longer histories.

Although the naval base and shipyards at Kronshtadt (Leningrad) and Nikolaev date back to the eighteenth century, until about 100 years ago the main Russian warship building yards were still sited on the inland waterways. Thereafter, the leading shipbuilding centres came to be located on the Baltic and Black Seas, which relates to the introduction of iron clads and steel ships in 1870–80. This led in turn to the foundation of the modern Russian shipbuilding industry, and at the end of World War I, the Leningrad and Nikolaev shipyard complexes each had a substantial capacity for building all types of warship from submarine to battleship.

No work on shipyard facilities was possible for the first decade after the Revolution, but during the First Five Year Plan (1928–32), the capacity of the large machine shops and founderies at Sormovo, upstream of Gor'kij on the Volga, was extended to permit the sectional construction of small submarines, which were then shipped for assembly to the Fleet areas. During the same period, the Baltic-White Sea Canal was completed, providing a link for smaller naval units (including submarines) to deploy to the North.

During the Second Five Year Plan, existing shipyards were expanded, and work was started on building two new shipyards in the North and in the Far East. Molotovsk (now Severodvinsk) on the White Sea was intended for the construction of the cruisers and destroyers which could not use the canal from the Baltic, while Komsomol'sk on the Amur was intended to provide a measure of self-sufficiency for the Pacific Fleet. Komsomol'sk could build cruisers, destroyers and submarines, while the yard at Khabarovsk, about 250 miles upstream, built escorts and below. By 1940, the Soviet Union's destroyer construction facilities had been doubled, cruiser building ways trebled and the capacity for submarine production increased several-fold. Meanwhile, in locating these new shipyards several hundred miles from the open sea, Stalin reverted to the traditional Russian method of protecting his building yards from coastal invasion.

The full expansion of shipyard facilities was interrupted by the war, but the plan was carried over. There are general reports of the extension of facilities at shipyards after the war,[3] and this seems to have mainly involved the provision of covered fabrication shops to permit series construction and year-round production. In most cases the actual number of building ways appears to have remained the same, with the exception of Gor'kij (largely untouched by war) where the submarine facilities were considerably enlarged.

In the early 1950s the situation was very much that which pertained before the war; the same nine yards were building major warships, and of these the same five continued to build submarines. Each of the four fleet areas (Baltic, Black Sea, Northern and Pacific) had their own cruiser and destroyer building facilities. All but the North (which relied on Leningrad and Gor'kij) had their own submarine yards. Escorts were built in two yards, one in the Pacific Fleet area and one in the West.

By 1958, considerable changes had taken place. The cruiser building ways at Severodvinsk in the North, and at Komsomol'sk in the Pacific had been taken over for nuclear submarine construction, and three-quarters of their destroyer ways were building diesel submarines. In the Baltic and Black Sea yards, all cruiser ways were being used for civilian building.

In the middle 1960s the Russians began a major expansion of their submarine yards and maintenance and support facilities in order to provide for a three-fold increase in the production of nuclear units. US authorities report that the Soviets now possess by far the largest and most modern submarine construction facilities in the world,[4] and credit all six yards concerned, with the capacity to build nuclear submarines—although all are not at present so engaged. But this expansion appears to have been contained within the existing production lines already allocated to submarine construction.

When considering the possibilities which are open to Soviet naval planners, it is well to remember that they have to work within a finite shipbuilding capacity. There are no commercial yards eager to bid for additional contracts, and they cannot call on extra production resources if their plans go awry. And although each of the four fleet areas has its own shipbuilding facilities, any programme would have to distinguish between the two yards in the Far East and the ten yards which lie in the West.

The Pacific has to be at least partially self-sufficient, since reliance cannot be placed on the Northern Sea Route; and as originally projected in the early 1930s, the two Pacific yards covered all types of production. This same principle of self-sufficiency applied originally to the construction of major surface units in the West of Russia, but these three fleet areas have always been to some extent linked by the inland waterways, while the distances between them by open ocean transit are not excessive. Progressive improvements in the waterways system (which now has a minimum depth of 12 ft. throughout) have encouraged an increasing degree of type-specialisation between the yards which build the smaller units; this tendency has now extended to larger ships.

Although Severodvinsk's role has developed considerably since it was built during the 1930s, Leningrad remains the most important shipbuilding and design centre of the USSR, and as the Baltic and Northern Fleets are geographically adjacent, and directly linked by a canal system, a substantial degree of interdependence still exists. A naval planner would therefore tend to think in terms of three fleet shipbuilding centres, particularly where submarines were concerned; in the North-west, in the South and in the Pacific.

NAVAL SHIPBUILDING PROGRAMMES [5]

The Soviet Government initiated a twenty-year naval building programme in 1928, but they had to wait until the third 5YP (1938–42) for really substantial deliveries. By 1947, ships built under this programme would have included something like nine battle-

ship/battle-cruisers, thirty cruisers, 200 destroyers and at least 400 submarines, with a very large number of smaller units, particularly motor torpedo boats and naval aircraft.

The Original Post-war Programme. In 1946, the Russians embarked on yet another twenty year programme, the fourth in sixty-five years.[6] The Soviet Navy had suffered substantial losses during the war, and it was necessary to start again, virtually from the beginning. The main problem was how to apply and develop major advances which had been made by the Allies and the Germans in the technology of naval warfare, and at the same time meet the urgent requirement to get ships and submarines to sea as fast as possible.

To this end, the Twenty Year Programme was divided into two periods of about six years each, followed by a Final Period of eight years. In terms of the dates when units were to be delivered by the shipyards to the Navy, the programme divided as follows:[7]

Preparatory Period, 1946–1949/51.

Intermediate Period, 1950/52–1957.

Final Period, 1958–1965.

The period from 1946–57 involved the progressive application to Soviet naval units of the advances made since 1939. This was to be followed by the Final Period, when the full application of postwar developments would be introduced into service. For the three main types of destroyer-size and below, whose development potential was so broad, it was found desirable to subdivide both the Intermediate and the Final Periods into two parts.

Design and development work for the later stages of the programme were to run concurrently with the first stage, and in 1946, the work involved in the different levels of applying the new technological developments would have been as follows:

Preparatory period

Level of Application—'Catching Up'. Reactivate the pre-war building programmes, incorporating improved weapons and equipment which are readily available (close-range AA guns, depth-charge racks, communications equipment). Repair war-damaged units.

Restore damaged shipyards and equipment plants. Put in hand the modernisation and expansion of shipyard and equipment-production capacity.

Intermediate period

Initial Level of Application. Re-work the latest drawings of pre-war classes which were building or projected in 1941, to incorporate Russian-manufactured copies of Western equipment. Plan for large-scale production of these types. Back-fit earlier classes with essential new equipment, particularly radar and sonar. Apart from the back-fitting process (which included snort), submarines leap-frogged this stage of application.

Interim Level of Application. Initiate the design of relatively unsophisticated classes, incorporating war-time developments. Extrapolate the capabilities of foreign-derived equipment in order to design and manufacture semi-native equipment for fitting in these classes.

Final period

Improved-interim Level of Application. For surface ships of destroyer size and below. A marked qualitative improvement on the previous level of application, but representing refinements rather than new departures.

Full Level of Application. Exploit the R & D potential of German experts working with Soviet scientists and develop a completely original, native-designed, postwar family of weapons and equipment. For diesel submarines, the end-product of the Final Period was akin to the definition of the Improved-interim level.

Footnotes at end of article.

The Twenty Year Programme for major surface units, as finalised by 1947, would have been as shown in the table below: [8]

[Deleted.]

The submarine building programme would have been as follows: [9]

[Deleted.]

The substantial drop in the surface ship delivery rates in the Final Period reflects the reallocation of building ways at Severodvinsk and Komsomol'sk to submarine construction. All the cruiser ways were assigned to nuclear submarines, and six of the eight destroyer production lines were converted to build large-type diesel submarines. For nuclear submarine production the Final Period was extended to ten years until 1967; the four aircraft carriers were also to be built during this extension, slotted in to the end of the *Stalingrad* cruiser programme.

In the surface ship table, the approximate displacement is given to illustrate how the size of Soviet ships remains relatively consistent in terms of role and type. 'Dummy' class names have been introduced to show the planned existence of programmes which did not materialise (*Rityа* and *Kroti*) or else appeared in some modified form (*Stalingrad* and *Kruplin*). The original programme foresaw the construction of fifteen new classes of surface ship, and eight new classes of submarine. Of these twenty-three different classes, only five of the earlier surface types ran to schedule, and by the halfway mark all programmes had been radically altered.

1949–50. The Submarine Launched Ballistic Missile (SLBM). The decision to develop an SLBM system, and the need for this to take place in strict security, had numerous repercussions. The Z-Class was to be the initial launch vehicle, to be followed by an SSB configuration of the F-Class hull—the G-Class. The Z-Class programme at Sudomekh was therefore terminated after only three years (1954), production being shifted to Severodvinsk, where construction of the Z V-Class SSB usurped the building ways assigned to the construction of the *Tallin* Class destroyer (1955–57), which programme was cancelled. In the same way, the G-Class SSB usurped the six production lines at Severodvinsk and Komsomol'sk which had originally been assigned to F-Class construction during the Final Period (1958–65). The F-Class programme had therefore to be relocated at Sudomekh whose two production lines meant that the class total had to be cut from 144 to forty-eight. This shift caused the Q-Class programme to be shunted forward to 1955, the production run being cut from eight to three years, and from ninety-six to a nominal thirty-six units, which in the event were stretched to forty.

1954. Redefinition of threat and change in economic priorities. The economic pressures which largely conditioned the tactical/technical decisions to place primary reliance on the long-range surface-to-surface cruise missile (SSM) as the means of achieving economy in numbers, were also responsible for the suddenness and sweeping nature of the changes to the original Twenty Year Programme. Most noticeable was the very abrupt cancellation of the current cruiser and mass-production medium-type submarine programmes. Equally significant was the decision not to proceed with the production of the destroyer, escort and sub-chaser classes, which were due to begin delivery in 1958.[10]

The medium-type torpedo-firing submarine was to be replaced by a much smaller number of cruise-missile armed units over ing W-Class submarines. The gun-armed *Sverdlov* Class cruiser and its successor class the *Stalingrad* (probably armed with horizon-range *Kennel* cruise missiles), was to be replaced by large destroyer/light cruiser size ships, carrying long-range missiles. Neither the submarine nor surface classes would be ready for delivery much before 1962, but the Soviet leaders were prepared to accept this hiatus as the price for achieving immediate relief to their over-stretched industrial economy. As a result of these decisions and the previous SLBM decision, the revised surface ship programme in 1955 would have been as follows:

[Deleted.]

Although twenty *Sverdlovs* had already been laid down before the decision to cancel, only fourteen were completed. The *Kildin* missile ship was a prototype conversion of the last four *Kotlins*, and the *Krupnyj* Class used the hull and propulsion plant of the cancelled *Kruplin* Class of destroyer. In order to make up for the hiatus in surface ship deliveries between 1958–61, the Final Period was rescheduled to provide eight years delivery of those classes, which would represent the full application of postwar developments to surface ships. The restructured submarine programme, which was considerably affected by both decisions, would have been as follows:

[Deleted.]

The W-Class programme was cancelled when it had just reached its full output of seventy-two submarines a year from four yards; this scale of production also accounts for the fact that pipeline inertia extended forward to R-Class units. The *Longbin* SSG is a converted W-Class submarine, lengthened to carry four missile launchers in the fin.

1957–58. Re-evaluation of Soviet naval capability and requirements. Major reassessments of the developing threat posed by the US Navy, and the inadequate performance of Soviet systems currently in hand generated further wholesale changes, and cancellations of programmes already under way or projected. The new requirement to counter the aircraft carrier beyond the range of shore-based air cover meant that surface ships and diesel submarines were no longer suitable as SSM launch vehicles. Meanwhile, the performance of the first generation of Soviet nuclear submarines and the SLBM system meant that they were inadequate for their intended task. Apart from cancellations, the most important change was the reconfiguration of the second generation nuclear hull/propulsion unit, intended as an SSBM, to an SSGN mounting the J-Class SSM system (the E II-Class). Five of the first generation units were similarly reconfigured to carry six launchers (E I).

The new threat from *Polaris*, which at that period was assumed to lie in the Arctic, raised the requirement for helicopter platforms to permit ASW operations at a greater range from coastal airfields. The *Stalingrad* Class of cruiser, the first of which was about to be laid down at the time of the 1954 cancellations, provided a suitable hull/propulsion unit for conversion to an anti-submarine helicopter carrier (the *Moskva* Class).

At this date it was also necessary to plan the new-construction submarine programmes which would be due to begin delivery in 1968, and the surface programmes due in 1970. It had probably already been decided in principle to increase the scale of nuclear submarine construction, and it was a matter of deciding on specific configurations. Two obvious requirements were for an SSBN with a performance comparable to *Polaris*, and for a nuclear submarine with an organic missile system with which to counter the carrier. There was also the need for fleet area defence against intruding *Polaris* and other submarines. A further requirement was to provide replacements for the mass-produced W-Class which would be reaching block obsolescence by 1967.

1961. The full threat from Polaris. The belated realisation of the geographic extent of the *Polaris* threat, added to the existing threat from carrier strike, generated a fundamental reassessment of operational concepts,

which led to the decision on sustained forward deployment in order to pose a permanent counter in distant areas of threat. Besides the need for a specialised anti-*Polaris* submarine, there was the requirement for additional surface units possessing an effective AA and ASW capability. In the long-term this could be met by the new programmes scheduled to begin delivery in 1970, but meanwhile the *Kashin* (which has been redesignated as an Anti-Submarine Ship), were only building at two units a year. To fill the gap, the major conversion of eight *Kotlin* and six (possibly eight) *Krupnyj* to SAM-armed anti-submarine ships was put in hand, using weapon systems made available from the cancelled *Kynda* and *Kresta* missile cruiser programmes respectively.

As a result of the combination of the 1957 and the 1961 decisions, the forecast shipbuilding programme would have looked as on next page.

Although originally intended for strategic delivery, N-Class SSN were never deployed in the role, being reassigned to assist in countering the carrier, including the provision of target location data to long-range missile units. The F-Class were only reassigned from strategic delivery after their poor showing during the Cuban crisis.

The trickle delivery of fifteen J-Class over six years was related to the availability of missile launchers, over and above those required for the E-Class SSGN programmes.

1967–70. Current Developments. Nineteen sixty-eight saw the start of deliveries of the new family of third-generation submarines, four nuclear and one diesel. The lead ships of two of the nuclear classes were in fact delivered before the end of 1967, but it was not until 1969 that nuclear submarine production reached its planned output of about fifteen units a year, with an annual output of twenty to thirty of the new B-Class diesel submarines.

Nineteen-seventy should see the first deliveries of a complete new family of surface units, from sub-chaser through to the 6,000-ton end of the scale. The operational requirements are fairly self-evident, but not the way in which the Soviets will necessarily have decided to meet them, and greatest interest is concentrated on the upper end of the scale. The *Moskva's* weapons fit has given a pre-view of the new A/S missile launcher, Variable Depth Sonar, improved SAM system and the three-dimensional radar which are now available for fitting in the larger units, and a new vintage of weapons can be expected to appear. But the successive cancellations of the *Kynda* and the *Kresta* programmes (both armed with long-range SSM) still leave in doubt their assessment of the value of surface ship SSM systems, and which type they will choose to fit.

There are no indications that additional slip capacity has been released to naval construction which means that the Soviet Navy must make do with the 16 (so-called) 'destroyer' production lines, which on the last decade's showing could between them deliver eight units a year. Whether they will concentrate on one type of all-purpose ship at the upper end of the scale, or whether they will divide their building capacity between two classes, one a light cruiser type (akin to *Kresta*) and the other a destroyer/anti-submarine type (akin to *Kashin*) remains to be seen. In view of the shift to forward deployment, another possibility is that they will have decided to raise each of their main types one step up the scale of size, as they did with their three submarine types after the war.

Current evidence of merchant-ship construction appears to rule out the return of any of the five large building-ways at Leningrad to naval construction, and although equivalent evidence for Nikolaev is less certain, there are as yet no indications of a follow-on or successor to the two anti-submarine cruisers which were built there at the end of the 1960s; delivery of a third unit (should it exist) would anyway not be expected before the latter half of 1970. One type of new construction from Nikolaev which can, however, be expected this year, or not much later, is a new class of mid-ocean submarine support ship. It is sign'ficant that an *Ugra* (which was not designed for the open ocean role) should have been handed over to India, and the delivery of such submarine tenders appears to have ceased, although the requirement remains outstanding. One may therefore expect some new class of ship, specifically designed for the task.

Meanwhile, 1967–68 would have seen the periodic review of future shipbuilding programmes, in order to provide replacements for those units built prior to 1958, and to consider original new requirements; in this latter context, there may already have been earlier re-evaluations of which we are still unaware. The outcome of this 1967–68 review, whose deliberations would have been affected by the outcome of the Arab-Israeli war, and coloured by the West's immoderate and ill-informed public reaction to Soviet naval deployments at that time, will be of considerable significance. By the scale and nature of the new construction programmes which will enter service towards the end of the 1970s, we will be able to assess the evolving nature of Soviet maritime policy, and determine whether there have been any fundamental changes.

NAVAL PROCUREMENT PHILOSOPHY

Official acceptance of the 'Young School' naval strategy in the early 1930s meant that although the various types of Soviet warship were comparable to those in other navies, the overall composition of the Red Fleet was very different, having (by comparison) a disproportionate number of submarines, motor torpedo boats and naval aircraft. The 'Young School's' rejection of the traditional requirement to defeat the enemy in a Jutland-type general fleet action, and its concentration on providing for the specific tasks of defending Russia's maritime frontiers and supporting military operations ashore, had, as its corollary, the construction of a special-function fleet with no world-wide, general-purpose naval capability. After the war, with the threat yet more clearly defined in terms of the West's overwhelming maritime capability, this tendency towards tailoring the fleet to meet a specific threat was accentuated. Before the full flowering of postwar technological developments, this policy continued to be manifested in the unbalanced composition (by traditional standards) of their naval forces. But economic priorities, the increasingly specific nature of the maritime threat, the political urge to short cuts, and the availability of new weapons systems such as missiles and nuclear submarines, combined to induce greater specialisation in successive classes. Faced by the US Navy's evolving capability, the Soviets have paid a heavy price in cancelled programmes for this (largely unavoidable) policy of task specialisation; and it is only recently that new construction units entering service have been deployed in the role for which they were originally designed. Despite the increasing deployment of surface units, the continuing emphasis which is given to the submarine force suggests that the Soviet Navy does not intend to abandon its characteristic approach to naval procurement, in favour of building up a general-purpose world-wide maritime capability.

The Continuity of Design and Production. Until 1958, the continuity of design specification between successive classes was a noticeable feature of the various types, each of the latter being clearly defined in terms of displacement and weapons-fit. This continuity stretches back to the early 1930s and still persists in the medium and smaller units.

Soviet warship production proceeds on a very broad front, and most types of ship are in continuous series production. Complete families of new classes are therefore planned to begin delivery to the fleet at the same period, and these classes all reflect clearly defined stages in weapon development. Some of these stages represent substantial advances in capability, while others represent refinements of these major steps. Different types of weapon development proceed at different speeds.

Although it is useful to talk in terms of 'generations' of missile systems and of hull/propulsion units (which can be configured for different roles), it is more apposite to speak of 'vintages' of weapon systems, as this conjures up the chronological progress with good and less-good years, varying between different fields of development. Thus, the 1955 vintage of weapons represented a substantial advance in search radars and gun-control systems, but only a limited improvement in ASW; the 1958 vintage marked only a qualitative improvement in guns, but a major step forward in ASW; the 1962 vintage represented a really substantial advance across the board, as the final applications of postwar development entered service, covering the propulsion as well as all the weapons field.

As a general principle, it is not the Soviet practice to plan for the major modification or conversion of existing classes, unless the improved weapon systems have become available through procurement for a new-construction programme which was subsequently canceled. The number of units so modified will depend on the number of weapon outfits which are already in the procurement pipeline.

In terms of combat capability, the delivery date of the first-of-class, and the vintage-year of any weapon system which has been used for modification, are more important that the actual date on which any particular unit first entered service or was subsequently modified.

The Application of New Developments. Unlike the Western countries, which tend to complete the full development of a new system before introducing it into operational service, once the Soviet Union has decided to adopt a major new capability she tries to put it to work at as early a stage in its development as possible. The reasons are probably various. The Soviet Navy has always been in a position of maritime inferiority, and there is a natural urge to exploit the advantages of any new system, even if only part of its full potential can be applied immediately; traditionally, the Russians have always been technical innovators, and are generally willing to believe in the efficiency of new weapons and audacious in their application; there are advantages to be gained from the operational evaluation of multiple prototypes; and finally, the Russians are great bluffers, and know that their opponents must credit them with the capability inherent in a weapon's external design, even if it turns out to be of little operational use in practice.

To achieve this early exploitation, the Soviet Union adopts a multiple-stage method of application, whereby a weapon system is introduced into service progressively at different stages in its development, although all levels of application will have stemmed from the same original design-decision. The details of this multiple application have varied between systems and classes, but the application of surface-to-surface cruise-missiles (SSM) to surface warships provides a good example of the process.

(a) *Initial Application.* Three years to delivery. The SSM system was fitted, in its most primitive form, to the last four units of the *Kotlin* class of destroyer, which was

then building. It is doubtful if the resultant *Kildins* have ever had any significant combat capability.

(b) *Interim Application.* Five years to delivery. Two launchers of the same system were 'designed in by amendment' to the *Kotlin*-successor class of destroyer. The class was due to start delivery in four years time, and its design would have been largely completed and procurement well advanced. The original destroyer programme was cancelled, and only a short run of *Krupnyj* construction was planned. (The SSM have now been removed from six of these ships, which have been converted to Anti-Submarine Ships.)

(c) *Full Application—I.* Eight years to delivery. A new ship was designed specifically to carry the full-development of the missile system, and series production of this class (*Kynda*) was programmed. The relatively short procurement lead-time meant that the design of the ship itself had to be something of a compromise, and amongst other things this class had to make do with the steam propulsion plant ordered for the cancelled destroyer programme.

(d) *Full Application—II.* Twelve years to delivery. The same missile system (possibly refined) aboard a more carefully tailored ship (the *Kresta*), designed from scratch, and powered by gas-turbine propulsion, as already fitted in all the *Kynda's* contemporaries.

It would seem that the initial application frequently represents a form of operational development, and the weapon system concerned is not yet 'combat operational' by normal standards.

The whole central planning process tends to favour progressive application, and the successive levels of development at which a new capability is applied, appears to reflect planners' deadlines as much as, if not more than, the natural stages of the development process.

A Case-study in Naval Procurement. In 1964, the Soviets initiated the operational deployment to patrol of their ballistic missile submarine; [11] the H II SSBN, which could fire three missiles to a range of 650nm. In September of the same year, the US Navy deployed the A–3 *Polaris* systems in submarines which were faster and quietier than their Soviet counterparts, and each could fire sixteen missiles to a range of 2,500nm. Since the comparable performance is so unfavourable to the Russians, and since the decisions to undertake series production of nuclear submarines and of SLBM systems were taken by the Soviet leaders several years before similar approval was obtained by the US Navy, it is instructive to review the genesis of the two systems. They provide archetypal examples of the differing methods and illuminate both the Soviet approach and the vicissitudes which beset their plans.

The United States believed that inter-service and inter-arm competition to discharge a specified task was the best means of ensuring the most effective military answer to a problem. Throughout the 1950s, Congress gave priority in funds to offensive strategic weapons systems; this encouraged the US Navy first to develop a long-range carrier-borne strike aircraft (the A–3D), which brought aircraft carriers within the financially favoured category; and then to accept Admiral Rickover's advocacy of the ballistic missile-armed nuclear submarine. At this period, the USA did not lack means of strategic delivery, and to justify developing yet another system, the US Navy had to demonstrate that *Polaris* would not only be at least as good as other projects, but had unique additional advantages such as invulnerability and the diversification of the means of delivery. These were inherent in an SLBM system, and it was in fact the competitive factors which dictated the detailed characteristics of the *Polaris* submarine. Sixteen missiles per boat to bring down launcher-cost, and submerged launch to have an assured response irrespective of sea conditions, both combining to demand the development of solid fuel propulsion for the missile, whose range of about 1,500nm was dictated by geography. The first five submarines were only authorised in the 1957 Fiscal Year as supplementary naval construction, but thereafter progress was rapid. The first *Polaris* unit was laid down in November 1957; the missile passed its initial trials early in 1958; and the system was operationally deployed by the end of 1960. The 2,500nm A–3 system was deployed in September 1964, and *Poseidon* was at sea in 1970.

The Soviet process differed fundamentally in almost every respect, particularly in the time-scale and in the way decisions were handed down from the top, rather than pressed up from below. In 1945, the submarine was selected as the only vehicle which had the demonstrated capacity to carry nuclear weapons within range of the North American continent, using the torpedo as the means of delivering a shallow-water burst; a nuclear warhead was to be available by 1955. By 1947–48 it had been decided to build nuclear submarines for this task, but to double-bank with the original diesel programme.

By 1950 it was seen to be possible to launch a relatively short-range missile from a surfaced submarine, and the anticipated rate of development in Western antisubmarine techniques did not exclude the use of diesel submarines as launch vehicles. In its deterrent role the missile's 350nm range was adequate because of the concentration of coastal conurbations in the U.S.A., and the limitations imposed by surface-launch were accepted, because this method of delivery seemed more likely to provide a higher certainty of assured response, sooner, than any other system under development or in sight. The existing length of the available missile, which necessitated its location in the submarine's fin, and the advantages of tactical dispersion, combined to limit the number of missile tubes to three per boat. The decision to apply the system was taken in 1949–50; a missile was fired from a converted Z-Class submarine in 1955; and six units of the two-missile initial-application Z V-Class were delivered in 1956–57. The delivery of series-production diesel and nuclear units began in 1958; the two missile firing classes (the G and H) double-banking the two, originally-projected, torpedo-firing classes (the F and N). Both the missile-armed classes still carried the initial 350nm surface-launch system, but it was intended to introduce a second generation system in 1962, firing to 650nm from submerged. This system was to have been mounted in an improved nuclear submarine for delivery beginning 1963.

These plans did not materalise, owing to considerable changes in all relevant factors during the ten years since the project's inception. In particular, the uncertainty of assured response inherent in surface launch was found to be unacceptable and this, combined with the short missile-range and limited submarine performance, meant that this first missile system was never deployed on sustained operational patrol. Competing priorities for nuclear propulsion, and the inadequate designed performance of the submarine relative to improved ASW defence systems, led to the cancellation of the second-generation SSBN programme, and to the reconfiguration of the hull/propulsion units as SSGN. The 650nm submerged-launch system (which was fired successfully in early 1962) was back-fitted into the existing H-Class, which began to be deployed on operational patrols in 1964. As a result of these changes, there was a five year hiatus in SSBN production, until the first Y-Class was delivered at the end of 1967. This carries sixteen missiles firing to a range of over 1,500nm, and as a submarine is inferior to its design contemporaries in the U.S. Navy.

The twenty-five year saga of the Soviet Navy's efforts to produce an operationally viable nuclear delivery system provides an excellent illustration of the phased developmental process, while highlighting the pitfalls of this method, which lie mainly in excessive lead time and long production runs.

NAVAL SHIPBUILDING PRACTICE AND PROCEDURES

Besides the primary determinants of operational requirements and financial constraints, there are two other factors which have a considerable effect on the final output of Soviet naval building programmes. First, the Soviet Union pioneered the sectional construction and series production of submarines during the 1930s, and this has now become the established method throughout her shipbuilding industry. Ideally suited to large-scale production, this method requires substantial capital investment in production-line facilities and places a lower limit on the numbers of any one class that it is economic to produce. The second factor is the overall national economic plan, within which the naval building programmes have to take their place. These two factors impose considerable restraints on the flexibility of the programmes as a whole. In particular, requirements have to be formulated far in advance, and while it is possible to cancel demands on the economy, it is very difficult to increase the level of these demands once they have been written into the national plan. Moreover, the interdependence of series production and painful experience of delays in supply, cause shipbuilding enterprises to schedule the delivery of components well ahead of the date they are required for fitting.

Within the shipbuilding industry itself, there is greater flexibility and, assuming that the necessary equipment and material is available, it is possible to alter details of the programmes, provided that a yard's facilities are already assigned to naval use. But shipyard capacity has always been at a premium. And although cancellations have sometimes left building ways unused, when planning future programmes, the number of production lines available has invariably been a determining factor.

Lead Time. This term is used to cover the period between the design-decision [12] and the delivery [13] of the first-of-class, or of the first production model of a new weapon system fitted to an operational unit. The actual lead-time varies considerably and depends on the level of application, the complexity of the final product, and the extent to which it is original new-design and procurement. Problems of procurement, rather than design and development appear to be the ultimately limiting factor, and when major items are concerned (such as power-plant and propulsion machinery) *minimum* lead-time is assessed to be ten years. Where changes of plan are involved, this minimum can sometimes be circumvented by basing new-design on major components already approved for a cancelled programme.

Weapon development appears to be a continuous process in most fields, and much of the lead-time for weapon systems has usually been absorbed before the design-decision to incorporate it in a new class is taken. This is particularly true of common-user weapons, of which the cruise and ballistic missiles provide good examples. For new-construction ships embodying mostly new design, a lead-time of between eight to twelve years can be expected, depending on the particular characteristics and genesis of the unit concerned.

Pipeline Inertia. This term (my own) describes the combination of economic and *operational* factors which justify the continued construction of additional units of a class, for a substantial period after the parent programme has been cancelled. In the case of a small-unit high-rate programme (such as a diesel submarine), which is already in the process (or on the verge) of assembly, the economics of pipeline inertia are sufficient to justify about two years' production-worth at the originally planned building rate. With

Footnotes at end of article.

a big-unit, relatively slow-rate programme (such as the larger types of surface ship) which require a wider range of major components but fewer copies of each item, certain types of component will be procured in batches, rather than continuous-flow supply. While the ship itself will generally conform to the two-year rule, the inertial supply of certain weapons and equipment may sometimes extend to the quantity ordered for the complete building programme.

It appears that weapon systems delivery runs about two years ahead of the date it is required for fitting; hence, pipeline inertia for such equipment is always greater than for the parent programme. Actual construction of the 'pipeline units' may be concentrated in a single yard, and may be spread out in time, depending on the yard's commitments. When production is not imminent, the earlier the decision to cancel, the emptier the pipeline. Cancellation of a project within four years of work being due to start on the lead units, will produce reverberations in the system.

Normal Production. To be able to identify unplanned changes in the shipbuilding programme, which stem from adjustments of naval policy, one must have some idea of what constitutes 'Normal Production'. Series production is an inflexible task-master, with procurement and prefabrication of components reaching back throughout industry, while the shipyard itself has to be 'tooled-up' with a production line tailored to a certain type and class. To these limitations are added the constraints of an increasingly complex naval technology, which means that components and even basic materials such as hull plating are not easily interchangeable between projects. None of this matters if the programme is running to its original plan; but if major changes are required, these are hard to accommodate, and the repercussions are reflected in the pattern of production.

The normality of a programme is a function of its duration and of its building rate, both separately, and combined in terms of a 'production-run'. To these criteria, which apply to the shipbuilding industry as a whole, must be added others which apply to an individual yard. There will also be different criteria for each type of ship, and these will depend on the design relationship of successive classes of the same type.

For the larger units such as cruisers, the *duration* of the programme must be related to the time needed actually to build one ship; about four years from laying the keel to delivery. A minimum period of six years would therefore seem realistic for ships of over 10,000 tons, and this is supported by postwar practice. Four years would seem a practical minimum for the larger destroyer types, although there was one three-year programme in the postwar period (which did, however, build thirty-six units), but this was when the Soviets were still faced with the double problem of catching-up as well as keeping pace with new developments. The diesel submarine programmes, involving a far greater degree of assembly line techniques, were planned for six to eight year delivery periods. Nuclear submarine construction was programmed in two consecutive periods of five years each.

The minimum normal *production-run* of any one class varies widely between types, and has changed over the years as ships have grown more complex. It might possibly be as low as four units for a 15,000 ton ship, although six is more probable. For smaller units down to destroyer size, twelve to sixteen would seem to be the minimum. The production batch for each of the first two generations of nuclear hull/propulsion units was twenty-five to thirty units, and planned production of a new-construction diesel unit is unlikely to be much less than fifty.

The minimum involvement in a programme for any one yard appears to be two production lines. An analysis of the classes which were built and delivered during the 1950s gives a fairly clear indication of the normal output per national production line during that period, from which it has proved possible to extrapolate up to the present. In general terms, the annual delivery rate per production line during the middle 1950s was three large- or medium-type submarines, or six small-type submarines, or one destroyer. One building way could deliver a cruiser every three years.

However, as weapons have become more complex, it is frequently the weapon system which dictates the production rate, and not the tempo of hull assembly. During the 1960s, the production line delivery rate for missile-armed diesel submarines was one a year, while for nuclear submarines (all types) it was one every two years; it appears that this nuclear delivery rate still pertains. For surface units such as *Kynda* and *Kashin* the rate was also one every two years.

The 'norm' will vary between types and classes. But, as a general principle, any delivery programme which does not clearly harmonise with the overall plan, either in terms of the most efficient use of resources or because it flouts established shipbuilding procedures, should be viewed with suspicion, and an explanation sought for its untypical behaviour.

Modernisation and Conversion. There are no modernisation 'programmes' in the sense of special procurement being put in hand for the modification of all units of a class. Such modernisation and conversion which has taken place derived from the availability of weapons systems from cancelled new-construction programmes. Major conversion programmes (notably SAM, *Kotlin* and *Kanin*) have to make use of building ways which have been freed by a cancelled programme, and which also provide their weapon outfits, so that production lines are not released to conversion in preference to new construction.

The partial exception to this principle was the *Longbin* programme, which involved the major conversion of existing W-Class submarines to carry SSM. But this decision stemmed from the priority requirement to cut back the scale of new construction, and to limit the demand for essential items such as high quality steel and diesel engines; meanwhile, half the medium-type submarine production lines would otherwise have been standing idle. In the event, the *Longbin* programme was itself cancelled.

Soviet naval procurement since the war provides a fascinating story of their efforts, in the face of runaway technological advances, to develop a counter to the maritime capability of the West—a capability which increased at least in measure with their own efforts, and which rendered obsolescent programme after programme, before the units concerned had even entered operational service. It is a story of brave words, but frustrating results—and, anyway until recently, a persistently deteriorating balance of advantage.

The West has had difficulty in perceiving the real situation, since we have been prone to assess Soviet naval policy in terms of our own vulnerabilities, rather than identify the nature of Russia's traditional maritime requirements. This error has been compounded by our willingness to credit the military capability which the Russians claim publicly for their fleet, while ignoring the evidence of the Soviet's own internal assessments, as reflected in the repeated cancellations and radical readjustments of their warship building programmes.

As a general rule, we tend to over-estimate the Russian capacity to move from an imaginative design decision to the fully successful technological application of the concept, a capacity which lags far behind that of the United States. And in assessing the combat capability of Soviet naval units, we tend to overlook their traditional policy of sending weapon systems to sea before they are operationally effective, while underestimating the problems which the Soviets have still to solve.

FOOTNOTES

[1] *Morskoi Sbornik*, February 1928.

[2] The House of Representatives, Seapower Sub-committee of the Armed Services Committee. Report, Status of Naval Ships, 19 March 1969.

[3] By returning German prisoners of war, who were used as forced labour. The Germans overran Nikolaev, and obtained extensive photographic coverage of the other shipyard facilities in western Russia; hence the situation in 1944 is well documented.

[4] Seapower Sub-committee, op. cit., para 202.

[5] Of the twenty classes of major warship which were designed and built since the war, the building yards of all but three have been published, and the remainder can be derived by elimination. This information has been culled from a wide range of publications, but the most fruitful sources of detailed shipbuilding information are: articles by Hadeler and Meister in the 'Soviet Navy', M. G. Saunders, ed., 1958; 'Flottes de Combat', whose data on building yards is frequently confirmed and never contradicted by Jane's; and 'Soviet Merchant Ships', Kenneth Mason Pub., 1969, which provides the civilian building component.

[6] 1882, 1912, 1928.

[7] The terminology is my own. The existence of these separate phases is evidenced by the clear-cut delivery periods, and the generational design characteristics. This method of staged development is, however, typical of Soviet practice, and can be seen in other fields, as well as in the pre-war programme.

[8] These all-union totals (which reflect actual output) are built up from individual yard capacities. Building rates: cruisers—1 per slip every three years; destroyers—1 per production line per year.

[9] In 1948, the Soviets announced they were building a force of 1,200 submarines, a figure which would not have included their top secret nuclear project. Annual diesel submarine building rates: medium- and large-type—3 per production line; small-type—six per line.

[10] Although these classes were cancelled, pipeline inertia (see below) ensured the delivery of a substantial quantity of weapon systems which had been ordered for them, which allowed progressive modification of the existing *Kotlin, Skoryj, Riga* and *Kronshtadt* classes.

[11] Senator Symington, quoted by *Washington Post*, 29 May 1966.

[12] Design decision. My own shorthand expression to define the date when an operational requirement was identified *and* when the wheels were actually set in motion to do something about it, in the applied sense.

[13] Delivery (*sdacha*). The date a ship is delivered by the building yard to the Navy, after acceptance trials have been successfully completed.

VIETNAM VETERANS RETURNING

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 3,400 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 241,700

Americans in Vietnam who are planning to come here.

Mr. Speaker, President Nixon is keeping his word.

U.S.A. AND THE SOVIET MYTH

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. DERWINSKI. Mr. Speaker, the current book, "U.S.A. and the Soviet Myth," authored by Dr. Lev E. Dobriansky of Georgetown University appears to be causing considerable stir in many diverse circles. As expected, those who are thoroughly naive toward what they regard as "Russia" and the gestured mildness of the Russian imperio-colonialists are out clawing the work. On the other hand, those who warn caution in dealing with the Russians commend this work as a book to read. The following two reviews, by academicians, one in the United States and the other in Canada, make for most interesting and significant reading, a contrast between objectivity and blind hatcheting:

[From the Ukrainian Quarterly, Summer 1971]

U.S.A. AND THE SOVIET MYTH

(By Lev E. Dobriansky)

In his introduction to the book, Congressman William G. Bray of Indiana describes the contents as "strong medicine, carefully compounded." He goes on to say, of the struggle for the world, "We need only retain our own strength, and exploit the weaknesses of our enemies." Dr. Dobriansky, in his best book to date, does indeed sound a warning for the West, together with a prescription for eroding away the power of the Communist World.

The first five chapters deal with the nations held captive by Moscow, with emphasis on Ukraine. Chapters 6 and 7 discuss Captive Nations programs in the United States, Chapters 8 and 9 analyze diplomatic traps in dealing with Moscow, and the last chapter outlines the objectives and achievements of the Ukrainian Congress Committee of America. The author cites examples of the shocking lack of knowledge in high circles about the nationality problem of the USSR. Typical was a piece in the Washington *Evening Star*, July 23, 1964: "Strangely enough, the ideology that holds the Soviet Union together is not commnuism, but the 'Mother Russia' concept. For 'Mother Russia' is the common pride of White Russians, Ukrainians and Georgians . . ." One might as well say that Bohemia is a source of pride to the Slovaks, or Serbia to the Croats. I am sending this book to the author of that article, in the hope that he will read it with care.

Dr. Dobriansky not only details the nature of Muscovite imperialism and the appalling ignorance about the USSR, which persists among well-educated people in this country, but he also prescribes approaches to some solutions. His final chapter deals with the work of the Ukrainian Congress Committee of America, as it seeks to "exploit the weaknesses of our enemies." He cites in particular two major accomplishments: The Captive Nations Week Resolution (Public Law 86–90) passed by Congress in 1959, and the Shrevchenko Statue of Liberty in Washington, D.C. These achievements, and many others besides, are not only attributable to UCCA, but to Dr. Dobriansky personally, who has worked tirelessly, especially with leading Congressmen over the years, to keep the Captive Nations concept in the foreground.

The author describes valuable contributions of the USSA in supporting the cause of self-determination throughout the world, including Vietnam. *The Ukrainian Bulletin* of April 1–15, 1965, urged President Johnson to support and encourage psycho-political warfare waged by the Government of South Vietnam against North Vietnam, "warning the captive people of that Communist satellite that their aggressive communist masters will evenutally meet their doom." Also cited is UCCA support of President Johnson's actions in 1965 to prevent a Communist takeover of the Dominican Republic.

Dr. Dobrinansky points out that wishful exaggeration of the Sino-Soviet ideological split and "polycentrism" in Eastern Europe "cannot overshadow the blunt facts of predominent Soviet Russian power in the Red Empire." Our enemy in the Caribbean is not really Castro or Cuba, but the USSR. The same is true in the Middle East and Southeast Asia. Egypt and Syria, without the USSR pose no serious threat to Israel. Ho Chiminh and his successors, longtime adherents of Moscow, retain their power and threaten their neighbors only through massive Soviet aid.

The recent crackdown in Poland, coming on top of the Soviet invasion of Czechoslovakia and the previous rape of Hungary prove the author's point. Moscow is not about to acquiesce to "liberalization" or "national communism." The declaration of the Brezhnez Doctrine is the best proof of Soviet intentions, a declaration which was inspired as much by Western timidity and inaction as by Brezhnev's confidence in dealing with Dubcek and other deviationists.

Perhaps the most important contribution of the Captive Nations concept is that it has turned Moscow's propaganda about the dangers of imperialism against itself. Present-day discussions of imperialism (even at the United Nations) should turn away from considerations of Western policies long since abandoned to present-day Soviet policies, both with respect to the nations captive in the USSR, and to the countries in Central Europe, Southeast Asia, the Middle East and the Caribbean.

Not to be overlooked in the work of UCCA in developing and maintaining far-flung Free World contacts: "With its American identity and Ukrainian background resources it has contacts with scholarly, cultural, political, religious and other groups, both Ukrainian and non-Ukrainian, throughout the world."

Nor is it generally recognized that a cardinal principle of UCCA's educational policy "is the outright rejection of any common guilt on the part of the unvested and oppressed Russian people for the crimes and aggressions of the government in Moscow." The vast majority of the Russian people, "cannot be confused with the exploiting New Red Class and the twelve million Communist Party members, their families and relatives who have a stake in Soviet Russian totalitarian rule and imperial dominion."

UCCA's educational goal is to intensify "the perennial force of national self-determination in its genuine and true sense." The same people who call for self-determination in Asia, Africa and Latin America seldom if ever apply the same doctrine to the much older nations of Ukraine, Byelorussia or Georgia.

The potential for Free World psycho-political warfare is there; it remains only to be utilized. The author has spelled it all out very clearly indeed.

Dr. Dobriansky appropriately dedicates his latest book to Dr. Roman Smal-Stocki, "Patriot, Scholar, Christian and Friend of All the Captive Nations."

The book contains an excellent selected bibliography and index.

I congratulate my colleague and friend Lev Dobriansky and the Ukrainian Congress Committee of America for producing this volume. It deserves the widest possible readership in government circles, the media, and the Academy.

[From the Library Journal, Apr. 1, 1971]

INTERNATIONAL AFFAIRS

(By Lev. E. Dobriansky)

This polemic is based on a few easily digested assertions: Soviet Russia is bad; Calvin Coolidge, who recognized that fact, was good; his successors have been deceived by Soviet guile; and the touchstone of Moscow's evil is her suppression of Ukrainian freedom. While any of these might be debated, the author's tone is so intemperate and his style so unclear that these points are lost. What, for example, is one to make of this: "the defeat of Soviet Russian imperio-colonialism . . . would unleash constructive forces for economic production and America's technologic Manifest Destiny that the world has never seen before"? Or of the equation "USSR minus Ukraine equals zero," which Dobriansky says would astound all "except for the totalitarian Russian and their multinational clique"? This book has no literary or intellectual merit whatever.—*Robert H. Johnston, Department of History, McMaster University, Hamilton, Canada.*

REPRESENTATIVE MOORHEAD URGES SUPPORT FOR HEALTH MANPOWER BILL

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. MOORHEAD. Mr. Speaker, I ask the support of my colleagues in voting for the Comprehensive Health Manpower and Training Act of 1971 which this House will vote on Thursday.

This bill will go far in wiping away the manpower shortages in many of the specialty health areas.

I am particularly concerned with the provisions in the bill for professional schools of pharmacy. This provision grants a school $800 per student for this endeavor.

Dr. Bruce D. Martin, dean of the Duquesne University School of Pharmacy, located in my city of Pittsburgh, wrote me yesterday telling of how much his school depends on Federal support.

I am sure that many schools in the districts of my friends here are equally dependent upon Federal funding.

We cannot turn our back on the health crisis before our Nation today.

We need thousands of trained doctors and health personnel to merely keep up with the current demand.

Once again, I urge all my colleagues to vote for this bill before this House.

I include Dr. Martin's letter to me in the RECORD at this point:

DUQUESNE UNIVERSITY,
Pittsburgh, Pa., June 12, 1971.

Hon. WILLIAM S. MOORHEAD,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. MOORHEAD: It is the purpose of this letter to detail to you the extreme need

for financial support for the Duquesne University School of Pharmacy, Pittsburgh, Pennsylvania. It is hoped that support can be obtained through many sources to aid this private university's School of Pharmacy, but we look especially to recent proposed legislation directed toward encouraging the education of pharmacists through the Health Manpower legislation and the Health Professions Educational Assistance Act as they will be formulated for the coming fiscal years.

Duquesne University, a private university with little or no endowment, looks to tuition as its prime source of support. Just as the cost of operating our homes has increased in 1971, so will it cost more to operate Duquesne. Tuition in 1969 was $1600 per year, and in 1970 it was increased to $1800, although an additional increase of $200 was seriously considered because of the current financial crisis.

During the 1970–71 year, however, the students of the university formed The Third Alternative, an organization which looked toward fund raising as the way to prevent either of the first two alternatives; namely, closing the doors of the university or instituting the additional tuition increase. These students were able to provide sufficient funds to save the university as is well known nationally. However, a further increase in tuition to $2,000 will be necessary in 1971 to bring in the additional 1 million dollars needed for educational and general expenses.

The School of Pharmacy operates with fifteen full-time and nine part-time faculty members to provide a five-year curriculum leading to the Bachelor of Science degree. A modest graduate program produces M.S., Ph. D., and Doctor of Pharmacy graduates. In 1969–70, enrollment was 100 students in the last three professional years and about 100 in the first two years, thereby distinguishing the School of Pharmacy as one of the smallest schools of the 74 accredited Schools of Pharmacy in the continental United States and Puerto Rico. A deficit in operating expenses of over $93,000 and an overhead deficit of over $128,000 was incurred for a total deficit of approximately $222,000. Through the initial funding of the Health Manpower Institutional Grants, recruiting efforts resulted in an enrollment increase of 20 in Fall 1970 which reduced the 1970–71 total deficit to about $188,000. Further recruiting efforts which have taken place this year, along with the shortage of pharmacists known to be occurring nationally, have already provided Duquesne University School of Pharmacy with the prospect of its largest first professional year enrollment in twenty years entering in Fall 1971. Expansion of the last three professional years to accommodate an enrollment of 210 is seriously contemplated. This figure is very likely the maximum which our facilities just completed in 1968 will be able to handle.

Even if this enrollment increase does occur, the deficit may or may not be reduced since we are competing against inflationary problems. I mentioned previously the financial crisis of this university which is reflected in the School of Pharmacy operation. During the 1970–71 year, termed a survival year, every possible economy was instituted in nonacademic expenditures. For example, no funds were allowed for faculty travel, office equipment, laboratory permanent equipment, or promotion. Repair and supply budgets were pared to the minimum. These are some of the items necessary to operate a fine institution and to provide not only adequate but excellent education for pharmacists. Restoration of a full budget is a must.

The University, of course, could have substantiated an overall need for a tuition raise of $400 next year to increase salaries, but the Board of Directors has mandated the $200 increase in the belief that a larger increase would far outstrip the students' ability to pay.

The federal support to the School of Pharmacy begun in 1970 and continued in 1971 has become a necessity in supplementing our operating budget in order for this School of Pharmacy to remain in existence. I would ask that you do whatever possible to support legislation to continue federal funding for our School of Pharmacy. I am sure this is just one example of conditions that are being faced at many pharmacy schools across the nation and for that reason, we support the actions of the American Association of Colleges of Pharmacy, a member of the Coalition for Health Funding recently established. This coalition will gather facts and present the total picture on needs for meeting the health crisis in terms of institutional support and student loans and scholarships.

Thank you for your co-operation. If the ideas expressed here meet with your approval, I would sincerely appreciate your telling others about them, and I would not object to publication of this in the Congressional Record.

Sincerely yours,

BRUCE D. MARTIN, Ph. D.,
Dean.

FOURTH ESTATE CAN NOW HOLD GOVERNMENT ACCOUNTABLE

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. REID of New York. Mr. Speaker, today's Supreme Court decision in the New York Times and Washington Post cases means that freedom of the press is more secure tonight, because the Court has recognized that a press that is subject to prior restraint cannot be free. The Fourth Estate can now continue to hold the Government accountable to the American people without fear of censorship.

The following portions of the majority opinions seem to me to be most instructive:

Mr. Justice White affirmed:

The . . . extraordinary protection against prior restraints enjoyed by the press under our constitutional system.

Mr. Justice Stewart:

In the absence of the governmental checks and balances present in other areas of our national life, the only effective restraint upon executive policy and power in the areas of national defense and international affairs may lie in an enlightened citizenry—in an informed and critical public opinion which alone here can protect the values of democratic government. For this reason, it is perhaps here that a press that is alert, aware, and free most vitally serves the basic purpose of the First Amendment. For without an informed and free press there cannot be an enlightened people.

Mr. Justice Brennan:

The First Amendment stands as an absolute bar to the imposition of justicial restraints in circumstances of the kind presented by these cases.

Mr. Justice Douglas:

The dominant purpose of the First Amendment was to prohibit the widespread practice of governmental suppression of embarrassing information;

And further,

Secrecy in government is fundamentally anti-democratic, perpetuating bureaucratic errors. Open debate and discussion of public issues are vital to our national health.

Mr. Justice Black:

In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government. The press was protected so that it could bare the secrets of government and inform the people. Only a free and unrestrained press can effectively expose deception in government;

And further,

No one can read the history of the adoption of the First Amendment without being convinced beyond any doubt that it was injunctions like those sought here that Madison and his collaborators intended to outlaw in this Nation for all time.

These clear pronouncements vindicate not only the two great newspapers involved in these cases, but more importantly they reaffirm the fundamental right of the American people to know what their Government is doing in their name. In so doing, they enhance the vitality of American democracy, restore the balance of our coordinate branches, and give the press an essential role in insuring the accountability of government to the people.

HOW MUCH LONGER SHOULD ENVIRONMENTAL EDUCATION WAIT?

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. BRADEMAS. Mr. Speaker, everyday's mail and personal contacts convince me anew that the American people want their environment cleaned up—and cleaned up in a hurry. Every opinion poll in the last year has placed environmental concerns in the top three issues of concern to Americans—urban, suburban, and rural. Whether it be lead poisoning in inner city poverty areas, the construction of jet ports in suburbia, or strip mining in Appalachia, Americans everywhere are demanding an ecological accounting of their leaders. And Congress has a vital role to play in making sure that the people's priorities become the Nation's priorities.

In the 14 months since Earth Day 1970 we have witnessed one of the great social phenomenons of American history—a national consensus developed from the concern and activities of students and youth who were determined to live and breathe in a healthier, safer, more appealing America. These young Americans love with a patriot's fervor the America of history, song, and legend and find reality of everyday living in our effluent-pocked affluence an insult to that ideal.

The great danger to this environmental concensus is that it runs the risk of becoming the last fad of the 20th century. The need to build an educational infrastructure to deal with these matters led my colleagues on both sides of the aisle to initiate legislation which became Public Law 91–516, the Environmental Education Act.

As you know, Mr. Speaker, the Envi-

ronmental Education Act was passed in the House on August 3, 1970, by a vote of 228 to 28, and in the Senate on September 9 by a vote of 68 to 0. Despite earlier administration opposition to the bill, the President signed it into law October 30, 1970, and Congress subsequently appropriated $2 million for action under the Environmental Education Act during fiscal year 1971 through a supplemental bill.

The act authorized Federal funds for support of elementary and secondary school courses in environmental studies, adult education, and community conferences on ecology and curriculum development and teacher training in environmental studies. Minigrants of up to $10,000 were to be made available for local community work to promote understanding of these complex and interlinked social and scientific issues among community and business leaders, government officials at all levels, members of the labor movement, and citizens in general. We foresaw in our hearings and in the legislation, too, that environmental education should take place in new forms to match the new content, and the law therefore authorized grants for preparing materials suitable for use by mass media, for dealing with the environment and ecology.

As one of the sponsors of this legislation, I am very pleased to report to the House the final results of the first funding cycle. Congress was informed last week that 71 grants totaling $1,694,500 were awarded for projects in 31 States. What is lost in this program accounting is the fact that the public response to this program was overwhelming. The Office of Education handbook on preparing proposals for Environmental Education Act funds was issued in the second week of April with a deadline of May 26 for submittal of proposals. There was little time for publicity and prospective applicants were told that less than $2 million would be available. Despite these handicaps, nearly 2,000 proposals requesting more than $75 million were submitted by citizen's groups, organizations, institutions, and agencies from every State in the Union except Alaska.

And what has been the response of the Office of Education? Well, the question of environment education in the Office of Education, as Alice in Wonderland said, "gets curiouser and curiouser." Former Commissioner of Education James E. Allen made environmental education an agency priority. Last month Commissioner of Education Sidney P. Marland, wrote in American Education an excellent article called "Environmental Education Cannot Wait"—and I agree with him 100 percent. It is also my understanding that the Secretary of Health, Education, and Welfare, Elliot Richardson, has taken a personal interest in environmental education and OE activities in this area. Despite strong bipartisan support in the Congress, high level interest in the executive branch, and the overwhelming public demand for environmental education, the fate of environmental education in the Office of Education is, at best, uncertain.

Specific points of concern to me are the same as those which I raised on April 29, 1971, and which have not been satisfactorily answered:

First. Although the Environmental Education Act authorizes $15 million in fiscal year 1972, the administration requested only $2 million for environmental education programs in this coming year. Fortunately, both House and Senate Appropriations Committees have agreed on figures substantially higher than this.

Second. No Advisory Council on Environmental Education has been named. This council, mandated by the Environmental Education Act, has important statutory functions and should be appointed without delay.

Third. A highly visible office of environmental education has not yet been established, as required by law. To the contrary, it appears that with the new Office of Education reorganization scheduled for July 1, 1971, environmental education will be deeply buried in the bureaucracy. This is no less than a direct and flagrant contradiction of the clearly expressed intent of Congress. There is an old saying which, paraphrased, sums up my sorrow regarding the fate of environmental education in the Office of Education—the President and Congress may propose, but in the final analysis it is the bureaucracy which disposes.

Mr. Speaker, how much longer must environmental education wait before the law of the land and presidental policy is carried out? Why has the Office of Education not fully, honestly, and enthusiastically supported environmental education? Environmental education cannot, will not and must not wait. I am sure my colleagues in both the Senate and House support me on this.

I am pleased today to vote for the conference committee report appropriating $3,514,000 for environmental education in fiscal year 1972. This modest sum is less than one quarter of the amount authorized for fiscal year 1972—$15,000,000—and is less than 7 percent of the amount requested in proposals for fiscal year 1971 funding. But it will help assure that congressional intent is carried out and public demands more adequately met.

A CENTURY-OLD CHURCH KEEPS ATTUNED TO COMMUNITY'S LIFE

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, on Sunday, June 27, 1971, the Chicago Tribune printed an excellent article written by Jack Houston, commemorating the 100th anniversary of the First Bethlehem Evangelical Lutheran Church, which is located at 1645 West Le Moyne Street, which is in my district.

I would like at this time to commend the pastor, Rev. Edwin A. Reinke, of this truely unique church, for all of his outstanding efforts in the area of community affairs. He is a pastor who has indeed served all of the needs of his congregation.

I insert this article in the RECORD at this point:

CENTURY-OLD CHURCH KEEPS ATTUNED TO COMMUNITY'S LIFE

(By Jack Houston)

One hundred years ago the First Bethlehem Lutheran Church, 1645 W. Le Moyne St., was born to serve the spiritual needs of German immigrants settling Chicago's Northwest Side. Yesterday marked the church's centennial.

Today, the church's congregation, a mixture of whites, blacks and Spanish-speaking people, will celebrate the event. Included will be special music and a message from William Bartling, chairman of the mission board.

"What is significant about our centennial," said the Rev. Edwin A. Reinke, 68, pastor of the Miissouri Synod church since 1954, "is that instead of moving away when the neighborhood changed, we stayed and became an inner-city church."

TRANSITION WORKS

The minister said the transition has worked out well—and for the best of the church.

"If we had not gone in for work with Spanish-speaking people," he said, "we would have had to close our door."

The church always has had a social conscience, the pastor said. A few months after the church was started, Chicago was hit by the great fire of 1871. Tho the fire never crossed the Chicago River, the church helped persons displaced by the fire, providing them temporary lodging. The church building also was used to store lumber for rebuilding the burned out section of the city

ETHNIC INFLUENCE CHANGES

The neighborhood and the congregation remained European white until 1967, when large numbers of Puerto Rican and some Cuban people moved in. Many in the congregation moved to the suburbs, tho this had been the practice—"as soon as they could afford the move."

"From 1956 to 1962 a large number of displaced persons from Europe moved into the community," Pastor Reinke said. "They have since moved out. Whole families would go to work, and before you knew it, they were gone."

Tho the neighborhood is mostly Spanish-speaking now, many of the white families who moved to the western suburbs still return for services. Each Sunday the minister conducts a German service at 9 a.m. and an English service at 10:30 a.m. A Spanish service is held at noon, conducted by the church's lay missionary, Carlos Segovia.

CONTACTS IMMIGRANTS

Segovia's work is to contact many of those who come to the church, but who do not speak English. In addition to full-time work with the First Bethlehem Church, he preaches every Wednesday night at Christ Lutheran Church in Logan Square.

The lay missionary also conducts a Spanish-language Sunday School in First Bethlehem each Sunday for about 20 Spanish-speaking children.

A weekday school, associated with the church, teaches 180 children in the community. For Spanish-speaking adults the church sponsors classes in English every Tuesday and Thursday from 7:30 to 9 p.m.

STATEMENT BY PROF. PHILIP E. KURLAND

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. McCLOSKEY. Mr. Speaker, earlier today our Subcommittee on Foreign

Operations and Government Information of the Government Operations Committee had the privilege of hearing Prof. Philip E. Kurland of the University of Chicago Law School testify on the current issues of truth in government and the obligation of the Congress to insist on full information from the executive branch.

Professor Kurland's statements on our constitutional relationships were so profound that I have excerpted his comments for consideration by the full membership of the House:

IV

If you will allow me, I should like to suggest that the problems on which this Committee's attention is now focused, important as they are, are but symptoms of a more serious disease. There are, to my mind, more fundamental constitutional questions that underlie those being considered.

The essential scheme of the national Constitution was the limitation of governmental power. It sought to accomplish this end by three means. The first was a division of power between the national government and the States, a federal system in which the national government was to have limited and specified powers. For all practical purposes, federalism in this country is a thing of the past. Whether by reason of necessity or desirability or irresponsibility, the national government now has plenary governmental authority. That is to say, there is no area of governmental operations that cannot be rationalized as coming within the national sphere, whether by reason of the power over commerce or some other amorphous grant of authority.

The second major principle of limitation on authority that inheres in the constitutional scheme is that of separation of powers. It does not suffice to reject this proposition to point out that a clean, clear line among the three branches was never intended and has never been effectuated. Certainly that is true. But the essence of the scheme remains, that by dividing governmental authority among three branches there was to be not only separation of powers but a system of checks and balances. Here, too, we are in danger of losing the constitutional protection sought to be afforded. Since 1933, the executive branch of the government has secured and exercised more and more power, in part by seizing it, in part by the failure of the legislative branch to assert itself. We have reached the stage where an astute foreign observer, Louis Heren, can validly assert:

"I do believe that the modern American Presidency makes sense as a political system only when it is seen to be a latter-day version of a British medieval monarchy, and I commend this approach to its loyal American subjects. Thus armed, they will be less bothered by the frustrations that usually attend the conventional method of measuring the incumbent against the constitutional yardstick.

"The main difference between the modern American President and a medieval monarch is that there has been a steady increase rather than diminution of his power. In comparative historical terms the United States has been moving steadily backward."

The concentration of power in the executive branch may be sought to be justified by the criterion of efficiency. Just so the criterion of efficiency may justify restraints on the power of the people to learn what is going on in the government. A steady concentration of power even within the executive branch is also a trend to be noted and—I think—deplored. And this committee bears no small responsibility for the proposal to bring the various departments of the executive branch under a handful of cabinet commanders, presumably on the model that Napoleon so successfully used. The Presidential reorganization plan will thus bring more and more power into fewer and fewer hands. (The examples afforded by the Department of Defense and HEW do not suggest to me that departmental conglomeration leads to efficiency).

That such concentration of power is inconsistent with the original constitutional scheme, I have no doubts. As Professor Andrew McLaughlin once noted:

"If it be asked why people were so unwise—and the question is often asked—as to hamper government by division of authority and by checks and balances, the answer is simple: such was the kind of government the leaders and probably men in general wanted. Who are a free people? Those who live under a government so constitutionally checked as to make life, liberty and property secure. That would have been the most explicit answer of the Revolutionary days. . . ."

The third limitation on government authority that was of the essence of the Constitution was a list of restraints on the national government included, not only in the Bill of Rights but in other provisions of the Constitution as well; none so important, however, as those contained in the First Amendment.

I recite these commonplaces to you because I think that they are relevant to the issues before you. Since John Marshall used the "necessary and proper" clause to expand the national authority in the *Bank* case (*McCulloch* v. *Maryland*, 4 Wheat. 316 (1819)), it has generally been regarded as a device for the allocation of power between the nation and the states. A reading of its provisions suggests that it is at least as relevant to the division of authority within the national government itself. The provision, as you may recall, reads: "The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into execution *the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.*" (Emphasis added.)

It becomes clear to me, therefore, that to the extent that Congress is still a viable institution, it can enact legislation which in effect says that the courts shall not be permitted to enjoin publication by newspapers even of materials purloined from the national government. Congress cannot derogate from the protections afforded by the First Amendment, but it can add to them. It can legislate the circumstances and conditions under which the press may assert the privilege to conceal its sources of information. It can, I think, even legislate the terms and conditions under which the executive privilege may be asserted for the protection of the national interests. Certainly there are balancing factors to be taken into consideration in the enactment of such legislation. Congress may decide that there are times when an injunction against publication—when permitted by the Constitution—should be proper. Congress may decide that there are situations under which the executive branch should be allowed the confidentiality of communications that most enterprises—even governmental enterprises—need in order to operate successfully.

I think that the real problem is that Congress cannot—because of the way it is organized—or will not, for whatever reason, undertake the duties that are ascribed to it by the Constitution. (I would require all Congressmen to read Wilson's *Congressional Government*, to show them what role Congress once played in our governmental scheme.) After the "crisis" of the Pentagon papers recedes into the past, I expect that Congress will continue to condone Presidential actions that find no warrant in Congressional legislation. We will continue, for example, to see the President wage war without Congressional declaration, to see executive orders substitute for legislation, to see secret executive agreements substitute for treaties, and to see Presidential decisions not to carry out Congressional programs under the label of "impoundment of funds." I suggested several years ago that the failure of Congress proves or will prove the failure of democracy. And I still think that the danger is nothing less than that.

Meanwhile, I would point out, that the failure of Congress to exercise its powers of supervision over the execution of the laws that it purportedly enacts makes it all the more important that the news media be kept free to do so. For if Congress is less and less concerned about what the executive is doing, it behooves the press—in the largest sense of that word—to assume the watchdog function.

I expect that I have more than tried your patience with this tirade. And so without explicit injunction I cease and desist from further imposition on your generosity. I should, however, be happy to answer—or to try to answer—any questions that you may wish to put to me.

LIQUID METAL FAST BREEDER REACTOR FUNDS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HOSMER. Mr. Speaker, so that others may know of its contents I have obtained permission for my recent letter written to colleagues in the Congress to appear below:

JUNE 29, 1971.

DEAR COLLEAGUE: It is an uncontroverted fact that our country is running out of power.

Something has to be done to avoid brownouts and blackouts.

We have a plan.

It is to develop a breeder reactor which will safely produce electricity and more nuclear fuel than it consumes.

An organization naming itself "Friends of the Earth" has written you demanding the plan be shelved by withholding breeder development funds.

It demands that the AEC "guarantee the absolute safety of the proposed breeder program before any more public funds are committed to its development."

That demand is both impossible and ridiculous.

The whole idea of development is to create a safe breeder and thereby develop an augmented energy supply.

It is impossible to develop anything, safe or otherwise, without funds.

It is impossible in advance to guarantee safety of something not yet developed.

It is both possible and provident to develop a safe breeder reactor.

It would be suicidal for any modern industrial nation to refuse to do so.

Your enlightened support of the necessary funding is solicited.

Sincerely,

CRAIG HOSMER,
Member of Congress.

INDEPENDENCE DAY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. CARNEY. Mr. Speaker, Independence Day, the Nation's birthday, is that day which is, of all days of the year, the proper occasion for renewing and pledging devotion to our beloved country.

We celebrate today the signing of the Declaration of Independence. Just after this historic document had been signed, John Adams wrote of that day to his wife:

> I am apt to believe that it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the day of deliverance, by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shows, games, sports, guns, bells, bonfires, and illuminations, from one end of this continent to the other, from this time forward, forevermore.

And just so it has indeed been celebrated in those very ways for these many years and by so many generations of patriotic Americans. It was once the custom for people to spend at least an hour under the blazing sun on the Fourth of July while a speaker talked at length in the steaming heat. We no longer do that, but our thoughts are the same ones that were discussed at such length in the old days, duty, honor, devotion to country, and service in its cause.

The men who signed the Declaration of Independence were risking their lives. They would have been executed as traitors to the British crown if the Revolutionary War had been lost. Yet they had faith in their cause, in their new country, and in themselves. We need that kind of courage to meet our own present dangers.

In the Declaration of Independence Jefferson authored a document which has been called "the best known paper that ever came from the pen of an individual." The birth of a nation is to be found in the immortal words:

> We, therefore, the Representatives of the United States in General Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do in the Name and by Authority of the good people of these Colonies, solemnly publish and declare, That these United States are and of Right ought to be Free and Independent States.

In a letter written shortly before his death, Jefferson described the writing and signing of the Declaration as "the bold and doubtful election we were to make for our country between submission and the sword."

The same choice between submission and the sword that has faced other generations of Americans through the long years of our history faces this generation of Americans today and will face future generations. The independence and freedom which were won for us in the Revolution have been preserved by sacrifice and by courage. We must be strong enough in character, resolution, and will, to maintain them.

There are few dates in history that cast long shadows ahead of them, but one such date was July 4, 1776. Today, almost 200 million Americans owe their freedom and their country's independence to the men of the War of the Revolution whose profession of moral and political faith, the Declaration of Independence, ended with these words:

> And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our Sacred Honor.

WORLD-WIDE MISSIONS, INC.

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. REES. Mr. Speaker, the people of the State of California and, indeed, the people of all of our country should be extremely proud of one particular Californian—Dr. Basil Miller. He is the founder and director of World-Wide Missions, Inc., Culver City, Calif.

World-Wide Missions is an incorporated, nonprofit organization laboring in more than 80 nations throughout the world as a nondenominational mission to spread Christianity. Founded only approximately 20 years ago, today there are over 2,000 missions, or churches, throughout the world which receive funds through it. These funds are obtained through the freewill offerings of people everywhere, particularly here in the United States. No Government money has gone into any of their endeavors. The work of the World-Wide Missions is a demonstration of what people can do without Government money and on a strictly volunteer basis.

Churches have been established in the United States and foreign countries, and the Mission has trained many preachers. Missionary orphanages and homes for widows and unwed mothers have been built in foreign lands, exclusively for religious and charitable purposes.

There are over 3,000 workers throughout the world taking part in this endeavor, mostly volunteers and nationals of the countries themselves. Dr. Miller estimates 95 percent of them were trained by the religious denominations of the various countries, but these denominations were unable to put them to work because of a lack of funds. World-Wide Missions does compensate them from the contributions received.

More than 50,000 Americans support World-Wide Missions and make it the great success it is. While possibly the largest institution is in this country—the Twin Wells Indian School at Sun Valley, Ariz.—the rest of the money contributed by Americans goes to the missions throughout the world.

All this started over 20 years ago because of the dedication of one man, Dr. Basil Miller. Educated at New York Theological Seminary and New York University, Dr. Miller has been a minister in churches in Pittsburgh, New York City, San Diego, and Pasadena. Also, he has devoted many years to religious writing.

Dr. Miller is the president of the board of directors of World-Wide Missions. Mr. Kirby Taylor is vice president of the Missions and a member of the board; Mrs. Esther Howard is associate director of the Mission and secretary of the board, as well as being foreign financial secretary; Mrs. Elizabeth Curtis is treasurer of the Mission and a member of its board; Dr. Olav Bjorgaas, a board member and head of the medical work, is a practicing physician in Oslo, Norway; and the Reverend Paul Wegmueller is another board member as well as director of the Latin American program and the film evangelism program.

These people, plus the many volunteers and other employees throughout the world, are doing a great service to mankind. They exemplify what is good about America in this time when we hear so much criticism of our country; they exemplify true Christian love and concern for humanity in a time when so much lip-service but much less action is given these principles.

Because of the work they are doing—and because I feel that the whole country has reason to be proud of World-Wide Missions, I decided to call their accomplishments to the attention of the House of Representatives. We need more Americans with such unselfish dedication.

HOUSE APPROVES FUNDS FOR THE NATIONAL ENDOWMENT OF THE ARTS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1971

Mr. BOLAND. Mr. Speaker, yesterday the House of Representatives approved full funding of $30 million for the National Endowment for the Arts. I am delighted that this program—one that I feel is vital to the cultural activities of this country—will receive the funds which it so richly deserves.

Mr. Speaker, $30 million is not a large budget. In view of the past successes of the endowment, and in view of the far-reaching effects that its programs will have on the American people, this appropriation is well justified.

Last year the United States spent only 7½ cents in Federal funds on the arts. This figure compares very poorly with the $2.40 spent by West Germany, and Canada's $1.40. But, under the able direction of Chairman Nancy Hanks, the National Endowment for the Arts was able to generate far more citizen involvement in the arts than that amount would indicate. Part of this success is due to the fact that, throughout its history, the National Endowment for the Arts has always managed to generate $3 to $4 in private funds for every Federal dollar granted. What we are appropriating is, then, "seed capital."

The arts have too long been reserved for a small, elite sector of the American public. This does not reflect a lack of interest on the part of many Americans, but rather a lack of the financial resources that enjoyment of the arts has required.

Through the efforts of the endowment, our schoolchildren are being introduced to new and varied art forms. Certainly,

in this day and age, we are paying a small price for the humanizing effects that the arts will have on these youngsters.

Other activities sponsored by the endowment will enrich American life physically, as well as aesthetically. Architectural planning and design programs are being coordinated with environmental research grants to make our cities better places in which to live.

The notion of "rewarding" artists for past achievements has often proved to be somewhat futile. The "reward" may not be sufficient to carry the aspiring artist through future projects. Now, "fellowships" are being awarded to encourage those with talent to devote more time to the creation of new works.

The appropriation we have just approved will permit the National Endowment for the Arts to be even more responsive to American artists and art organizations who seek assistance for worthy projects. It will enable the endowment to realize its three goals of wider availability of the arts, strengthening of our cultural resources, and advancing our cultural legacy.

DR. PAUL WEST, EDUCATOR RETIRES

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. THOMPSON of Georgia. Mr. Speaker, America has lost the active service of an outstanding educator. Dr. Paul West, superintendent of the Fulton County, Ga., schools, has to his credit been a shining light to thousands upon thousands of students who have passed through this school system.

Dr. West is known for his uncanny memory, his ability to make friends as well as his ability to direct the youth of America into profitable and meaningful pursuits.

Perhaps I am more fortunate than most of those who have passed through the Fulton County schools because during my high school days, I had the benefit of the advice and counsel of Dr. West who was then principal of Russell High School. As principal, Dr. West was noted for knowing all of the students—some 1,200 of them—within a few weeks after they had entered the school. Further, he was noted for his stern but fair administration, for his compassion for the problems of the teachers and his desire to direct students in such a manner that they would reap the benefits of his direction throughout their lives.

Dr. West received many accolades during his career as an educator. I personally believe that Dr. West could have attained any position he sought whether it was Senator, Governor or whatever, and this opinion of mine is shared by many. However, Dr. West was more concerned about the education and direction of youth than he was in achieving high political office.

I suspect that tens of thousands of young Americans who have passed through the school system he has managed have been greatly enriched because of his decision.

Yes, this is both a proud day for the people of Fulton County and a sad day—a proud day because we have a man who would dedicate his life to the children of the community and a sad day because the time has come for his retirement from active service as the Superintendent of Schools of Fulton County.

Although Dr. West will retire tomorrow, I have every confidence that he will not shirk his civic duty to speak out in behalf of young people for whom he has shown great concern. I know that this Congressman will greatly miss his official counsel and help on educational matters in which we in Congress and he in the school system have a joint interest. I know this Congressman, for one, will be in contact with Dr. West throughout the coming years and will follow much of his advice and counsel, for he is much too valuable a man to retire and not share his counsel with others in public office.

THE SELLING OF THE SOVIET PENTAGON

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. CRANE. Mr. Speaker, at a time when American military planners and leaders seem to be on the defensive, at a time when there is a seeming presumption against rather than in favor of military strength, it is both interesting and dangerous to note that a radically different philosophy is evident in the Soviet Union.

While our own leaders are denied the right to speak of and plan for victory over the forces of aggression, and while we refuse to identify communism as the enemy of all freedom and self-determination, the leaders of the Soviet Union feel in no way so inhibited.

Prof. Milorad M. Drachkovitch of the Hoover Institution of Stanford University has surveyed the ideas of top Soviet military leaders as presented in the weeks preceding the opening of the 24th Congress of the Communist Party of the Soviet Union.

He found, for example, that contrary to our own unwillingness to name the enemy, the Soviet military leadership suffers from no such problem. Maj. Gen. S. Ilin stated that—

> Unmasking enemy ideology, fostering hatred for the imperialist aggressors occupy an important place in shaping high moral and political qualities in personnel.

Rather than withdrawing from the world, as our country seems on the brink of doing both in Europe and in Asia, the Soviets are expanding, and boast of it. Another military paper states that—

> Together with the development of patriotism, moral-political training also includes educating fighting men in the spirit of proletarian internationalism and the unity of the fraternal socialist countries and their armies, and this assumes particular importance in connection with the expansion of the U.S.S.R. armed forces' international tasks.

It is clear what this statement really means. In fact, an editorial entitled "Fright On Demand" in the prominent Yugoslav daily Politika attributed these menacing words to a continuing Soviet nervousness following the events of 1968 in Czechoslovakia. As Dr. Drachkovitch points out—

> The official Soviet attitude had shifted from confidence in the irreversible strength of socialism to an overemphasis on the increased imperialist danger.

Beyond this, Dr. Drachkovitch notes the growing rehabilitation of Joseph Stalin and states that—

> Unfortunately, there will be no Soviet CBS to denounce the use of public funds to promote reckless militaristic conditioning of the public.

Thus, while we speak of an "era of negotiation" the Soviet Union plans for aggressive expansion.

I wish to share Dr. Drachkovitch's article with my colleagues. It appears in the National Review issue of June 29, 1971. I insert it into the RECORD at this time.

The article follows:

[From the National Review, June 29, 1971]

THE SELLING OF THE SOVIET PENTAGON

(By Milorad M. Drachkovitch)

In Russia, the Military-Industrial Complex gets top priority. Soviet generals have been instructed to prepare for the third world war. To hear them tell it they're well on the way to winning it right now.

Today, with the American military establishment under unprecedented domestic critical assault and the Pentagon chiefs driven to the defensive, it is instructive to explore how those high in the Soviet military view the role of armed forces within the context of their own society.

An unusually good opportunity for surveying the ideas of top Soviet military leaders presented itself in the weeks preceding the opening of the 24th Congress of the Communist Party of the Soviet Union. At that time four of the structural and ideological leaders of the huge military apparatus formulated their viewpoints on vital issues facing the armed forces of the Soviet Union. Their survey articles, published in the most authoritative newspapers, may be considered a quintessence of thinking at the top of the Soviet military hierarchy. The four writers in order of the appearance of their articles were: Major General S. Ilin, candidate of historical sciences [1]; General A. Epishev, head of the main political directorate of the Soviet army and navy [2]; Marshal Ivan Yakubovsky, First Deputy Defense Minister of the USSR and commander of the united military forces of the Warsaw Pact [3]; and Marshal A. A. Grechko, Minister of Defense of the Soviet Union.[4]

Owing to the remarkable uniformity of their ideas and theses, the analyst need pay little attention to the individual contributions (which in fact should be interchangeable); the fundamental thrust of all their argumentation clearly indicates what message the military chiefs hoped to convey to Party leaders and the country at large at the solemn occasion of the 24th Congress. That message had five major components.

I. THREAT OF A NEW WAR, AND ITS GENERAL AND CLASS CHARACTER

Major General Ilin reversed the position until recently expounded by many Soviet

[1] "A Powerful Factor for Victory," *Krasnaya Zvezda* (Red Star), the official organ of the Ministry of Defense of the USSR, March 12, 1971.

[2] "Pivot Men of the Army and Navy," *Pravda*, March 25, 1971.

[3] "Industry Is Growing, Defense Is Strengthening," *Sotsyalisticheskaya Industriya*, Moscow, March 25, 1971.

[4] "Mighty Guards of Peace and Socialism," *Krasnaya Zvezda*, March 27, 1971.

military and civilian writers (and stated in the 1961 program of the CPSU), that "the growing superiority of the socialist forces over the forces of imperialism . . . will make it actually possible to banish war from the life of society." Ilin brandished the threat of a new world conflict, which he declared to be present in the policies of U.S. imperialism. About the nature and content of such a war, he predicted:

> . . . If a third world war should become a fact, it will differ greatly from previous wars. It will take the form of a decisive class struggle between socialism and imperialism on a global scale with the use of the most up-to-date weapons of armed conflict. The strike power of these weapons, primarily nuclear missiles, as well as conventional weapons, which are continually being improved, has grown immeasurably. All this makes exceptionally great demands on the moral and political, psychological, and combat qualities of the troops.

Echoing Ilin's words, the Party's top man in uniform, General Epishev, denounced "the aggressiveness of imperialism" and its readiness to "prepare a world war against the countries of the socialist commonwealth." Quoting Lenin's dictum that imperialism is a force capable of "every kind of savagery, beastliness, and crime," Epishev warned that the foe would change tactics and strategy but imperialism would "totally maintain its aggressive essence." And Marshal Yakubovsky wrote of "the aggressive policy of imperialism aimed at exacerbating tension and unleashing a new world war."

II. THE SOVIET TECHNICAL RESPONSE

How to react to the war danger? As a unanimous answer to that question, the four Soviet military leaders emphasized not negotiation, not an effort to eliminate world tensions by reduction of military burdens, but in Marshal Grechko's words, "strengthening and keeping the Soviet defenses at top level." Both Grechko and Marshal Yakubovsky took great care and obvious pleasure in emphasizing Soviet strength. "Our modern armed forces are mighty as never before," said Yakubovsky. That claim was elaborated in Grechko's self-congratulatory enumeration: "The [Soviet] Strategic Rocket Troops have developed still more and become mightier. . . . The antiaircraft missile systems, and air complexes, radar, and automated control systems enable the troops to shield the country from any aerial attack. . . . The air force likewise develops at a rapid pace. . . . The Soviet navy has become a formidable force with nuclear-powered and diesel missile-carrying submarines, surface missile carriers, and jet aviation. It more than once [has] demonstrated its increased capability in recent years."

Looking to the future, that is anticipating the fulfillment of the new five-year plan that was to be submitted for approval of the Party's congress, Marshal Yakubovsky stated that the planners' aim was "to defend our people and all the countries of the socialist community even more reliably against the danger of imperialist aggression, and to consolidate the positions of the peaceloving and liberation forces throughout the world." In almost lyrical terms he linked "the rapid development of the Soviet army and navy" to "the gigantic success of socialist industry and the achievements of the physico-mathematical sciences, nuclear physics, solid-state physics, quantum electronics, radiophysics, chemistry, technical cybernetics, metallurgy. . . ." And in even more glowing terms than Grechko, he hailed

> ". . . a revolutionary leap forward in the development of the air forces. Our designers and aviation and defense industry workers have equipped military aviation, which has become jet, supersonic, missile-carrying, and all-purpose aviation, with magnificent "flying complexes" with a wealth of combat potential. Scientific and technical and industrial progress has been concentrated, as it were, in the Soviet navy, which is rightly called an ocean, missile-carrying, and submarine-aviation navy."

III. ". . . TIRELESS PERFECTING OF PARTY-POLITICAL AND IDEOLOGICAL WORK AMONG THE TROOPS" (A. A. GRECHKO)

But the laudatory emphasis on the technical preparation of the Soviet armed forces and on all the marvels of the military-industrial complex that were working so smoothly and effectively was only part of the message. At least equal stress was laid on developing and strengthening spiritual and moral forces among Soviet military personnel. In Ilin's words: "Soviet military-theoretical thought gives full consideration to the increasing importance of the man, and to his moral forces for insuring victory in modern warfare." In this realm, in fact, Ilin saw an even greater Soviet advantage than in a strictly military competition. With unconcealed confidence he contrasted the "insoluble contradictions" manifest in the low (and "unimprovable") morale existing in the armies of imperialist powers, and the Soviet serviceman's "sense of pride in . . . motherland and complete faith in the ideas and cause of the Party." In sentence after sentence he stressed the intensive ideological work being carried out among the Soviet troops to instruct them in Leninist ideas, to train them psychologically to "function successfully in the most complex situations," to imbue them with the spirit of the "high patriotic and international mission of the Soviet armed forces."

In manner somewhat more sophisticated, though in matter identical, General Epishev synthesized the confluence of technical and ideological factors in molding the abilities and minds of Soviet fighting men:

> "[The] condition of the armed forces is characterized by both quantitative and qualitative indicators. It includes [not only] the level of excellence of fighting techniques and weapons [but] the fighting mastery of the personnel, its constant moral capacity and readiness to endure the most difficult trials of contemporary warfare and its unending will to struggle and win the victory."

IV. "EXPANSION OF THE USSR ARMED FORCES' INTERNATIONAL TASKS" (S. ILIN)

The complacent reader may be tempted to dismiss the above assertions about the ideological molding of Soviet soldiers as no more than a familiar military technique to bring pressure on civilian authorities. But there is a sentence in Major General Ilin's article that should dispel any wishful assumptions that Soviet military preparedness is dictated by exclusively defensive considerations:

> "Together with the development of patriotism, moral-political training also includes educating fighting men in the spirit of proletarian internationalism and the unity of the fraternal socialist countries and their armies, and this assumes particular importance in connection with *the expansion of the USSR armed forces' international tasks.* (Italics added.)"

The author left unspecified what he meant by "the expansion of international tasks" of Soviet armed forces, but his innuendos were not lost on Eastern Europe. An editorial entitled "Fright on Demand" in the prominent Yugoslav daily *Politika* (issue of March 18) attributed these menacing words to a continuing Soviet nervousness following the events of 1968 in Czechoslovakia. The Yugoslav commentator also stressed a development that to him was obviously disquieting: The official Soviet attitude had shifted from confidence in the irreversible strength of socialism to an overemphasis on the increased imperialist danger. What could be the reasons, he wondered, for these "confusing waverings in the measurement of force relations on the world scene"?

If Major General Ilin considered it advisable to confine his remarks to unspecified threats, Marshal Yakubovsky seemed to consider it his duty to be more specific. "With the introduction of nuclear missile weapons into the armed forces," he stated, "there has been an increase in the role of the airborne forces." He hailed the "winged infantry's . . . capability of accomplishing swift marches across the clouds," and then gave a concrete example:

> "Those who were at the Dvina maneuvers saw this for themselves, observing how in 22 minutes deep in the 'enemy's' rear a large-scale operational landing was effected—approximately eight thousand men with full equipment, light and heavy."

V. HATRED—DISCIPLINE—VICTORY

Let us return now to our introductory statement about the present anti-military climate in the United States. In this climate the Pentagon's chiefs must exercise extreme care to avoid saying anything that might be interpreted as inflammatory (hatred of the enemy, the virtue of discipline and pursuit of victory in war being currently unmentionable concepts). It is significant to see that what is scrupulously avoided in military jargon in the United States is preached openly and proudly in the Soviet Union. Three sentences from Major General Ilin's article will suffice to illustrate this point:

> "Unmasking enemy ideology and fostering hatred for the imperialist aggressors occupy an important place in shaping high moral and political qualities in personnel. . . . [It is necessary] to search for means of shaping more effectively in soldiers, sergeants and officers the aspiration to follow unswervingly the demands of military regulations and orders. . . . The task of training courageous, brave fighting men able to overcome any difficulties on the path to victory is resolved in the process of tactical instruction, exercises, marches and the performance of military duty."

In appraising the politico-military meaning of this combined stress on missile-rattling and "our army's decisive moral superiority over the armies of the imperialist states" (Ilin), three elements should be borne in mind. First, instead of showing any inclination to replace confrontation with negotiations, the Kremlin's military chiefs seem bent on sharpening the ideological struggle between socialist and capitalist systems. Second, while lip service is still paid to a goal of peaceful coexistence with states with different social systems, these Soviet military leaders emphasize in the bluntest possible terms the strength and growth of a Soviet military might that goes far beyond the legitimate requirements of national defense. Third, Brezhnev's political doctrine of "limited sovereignty" for non-Russian socialist states obtains a military corollary in the concept of defense extending to the entire socialist aggregate.

It would be farfetched to conclude that the exhortations of these Soviet military leaders will as a matter of course guide the policies which the leaders of the CPSU will pursue in the aftermath of the 24th Party Congress. But it is certain that the Party will pay careful attention to what its men in uniform have proclaimed (and will undoubtedly continue to proclaim) in such unequivocal terms. And the picture of a neo-isolationist United States, a longtime rival with a diminishing prestige and a deteriorating military morale, could be a most dangerous inducement to the Soviet leaders to pursue a foreign policy requiring "expansion of the USSR armed forces' international tasks."

STALIN LIVES!

The future alone can delineate which are the statements of policy intention and which

the purely propagandistic phraseology in the harsh words of the Soviet brass. Unfortunately, there will be no Soviet CBS to denounce the use of public funds to promote reckless militaristic conditioning of the public. No member of the Supreme Soviet will take it upon himself to blast the size of the overt and hidden Soviet military budget. No "revisionist" Soviet academician will publicly express his outrage at a proudly proclaimed scientific-industrial subordination to the needs of military buildup.

To complete the picture and to add yet another ominous note on late developments in the Soviet Union, a few days before the opening of the 24th Congress the popular Moscow movie house "October" displayed in its central window a picture of Stalin presiding over a meeting of the Soviet Supreme Military Command. The picture was taken from a film that premiered on the evening of March 24, the third film in the series entitled *Liberation*. Unlike the first two films in the series, which had minimized Stalin's historical role, the latest (called *The Emissaries of Eternity*) showed Stalin seated at the right of Lenin at a time when momentous decisions were being made.

Add to the words of Ilin-Epishev-Yakubovsky-Grechko this new bit of evidence of Stalin's rehabilitation, and you will see that the cold (and potentially hot) warriors are well and vociferous in the Soviet Union, and moreover at the top of the Kremlin's military establishment.

LET'S CARBUNCLE SAM

(By Johannes Eff)

Up into little pieces of eight
Balls and throw him to the hat
Red Guards are waiting in the wings
To assassinate all kings,
Princes, presidents, and monopolists;
Line up the kids for bedtime reformastories of fists
In the air, fuses, and dynamighty fine
Malcolm explosions, terror-for-credit, new whine
In old skin-deep slogans-to-order;
Sugar Cain's daughter
Is hanging in the post office right now waiting for stamp
Ede(n)s got a shrapnel-cramp
In its stomach trying to digest green
Jerry-built Rubincons crossed with simple simons and booster; keen
Mind detectors are sweeping the echo-kultur
For looney bird, gull, albatross, and vulture.
Proferrors are dishing out the dungareën-lightenment, catch
Words to patch
Up the thin garment of scholarship:
Life is a trip
Of Five Easy Pieces;
And Marx is so easy for nephews and nieces.

MOST UNHONORED COMBAT ARMY COMING HOME

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. LANDGREBE. Mr. Speaker, the malaise and potential disaster brought on by our pursuit of a no-win war in Vietnam has never been more eloquently portrayed than in a column written by Jenkin Lloyd Jones, which appeared in the June 26 edition of the La Porte, Ind., Herald-Argus.

Mr. Jones paints a tragic and poignant portrait, which should give us all cause to ponder what the future of our Nation will be, or indeed, if we are even going to have a future worthy of the name. I urge each of my colleagues to read this article, our survival may well depend on whether we heed Mr. Jones' words, for as he says—

We are entering a period of mortal danger.

The article follows:

MOST UNHONORED COMBAT ARMY COMING HOME

(By Jenkin Lloyd Jones)

They're coming back home, now. No bands. No cheering crowds. No confetti. No speeches. The most unhonored combat Army in American history is simply coming home.

The armies of 1918 and 1945 returned with snap and pride, boastfulness and a sense of great things done—done hopefully for all time. These small groups you see in the airports—half apologetic, half ashamed—must be more like weary Confederates who wore rags and went back to ruins.

I remember them in a happier and more hopeful hour. There was the old elan when I rode with them on night patrol down the Bassac River, and skimmed the paddies in the helicopters and interviewed the kids sweeping the jungle trails above Pleiku, and watched the jets roar from the carrier decks off Hainan Island. These were as good fighters as America had ever seen.

For those were days when they thought we intended to win. They really did. The enormity of allowing a 600-mile open flank from which the enemy could sally forth at their convenience and retire to whenever they were bloodied hadn't yet dawned on them.

Only the prospect of victory makes war tolerable—only the promise of glorious dawn beyond the dark night of agony and danger. But Vietnam was a meat-grinder. Vitnam was endless.

Maybe the root of trouble was the atom bomb. If Adolf Hitler or Joseph Stalin had gotten to it first, a frightened world would have knuckled under to the most ruthless blackmail.

But we got it first. We were awed and a little guilty at its terrible power. So Harry Truman fired Douglas MacArthur for wanting to carry the Korean war across the Yalu.

Truman feared a widened conflict leading to a nuclear hell. For the first time in our history, America fought a no-win war and took the insults and humiliations at Panmunjom.

We should never have made that mistake twice. But we did. We bowed to the nervous Nellies in the United Nations who maintained the stubborn fiction that Laos and Cambodia were neutral, even though the enemy operated in them at his pleasure.

So the meat-grinder was set up and gradually morale crumbled among soldiers who saw no victory, only the number of months or weeks before they could go home.

In the meantime, the home front crumbled even faster. To lose a son in combat is sad enough, but to lose a son in apparently purposeless combat invites white-hot anger.

The doves began to be vocal in the congress. They said, "All is lost—let's quit," Every Marxist organization insisted that we leave the field to the Communists. College seniors began showing up at commencement with peace symbols on their mortarboards.

"Concerned" preachers and professors set up shop as "draft counselors" and guess what the counsel usually was? Church headquarters began sending bundles to the bug-outs who had fled to Canada.

Then an unprecedented thing began to happen. Among "intellectuals" the enemy began to be popular. Forgotten were the Viet Cong's systematic assinations of the village chiefs, the gutted and raped villages. Forgotten was Hanoi's cynical contempt for the Geneva convention on treatment of prisoners.

No, the fable was peddled that the South Vietnamese were straining to join their Red brothers, and that only cruel American militarists were preventing the reunion. At the pot-rock bashes enemy flags are waved and American flags carried upside down.

So the boys are coming home. Many of them are hooked on the hardest drugs. Military discipline is shot. Barracks have erupted in race struggles. Insubordination is common, and the murder of officers is no longer rare.

In the meantime, the Communist world has understood the dimensions of our debacle. Russia is building warships and missiles at the fastest pace in its history, while all left-leaning outfits in America are bawling that we must dismantle our "military-industrial complex" and give the money to the poor.

Now is the time for America to take a deep breath. We are entering a period of mortal danger. There is no point in maintaining a military establishment conditioned to lose. We must either rebuild it, or we must understand that the eventual alternative is surrender.

The people of East Germany, Czechoslovakia, Hungary and Cuba might have something to tell us:

Democracy must win all the time.
Communism only has to win once.

BILL SCOTT REPORTS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. SCOTT. Mr. Speaker, our July newsletter is now being prepared and should go into tomorrow's mail. This is my way of informing constituents regarding congressional activities and is being inserted in the RECORD for the information of my colleagues:

YOUR CONGRESSMAN BILL SCOTT REPORTS

During the last few days in June, the House spent most of its time on the consideration of appropriation bills for the various departments and agencies. As we begin the new fiscal year, several appropriation bills have not been considered by either House and no appropriation bills have been passed by both Houses and sent to the President. Therefore, the government is now operating under a continuing resolution authorizing spending at the same level as least year until the appropriation bill for a particular department is acted upon. This seems to add weight to a proposal a number of us have sponsored to have the fiscal year concide with the calendar year so that the Congress will have a full twelve months to consider appropriation bills prior to the time the money is needed rather than the six months it now has.

WELFARE REFORM

The House recently passed H.R. 1, a measure proposed by the Ways and Means Committee and generally supported by the Administration, to bring about reforms in the welfare program. The bill contained 687 pages and the Committee report, which endeavored to explain it, 385 pages. In my opinion it was too large and too complex a measure to be considered in one bill. However, my primary concerns relate to the guaranteed family income portion, and the statistics in the report indicating that the number of people receiving welfare payments will be raised from 15 million to 25.5 million, or an increase of 10½ million people. The report indicates that there are now 185,400 people in Virginia receiving welfare payments

and under the bill this woud increase to 466,500 in Virginia alone or more than triple the present number of welfare recipients in our state. There is no doubt that people are concerned about welfare but the concern appears to be that too many who are able to care for themselves receive welfare payments. It seems unreasonable to have slightly more than one out of eight Virginians receive welfare checks paid for by the remaining citizens. Therefore, in opposing the bill on the floor of the House, I suggested a number of pilot projects in different parts of the country to see whether a proposal such as this will actually work or whether supplementing family income with a welfare check will indoctrinate more people with a welfare concept. Please let the office know if you would like a copy of this statement regarding the welfare bill.

M'GUIRE VETERANS HOSPITAL

We continue to receive considerable mail opposing the relocation of McGuire Veterans' Hospital in Richmond. I have visited the hospital and discussed the matter in detail with VA Administrator Johnson, but have no definite commitment from him. However, the Administrator has advised of plans to remodel the Spinal Cord Injury portion of the hospital. He states that this will involve altering space in the 6 buildings which house the spinal cord injury unit to provide an improved ratio of space per bed.

Administrator Johnson has also advised of plans initiated on July 1 for regionalization of the VA Center at Hampton and of the hospitals at Richmond and Salem. The purpose is to deliver health services to eligible veterans on a geographic-regional basis; to improve the delivery of quality medical care; to enhance cooperative improvements in medical research, education and training of health manpower; and to avoid duplication of expensive equipment and scarce professional expertise among the VA hospitals in the medical district.

JUDICIAL TENURE

Earlier this year, I reintroduced a proposed constitutional amendment to provide that all Federal judges be appointed for ten-year terms, subject to the right to be reappointed and reconfirmed for additional terms, which is substantially in accord with the practice now followed in Virginia State courts. While we need an independent judiciary, it seems reasonable to have a Federal judge account for his stewardship on the bench once in ten years so that his actions will be reasonable and responsible. Since the Committee on the Judiciary, chaired by Congressman Emanuel Celler of New York, has not taken any action on this bill, I filed a discharge petition with the Clerk of the House which will permit the bill to bypass the Committee in the event a majority of the members of the House sign the petition. Notice has been given to the entire membership of the House that the discharge petition has been filed so that they will have an opportunity to sign it.

NI RIVER WATERSHED PROJECT

Our office was informed last week that the House and Senate Public Works Committees have unanimously agreed to fund the Ni River Watershed Project in Spotsylvania County. This approval will now permit the Department of Agriculture to proceed with plans for construction of this project, which incorporates both flood control and watershed protection as well as recreation and public water supply.

COMMUTER TAX

As you know, the District of Columbia government has renewed its request for a payroll tax on persons who live in Maryland or Virginia but work in the District of Columbia. Should you desire a copy of my testimony before the committee considering this proposal, in which I express opposition to it, please let me know. All cities and counties throughout the country are feeling the need for additional revenue and Washington is both a city with local needs and the Nation's Capital with needs brought about by its being a Federal city. Therefore, it seems reasonable for local citizens to pay the cost of government that is local in nature and for the Congress to appropriate, out of general funds of the Treasury, costs which are brought about by Federal activities. The suburban commuter has to pay taxes where he lives and it seems unreasonable for him to pay taxes on his income where he works. Of course, the commuter does pay sales taxes on purchases made in the District of Columbia and a share of the Federal payment through his Federal income taxes which would appear sufficient to offset any burden he places upon the city by his presence during working hours.

LEESBURG VISIT

Our Post Office and Civil Service Committee has tentatively scheduled a helicopter visit to the Leesburg Air Traffic Control Center and either National or Dulles Airport Control Tower for Wednesday morning, July 7, in connection with proposals for early retirement and retraining of Federal Air Traffic Controllers.

VIETNAM

The primary debate on the Military Procurement Appropriations bill was on amendments to provide that none of the funds authorized to be expended should be spent to acquire any material for use in the Vietnam area after a series of dates certain. These amendments would have only a psychological effect because military equipment is generally ordered several years in advance of its actual use and the amendments would not have prohibited the use of material now in supply, that has been ordered, or would be ordered prior to the designated dates. The House defeated these amendments and refused to agree to a similar Senate amendment to the draft extension bill. It does not seem reasonable to tell the enemy in advance of your plans for withdrawal or to unilaterally give away a negotiable item. For these and other reasons I voted against the amendments. The President, in a personal letter, also has indicated that the vote in the House has "helped materially to strengthen the efforts of this Administration to achieve a cease-fire, the release of American prisoners, and the negotiation of a just peace." He added that such amendments would seriously jeopardize progress in ending American involvement.

VETERAN AND SERVICE PERSONNEL

More and more veterans and service personnel are contacting the office by phone regarding various problems such as medical and educational benefits, loan applications and other veteran matters; duty assignments, leave, family benefits and like service problems. We are always anxious to help veterans and service constituents as promptly as possible. However, to be of greatest assistance with the least delay, we need as much detailed information as possible—including, in the case of service personnel, full name, service number, home and military address; for the veteran, full name, mailing address, V.A. claim number and any other pertinent information for proper military and V.A. investigation. Therefore, it is hoped that any informal contact will be followed up as soon as possible by a letter signed by the veteran or serviceman concerned.

AIRPORT POLICE

The Subcommittee on Employee Benefits of the House Committee on Post Office and Civil Service held hearings on June 22 on my bill to make salaries of the Dulles and National Airport police comparable with other law-enforcement officials in the area and those engaged in similar activity in other cities.

HILL EMPLOYMENT

Over the past several months we have received several hundred resumes from constituents who were interested in working at the Capitol in response to our article in an earlier newsletter. All of the listings have been circulated to colleagues in the House. Since the Congressmen were asked to contact interested individuals directly, we have no way of knowing how beneficial this service has been. However, several have indicated that they are now working on the Hill. If you are interested and believe circulating your resume would be helpful, please send information about your education, experience, type of position you are interested in, your age, and salary requirements.

ACADEMY APPOINTMENTS

A number of rising high school seniors have already indicated an interest in applying for admission to one of the service academies. Each year the Civil Service Commission schedules an examination for constituents who have filed applications with me for Military, Naval, Air Force, or Merchant Marine Academies. Results are used as basis for selection for nomination. Applicants must have attained the age of 17 and not reached their 22nd birthday at the time of admission. Deadline for receiving these applications in the office is September 1, but you should let me know immediately if you are interested.

SOMETHING TO PONDER

A body of men holding themselves accountable to nobody ought not to be trusted by anybody.

HONORING VETERANS OF THE SPANISH-AMERICAN WAR

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. ESCH. Mr. Speaker, today I would like to speak in behalf of the 4,000 remaining veterans of the Spanish-American War. Two million American men heroically volunteered to fight in this war of liberation which marked the "coming of age" of the United States as a naval power. In view of the current interest in the all-volunteer military, I believe the Spanish-American War veterans offer a marvelous example of the patriotism of American men. I have asked the Postmaster General to issue a commemorative stamp honoring the Spanish-American War soldier and the few remaining veterans of the War of 1898. At this time I am pleased to include the resolution recently passed by the Michigan State Legislature urging the Post Office authorities to issue this commemorative stamp:

A CONCURRENT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES THAT THE UNITED STATES POST OFFICE ISSUE A COMMEMORATIVE STAMP HONORING THE UNITED SPANISH WAR VETERANS

Whereas, The Spanish-American War was the dawn of this Nation's leadership among the nations of the world, and it marked the last great conflict between the people of a free, self-governing republic and that of an absolute monarchy; and

Whereas, It was this country's first war for humanity, and the only one hundred percent volunteer army the world has ever know. Twenty thousand volunteers were called, and two million answered those calls. Four hundred and eighty-three thousand served, and

one million five hundred and seventeen thousand were not needed. The men came from all parts of our country, the North, the South, the East and the West. These soldiers wiped out sectionalism, and healed the wounds of civil strife, marking the rebirth of a Nation; and

Whereas, The Spanish War Veteran received no bonus, no war risk insurance, no adjusted compensation, no vocational training and no hospitalization until 1922, twenty years after the Spanish War was over; and

Whereas, The veterans of all our wars have been brave and worthy sons of America. Millions went to war before the Spanish-American soldier and millions have gone since, yet, he stands unique, distinctive, one who deserves the admiration of all mankind and

Whereas, The issuance of a commemorative postage stamp would be a fitting acknowledgment that this country has not forgotten these men; now therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Michigan Legislature urges the President of the United States and the United States Post Office authorities to issue a stamp or stamps commemorating the unique history written by the deeds of the Spanish-American War Soldier, and honoring the United Spanish War Veterans; and be it further.

Resolved, That copies of this resolution be transmitted to President Nixon, the Postmaster General, Senators Hart and Griffin, to each member of the Michigan delegation in the House of Representatives, and to the Speaker of the House and the President of the Senate.

TRIBUTES TO DR. CLARENCE W. CRANFORD

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1971

Mr. SCHWENGEL. Mr. Speaker, rarely is a community served so well and so long as this community has been by Dr. Clarence W. Cranford who, for the past 30 years, has served as pastor of the Calvary Baptist Church, a downtown church.

Dr. Cranford, as all pastors should be, has been more than a leader of his own flock. He was a man who had deep concern about the problems of his friends, his neighbors, his community, and his Nation. Who, with a very low key persuasive manner at the podium, could help his people think through and see the moral questions in balance. He could help them understand the immorality of inaction and unresponsiveness to problems, all kind of problems. He had the ability to interpret the moral lessons of the Bible and to make application to today's opportunities.

A fitting tribute was given to Lincoln by Edwin Markham that applies so well as we think of the life and character of this great and good man. Those words read:

Here was a man to hold against the World. A man to match the mountains and the seas.

Mr. Speaker, I was present on Sunday, June 20, when appropriately leaders of the Calvary Baptist Church decided some tributes should be given. They were excellent reminders of the influence of a great character, a very human man, and because I think we can learn from the lives of men, it would not be inappropriate to have placed in the RECORD those tributes as a permanent record and reminder to all who read and learn from the greatest of all manmade records—the CONGRESSIONAL RECORD.

The tributes are as follows:

TRIBUTES TO DR. CLARENCE W. CRANFORD, PASTOR OF CALVARY BAPTIST CHURCH, WASHINGTON, D.C., FROM FEBRUARY 1942 TO DATE

Rev. Edwin L. McClain, Minister with Adults and Children: Each of you knows Dr. Cranford so well and you know that if he had his choice at this moment, he would begin preaching. This is his first love, always has been. But it seemed only fitting that he have an opportunity to hear from others to whom his life has meant so much; and so we have stolen these 20 or 25 minutes from you, Cranny. We hope you remember it long. It's impossible to represent everybody who would like to give a word of tribute. I have discovered already, from the five who are to share with you this morning, that there just isn't enough time for the five. I think each of them would like to have all 25 minutes. In thinking of those who might well speak in your behalf and in behalf of persons around the world, first those of you who have loved him here, locally, so long, would want to have your expressions made through Rev. Chester Jones. Chester, as you know, grew up in this congregation. You have known him all of his life. For a number of years he had that rich opportunity, as others of us have, of being on this staff and working side by side with Cranny. Perhaps, as none other, Chester knows Cranny's heartaches and his ambitions. And he knows the congregation's love. Chester, will you share with us?

Rev. Chester H. Jones, former associate Pastor, Calvary Baptist Church: Late one evening, several years ago, my son and I took our very sick, and very beloved little dachshund to a veterinarian. We did not know that she was fatally ill; but the crash program to revive her did not succeed and the two of us stood and watched her breathe her last. As we were leaving, having left Mitzi to be taken care of by the vet, we got into the car in silence; and the boy said to me, "Dad, do you have lump in your throat?" Having to be honest with him, I said, "I sure do." To which he answered, "If I don't swallow the one in mine, I'm going to cry."

Now you may say, "Jones, that's a strange way to begin a word of tribute to "Cranny". I must confess that there is a lump in my throat and I am sure there must be a lump in almost every throat here. I don't know whether I will cry if I don't swallow it; but I do know this, I don't know how the rest of this is going to come out.

If you will allow me this one personal word in reference to what Ed has said. It was, as I remarked on this last Friday night, a privilege that I would not have foregone in any sense. Not one moment of it would I give up of having shared 15 years of my life with this man. Now how can one who has served in that capacity and now is, along with the rest of you, a member of the congregation, going to say anything that can be representative of all of us? It's too much to do. I want to hang this brief word, then, on four H's: homiletics, humor, humility, and humanity.

All of us know the gift of homiletics with which Cranny has been endowed. One of the greatest testimonies, to this, it seems to me, is the fact that within these next several months he will be lecturing at one of our great Baptist seminaries, helping young men to come to understand more than now they know about the art of preaching. I can remember that the late Dr. Sid Staley, who was president of Southeastern Baptist Seminary, once invited Cranny to come and speak to these young men on the art of preaching. He said, "I want these boys to know how it is possible to shout without yelling."

Then, of course, about Cranny the thing that all of us will forever remember is his marvelous sense of humor. If you will forgive this one other personal remark, and I hope the only other personal remark, there is an incident in the early stages of my time here that I will never forget. For the first weeks, and I guess for the first several months of my time as one of your ministers, I did not have one of those long-tailed coats that it was the practice to wear in those days; until the Deacons decided that I needed to have some dignity added and so they provided me with one. I resisted like a lamb being led to slaughter. To me it seemed to be the garb of a social affair, not a worship experience. We took our places, I most self-consciously, in the pulpit over here, and behold, what should happen but that one of the hymns would have a line in it that went like this: "Lord before thee now we stand, do not our suit disdain." I think that the service almost ended at this point because Cranny just about broke up. I prize among the so many things that I remember about him, this wonderful sense of humor.

Then I think, of his innate humility. Now it is a redundancy, I guess, to describe humility as being innate; because this is a quality that one does not acquire. You cannot make yourself a person who is filled with humility. This comes naturally, or it does not come at all. A proud man can be humble; but humility is inborn. This is the hallmark of Clarence Cranford's life.

Lastly, and far from least, I think of his genuine sense of humanity. How he understands people! How willing he has always been to go to one who needs him. This would not be so apparent to many of you as it would be to me, and to others of us, for never would he talk about the late hours that he had to keep, nor the endless phone calls that have come both here at the church and at home. Always out of this came that genuine quality of humanity and its understanding. He has made himself available. So Cranny, now I leave, on behalf of your congregation, just these four H's—homiletics, humor, humility and humanity—the hallmark of a life that has been so wonderfully and beautifully and effectively, and completely lived in our midst.

"Now abideth faith, hope, love—these three; but the greatest of these is love." This is the lesson that Clarence Cranford has taught you and me.

Rev. Edwin McClain: It would not seem possible for one man to have given so much to you and to me as he has, and yet have anything left for others; but as you will note, the other four speakers to follow will be representing realms of service beyond this congregation. Dr. James Langley formerly was a pastor in the city at Pennsylvania Avenue Baptist Church, and last November the convention chose him to be the successor of Chan Stith as the Executive Secretary of our Convention. Dr. Langley will share with us the Convention's love.

Dr. James Langley, Executive Secretary, D.C. Baptist Convention: Dr. Cranford, as Calvary Baptist perhaps knows best of all, has been one of the most sought-after speakers among churchmen in America. Churches, colleges and seminaries, conferences, civic clubs, servicemen in the US and abroad—these and other groups have heard him gladly and profitably. Now on the threshold of retirement from the active pastorate, invitations for his ministry continue to come at such a rate he is not able to accept them all. This is the happy frustration of a man of God who still brings out of his treasures that which is both new and old. Sermons have a way of losing some of their vitality in the coldness of printer's ink, and the sermons of Dr. Cranford, I think, are no exception

in this regard. But such is his power to illuminate passages of Scripture and to drive home the scriptural application, that his printed passages will long continue to be an inspiration to all who read them. Many of his sermons in addition, no doubt, could well have been published and hopefully he will find some time in retirement years to publish other writings. How good it is to know that we can turn again and again, to his sermons and other writings, for inspiration and challenge.

The District of Columbia Baptist Convention found in Clarence Cranford a loyal and devoted friend and supporter across these years. He has served in many capacities. Chief among them, I suppose, would be that of President of our D.C. Baptist Convention. And he has led this good church of Jesus Christ to be one of the most generous financial supporters of our Convention and also in providing leadership for our affairs for Christ in this area. Dr. Cranford has been ecumenical in spirit and in practice. Even before ecumenicity became an "in thing", and doubtless Dr. Warren will say more about this in a moment, there have been those ministers who have come to Washington and for various reasons have shared little in comradeship with fellow pastors. Not so Dr. Cranford. He has taken time, or found time, to lend his presence and his influence to several pastor's groups and we are the richer for it.

Because of his natural reserve and shyness, some have taken this to be an indication that he is a difficult person to get to know. But in contradiction to that, he has been known, of course, across the years to his host of friends, as "Cranny". What outstanding preacher of this or other generation has been known in such a close and informal way? Surely not very many. To me it is symbolic that this man has been a builder, not of barriers between men, but rather of bridges.

Elton Trueblood and others have shown us the humor of Christ. This has been one of the special gifts of Dr. Clarence Cranford. Who could forget, or who would want to forget, his story of that not-so-dumb village idiot who painted bullseyes around an arrow already shot in the side of a barn? His illustrations through humor have not only delighted his hearers, they have enlightened us also. Or who would forget an experience that he had of giving a prayer in the US Senate, but just before getting up to give his prayer, not able to find his own copy of his prayer, and praying extemporaneously and then having the reporter come up to him and say, "Your extemporaneous prayer was so much better than your written prayer". Or his experience in his early days of his ministry at the close of a wedding ceremony, following the benediction, the young groom holding up the two rings asking, "What am I to do with these?" Cranny's response, "Take them and get out as fast as you can."

And when the humor has been at his own expense, he has taken it like a man. A year ago, writing a tribute to Dr. M. Chandler Stith, he wrote in part that "only God and his wife knew what Chan Stith had to face across the years." And Cranny's good friend, Ed Pruden, speaking at the dinner honoring Chan Stith, said he was surprised at the change in Cranny's theology for he, Pruden, didn't know that God was married.

Knowing that at the center of our Christian faith is the incarnation, Dr. Cranford could not and would not remain uninvolved in the efforts to bring justice and freedom to all peoples—minority groups in particular. He has dreamed for this church that it might be a true church of Jesus Christ in the highest and best fashion. He has wanted for it an open membership to those of any and all races and classes and ethnic origins who confess Jesus Christ as Lord and Savior, and, under his leadership, it has truly become interracial and international. He took part in the civil rights march on Washington. He shared in the Poor People's campaign. For he has been concerned to minister to the deep needs of humanity. Just recently he shared with a group of clergymen an appearance at the Russian Embassy in behalf of Jews in the USSR. Dr. Cranford, like all outstanding persons, has never pretended to be what he is not. He has not, for example, posed as a theologian, and yet his wide reading and his keen mind have enabled him to mine the riches of the best theologians and scholars. As a good minister of Jesus Christ, he has shared these riches with us in a way we could understand and apply them to life. Dr. Cranford will be best remembered, surely, as a superlative preacher. That which separates the fair preachers from the ordinary run of pulpiteers, among other things, is the gift of inspired imagination. And he has it in unusual degree. The proof is that people remember his messages, or enough of them that life is affected thereby for strength and for righteousness. Along with that inspired imagination, he has the gift of insight. Study, yes, hard work, yes, but, ah, the gift of insight. With him, passages of scripture unfold like a flower and the meanings are grasped and communicated. Because he has never lost the human touch, he sees the relevance of the scripture and applies it to life. He has taken advantage of the preacher's prerogative, on occasion at least, of making the illustration appear even more appropriate by building a sermon around an illustration. Some of us remember with great profit still, the simple story of a woman who received a fruit cake at Christmas and kept it for the rest of the year, eating a slice at a time through the year. And his message, of course was on taking a slice of Christmas all through the year.

Cranny makes goodness attractive. Like the noble souls in the Christian church through the years, he has shown us how to endure for Christ's sake. The testing times have come often to him, in personal ways, in the life of his churches, in national life, and in other ways; and he has stood, and still stands true to the highest. Dr. Cranford has stood with his hand outstretched to help and to encircle or embrace all men as brothers and his heart has been fixed on Jesus Christ. Therefore, we thank God for Dr. Cranford and take renewed courage for here is a man for all seasons.

Rev. Edwin L. McClain: The retirement committee was very eager that the Executive Secretary of the Council of Churches might have opportunity to express a tribute to the service of Cranny in the local area, ecumenically speaking. It was a touch and go situation for Dr. Warren has had serious illness. I am elated that he can be here and I think, for many of you, this is our first opportunity to present him to you. Dr. Warren, Executive Secretary of our Council of Churches:

Dr. Charles Warren: My dear friends, I knew it would be difficult for these five speakers to stay within the four minute time period. Therefore I have, for my own benefit and for yours, typed out my statement. Let me read it to you.

There are two dimensions of Dr. Cranford's ministry I wish to comment on in the brief time alloted to me. First, his city-wide and national ministry. I can remember, as if it were yesterday, hearing my mother say to us boys, "You're getting too big for your britches." This was a reminder that, in her estimation, were becoming disobedient, or that we were growing up, discovering that new experiences of growth were beyond us. There are some ministers that get too big for their religious britches. Thank God for them! They are a part of the endless line of splendor, beginning with the Man of Galilee and running across the centuries. Christianity and the church is indebted to those who caught the vision glorious and would not let their ministries become parochialized; but extended it to neglected persons and areas. And in this city of ours, as polarized as it is, it will not find unity through editorials of newspapers, or from police forces, or any of the agencies that work; but I believe it will have unity only as committed men and women of Christ put their hearts and minds to bringing the kind of unity to our city that is needed. This city is the richer because Cranny invested so much of his ministry to it. Through the ministry of the Council of Churches, he found an opportunity to let his and Calvary's ministry be expressed. Without his involvement and the support of this church, the ministry of the Council of Churches would be much weaker than it is.

Second, let me lift up his personal ministry. Many pastors are known for their ability to interpret the truth by the spoken word. Dr. Cranford has the ability to interpret by the spoken and the written word; and the unique gift of living out the truth in his daily life. These do not always come in bunches, or together. Often times they are isolated. The great writer is a man of a cold and indifferent spirit, but somehow Cranny has brought them all together and we are all the richer because of it. He has developed the art of celebrating life by giving joy, love and compassion to everyone he meets. Most of us here this morning can testify to this personal ministry. I have felt the power of his inner feeling of peace when he has gone out of his way to drive me home after club meetings; and it has been through Rock Creek Park. He has gone out of his way just to go through Rock Creek Park and gather some of the beauty and tranquility of the environment. Only recently he stood twice at my hospital bed and gave the healing balm of compassion when I felt alone and distressed. What an art to communicate the limited fulfillment of God's presence. All of us are the richer because of your contagious ministry. Thank God for you, Cranny.

Rev. Edwin L. McClain: There are few churches across the entire United States that are members of both the American and the Southern Baptist Conventions. There are still fewer, and I suspect Calvary may be in a class all by itself, who have supplied a President for each of the Conventions at the same time. None other than our own good friend, and member of Calvary, the Hon. Dr. Brooks Hays could speak to us for the Southern Baptist Convention. How great a pleasure it is to have him here with us.

Hon. Brooks Hays, former President, Southern Baptist Convention: Thank you, Ed. I am speaking for the 11,000,000 Southern Baptists. (I wish 11,000,000 Baptists would speak for me sometimes.) Mrs. Tiller called me on Wednesday and said, "Just checking up, Mr. Hays. Are you going to be there Sunday morning?" And I said, "Yes." And she said, "Did Peggy Ringrose ask you to confine your remarks to five minutes?" "No, she didn't." "Oh, my!" Mrs. Tiller said. She said it like Everett Edward Horton used to say, "Oh, my!" But I said, "Now you can relax," and all of you can relax because I have a little gadget here that is set for five minutes. And, Cranny, if I don't hear it, you can just pull on my coat tails. I made several speeches in Kentucky and a lady travelling in Europe that summer, brought this from Switzerland to give to me. I said, "I get the message." It's a good timer. Let me get it set.

Now I remember very well the occasion that Ed referred to when we both were elected President the same week. I was in Chicago, accepting the Presidency there, and Ed, you are quite right, I think it will be found that Calvary is the only church that ever supplied, in the same year, the two Presidents. One of my Arkansas friends said, when he heard it, "Now ain't that a co-accident." Well, I went to Philadelphia to help honor the new President of the American Convention. I thought he had already been elected

and when I was introduced to speak, it developed that he had only been nominated. And so the crowd roared when I said, "I want to congratulate you upon your new president." Somebody said later, "Wouldn't you expect a Southern politician to come up here and meddle in our politics?" But we have a lot to remember. I suppose you have heard him say that one of the high points of that year was our trip to Moscow. To me, one of the high occasions was his journey to Houston when I presided over the Southern Convention. And the fraternal delegates were introduced. I was given the privilege, by the program committee, of naming the one among the delegates to respond, of course, you know that I selected Dr. Cranford. In a twenty minute talk, he lifted and inspired those men and women; so that in the months to follow, he was invited to go all over the South to preach to them and their people. If he had accepted all the invitations that he had (and I was interested in the illusion that was made by one of those who proceeded me), you wouldn't have seen him. He would have been like the preacher whose parishioner was asked about her pastor, and the dear old lady said, "Well, he is invisible six days a week, incomprehensible the seventh." I know that in the State Conventions in the southeast where he appeared, the inspiration of those devotionals (and he spoke three times in South Carolina, North Carolina, Georgia, and perhaps Florida) I know his inspiration has continued. I hope Mrs. Cranford will either frame the editorial of Jim Duncan, or see that it is reserved for a choice place in his scrap book. He was referred to as "Prince Among Preachers". One thing I love, and I am sure you will appreciate this, it said that "one feels worshipful when Dr. Cranford is reading the announcements". Well, I could say of you as was said of John Bailey, the great Scotch minister (this would be more appropriate for an Episcopal or Presbyterian service, but you get the point) it was said, "When he was in a sport shirt, he seemed to be wearing vestments." So that's the kind of preacher we have enjoyed. I am so grateful for him. He has touched my life, of course, and influenced my course of action. While I retired, you see, thirteen years ago and he is retiring now, he will never retire from tasks. He will retire from a job. My retirement was a little different. I retired with the consent of the people. He is not retiring with our consent. I wanted to save time just to say this much, because to me I think it sums it up. This is my little capsule contribution. Two weeks ago, at our communion service, he said, rather wistfully but with great delicacy as he always says it, he had wished he could have been a larger man. And, of course, we could remind him that Paul, like Cranny, was not a man of great stature. But Cranny, you are large enough to cast a shadow I can walk in. And let me add that you are large enough to cast a shadow that this congregation will walk in all the rest of our days.

Rev. Edwin McClain: How fortunate can we be to have these five, each of whom we had wanted so much and particularly to have the Executive Secretary of the American Baptist Convention. I didn't leave out that word "acting" accidentally, because you have known Frank Johnston through the years and you know that in this period that although he is serving as the acting executive secretary, it is more than acting. He is very active, and carries a terriffic responsibility. Frank, as a former member of this staff, and now from the American Baptist Convention, will you bring their greetings?

Dr. Frank Johnston: I am having to keep in mind the hymn, "Yield Not to Temptation," for I am tempted to reminicse at some length. If I had been given Chester Jones' spot on this program, I would have felt a little freer to do so, but when they make you anchor man, you're supposed to put on a real dash and then retire it. I expect I have known Cranny longer than most of you. We walked the same college campus paths back in the 20's. Across the years, our paths have crossed, merged, converged from time to time. The thing I would like to say, on behalf of the American Baptist Convention, is our sincere gratitude for both the quantity and the quality of leadership that Cranny has provided and shared so generously through the years. Before he was ever out of seminary, he was becoming a nationally known speaker and leader of our young people. He has served during the years as a member of our American Baptist Home Mission Society board of managers; as a member of the General Council, and as the President of the American Baptist Convention, as you well know. He has served in all of these capacities with that same fine touch, with that same measure of humor and humility and humanity that has marked him in his relationship here in this congregation. So for him and for his ministry throughout the American Baptist Convention, I do want to bring a sincere word of thanks, gratitude, and of anticipation for a continued rendition of service as he is a little freer in the days ahead. There is a sense in which Cranny has fitted admirably into the great tradition of this particular church in its contribution to the life of the American Baptist Convention, having provided several Presidents. As a matter of fact the last two pastors were Presidents; and we are starting to work on George Hill now to groom him so that he can move in the great tradition.

Let me close with just this brief word of personal appreciation to you, Cranny, for the way in which, as Mrs. Johnston and I have come back here, we have been allowed to continue to feel this is our church. For here we met and we were married right here. We both have welcomed every opportunity to return here, and we have been deeply grateful for the manner in which you have welcomed us and for the way in which Cranny has made us feel at home. Blessings on you, Cranny.

Rev. Edwin L. McClain: A few moments ago, out of the corner of my eye, I saw Cranny looking at his watch. May I just tell you to forget you have a watch on. I know you will want to come and refute everything you have heard; but please don't. Respond as you wish, and then, Cranny, I would be most pleased if you would close the service as you would like.

Dr. Clarence W. Cranford: Much as I love these men, I'm glad their part is over. And it's perfectly all right. I want to assure my wife I won't be any more difficult to live with after today than I have been before. I didn't inhale a bit of it.

I do want to thank the congregation. We have had some wonderful times. The party on Friday night was one of the high points of my experience here. I came to it with a bit of dread; but I enjoyed every minute of it, because it didn't get "sticky". I especially was glad to have members of my family here—my son and my daughter, my grandchildren. And I am grateful to the congregation for arranging to fly my daughter and her two children here from Phoenix. That means a great deal to me. Then, as you know, my son thrilled me by giving me a carving of the front of the sanctuary that is so realistic I can't believe it is true. Many of you said, "We would like to see it more closely" so I will have it in the reception room. Please look at it as long as you want to and please don't touch it.

I am grateful for this morning. I did wonder where it was going when Chester started out by comparing me to a dachshund. I am grateful to him not only for his friendship but for his sense of humor. I think it was Jim Langley who talked about Elton Trueblood. He once commented on my sense of humor but he had one himself because he told me one day he had just read a pamphlet that I had to read. It was entitled, "Baptism in a Nutshell." And when they were talking about this humility bit I thought "Well, I guess nobody has more to be humble about than I do." I appreciated Dr. Langley coming. I have tried to be ecumenical. As you know, I have tried to be a little Lumethopiscobapterian when it comes to working with other people. I have told you this, but I have enjoyed working with some of our Catholic friends. And when a Catholic bishop put his arm around my shoulder and said, "What do we do next?", I said, "Well, I don't know about you but I am going to tell my people that a Cathlic Bishop put his arm around my shoulder but he hasn't got his hand on my head yet."

And I am so grateful for Dr. Warren coming, so soon after surgery. I think this is the first time he has been out, since his return from the hospital. He is a great man of God and is leading our Council in wonderful ways. I was going to say that he is a Christian in whom there is no gall, but I decided not to because the other day I commented that Ed McClain had been in seminary with George Hill, and that made him "as old as the Hills." They told me to cut that business out or I would have to retire sooner than the end of the month. And of course, I have admired Dr. Hays across the years. I suppose no man has used humor to the glory of God as well as he. But I long since discovered there is a lot more to this man than just humor and that the humor covers up some tremendous insights into how the Christian gospel can be made relevant to our day. And I am grateful to Frank Johnston. I came here very soon after he had been on the staff. And you remember Dr. Abernethy was a tall man and Frank was larger than he is now. When I came somebody said, "Oh, they have begun to ration preachers." It's been wonderful to have these friends here.

You know the story I told about when Dr. Docherty came. The congregation was worshipping in the Lisner Auditorium. Instead of a big pulpit, they had a little stand on which the Bible was placed. One night they told Dr. Docherty he wouldn't have to preach because the choir was going to sing a cantata. And he said, "What do you mean, I don't have to preach?" They said, "Well, the choir is going to sing. You can rest that night." He said, "Ah, but it is not a religious concert, it's a service of worship. And if it's a service of worship, there must be a message from the Book and a brief interpretation of the message." So he had a message from the Book and gave a brief interpretation. When he went to sit down, a young man came in and picked up the stand with the Bible on it and began to walk off. George whirled over to him and said, "Where are you going with the Book?" He said, "Well Mr. Beachler, the music director, wanted it removed." He said, "Put it back. The Book must stay in the middle." And he told me he watched the pantomine as the music director said, "Why don't you take it off?" and the young man said, "Dr. Docherty wants it here." When he told me the story, he said, "Cranny, the Book stayed in the middle."

I will be stepping into the wings now. There will be a new prompter, front and center. The stage will be the same. Human needs will be the same. The Gospel will be the same. There will just be a new prompter, that's all. And I am sure that always, front and center in this church, there will be the Bible, with its tremendous message of a loving, transcendent, and imminent God; and a Savior who died to make us one with God and with each other.

FATE OF CALIFORNIA'S RURAL LEGAL ASSISTANCE PROGRAM STILL UNCERTAIN

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 30, 1971

Mr. CRANSTON. Mr. President, I have just received a copy of a 23-page press release issued by Mr. Frank Carlucci, Director of the Office of Economic Opportunity, concerning the report of the special commission on the California rural legal assistance program and Mr. Carlucci's decision regarding the refunding of CRLA. I have also just received a copy of the CRLA Commission's report submitted to Mr. Carlucci on June 25.

Mr. Carlucci has once again failed to provide a clear resolution of the political dispute concerning CRLA, commonly regarded as the most outstanding legal services program in the Nation. The explicitly stated purpose of appointing the Commission in the first place last January 30 was to settle this matter once and for all.

First, instead of a clear decision to fund CRLA for the full 17 months as requested, and as recommended by the OEO regional office for region IX, thus permitting the program to get on with the vital business of providing legal services to the poor, Mr. Carlucci's decision seems to be to extend the agony of indecision and uncertainty for CRLA and its supporters for another 5 months. Although his statement says CRLA's application for a 17-month grant is approved—subject to 22 special conditions—it goes on to say:

The initial release of funds will be through the end of [calendar] 1971

ONLY 5 MONTHS

Mr. Carlucci's position on the length of the extension is not entirely clear, however. CRLA's Director, Mr. Cruz Reynoso, has advised me that he has been told personally by Mr. Carlucci that funds would be released for the full 17 months requested.

An immediate clarification of Mr. Carlucci's decision on this funding question is absolutely necessary in order that those of us who are so vitally interested in this outstanding program can be advised as to whether it will be able to continue to function for a reasonable period of time or forced to continue under a totally unwarranted cloud with a sword hanging over its head.

I am also disappointed with the negative implications of the terms and the number of the special conditions, 22, which will apparently be attached to the grant. Again, however, the precise terms of these conditions is not specified, and I understand that CLRA and OEO were in the midst of negotiations regarding the special conditions and that numerous substantive modifications had been agreed to by OEO before the press release was issued.

The most curious thing about Mr. Carlucci's action is the announcement of a $2.5 million grant to conduct an experimental judicare program in which the California State Office of Economic Opportunity will be very substantially and intimately involved. This is the same office that a recent GAO audit found to have substantially misused significant amounts of grant funds. It is also the same office that was recently investigated by the Federal OEO itself. The OEO evaluation report concluded that the California State Office of Economic Opportunity "is not an advocate for the poor and does not intend to serve in a helpful manner as prescribed in OEO Instruction 7501–1 to alleviate the conditions of poverty in the State of California."

The evaluation also found that the State OEO has clearly failed to carry out the OEO guidelines and instructions for State OEO offices and that despite the expenditure of substantial funds—in excess of $800,000—for staff and other purposes, the results of that office's activities have been negligible.

I find it extremely puzzling that such an altogether discredited State OEO, which has been found to be philosophically opposed to alleviating and eliminating poverty in accordance with national OEO guidelines, should be in any way permitted to use $2.5 million more Federal dollars to establish an alternative legal services program for the poor. This is even more questionable when the granting Federal agency is the very one which made the adverse finding.

I will reserve further comment on Mr. Carlucci's decision regarding CRLA, and other related activities of vital importance to the legal rights of California's poor, until I have had the opportunity to study his lengthy statement and the voluminous report of the special commission which studied the issue.

Mr. President, I ask unanimous consent that OEO Director Carlucci's statement of June 30, 1971, concerning the California rural legal assistance program, followed by the CRLA Commission's report without the Appendixes, be printed at this point in the RECORD.

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

STATEMENT BY FRANK C. CARLUCCI, DIRECTOR, OFFICE OF ECONOMIC OPPORTUNITY

I have carefully reviewed the report submitted to me on June 25 by the Commission on California Rural Legal Assistance, Inc. and wish to convey my appreciation as Director of OEO to the members and staff of the Commission for the public service they have rendered. The information developed in their review and the findings they have offered, have been useful, not only in formulating a decision about the delivery of legal services to the rural poor in California, but also in offering guidance on the future direction and administration of legal services programs nationally.

The creation of this Commission was an unusual step. In establishing it, I recognized that limitations on time and resources made unwise the thought of making the procedure a precedent for other legal services grant reviews. Nonetheless, in view of the widespread attention focused on legal services in California, and because of the widely relevant philosophical and policy issues which were specifically related to concerns expressed about CRLA, there seems to be considerable merit in using the California situation as a laboratory test for dealing with broad legal services issues which go beyond the simple question of whether a particular program receiving Federal funds has technically functioned within the laws and regulations governing its operation.

Rather than viewing this controversy merely as a problem to be resolved, I have come to regard it as an opportunity to deal effectively with larger questions. This is particularly true because legislation now being considered in the Congress would, if approved, define the Federal role in legal services for many years to come. I refer, of course, to the proposals for an independent legal services corporation which are pending before Congress. The members of Congress who deliberate on these bills and, those citizens who participate in the leadership of any newly created corporation, stand to benefit greatly by the resolution of issues arising out of the California case.

The Commission on CRLA has found that despite various instances in which particular attorneys have exercised poor judgment, or engaged in improper conduct, on the whole California Rural Legal Assistance has provided a useful service to the rural poor in making available legal assistance to those in need and is operating within existing statutory and administrative regulations.

In reading the full Commission report, however, I am forced to the conclusion that many significant questions of policy have been raised by Governor Reagan which, heretofore, have been insufficiently met by this agency in a manner necessary to further our goal of equal access to law by low-income citizens.

A simple refunding of CRLA which ignores these proper concerns would constitute a disservice to the poor and to the public generally. By the same token, by dealing with these concerns constructively, we can fulfill our hope of making this case an opportunity for expanding the impact of our Legal Services Program. The Legal Services Program nationally has been good—but it can be better. The program has been successful because it attracts dedicated, committed attorneys willing to surrender the benefits of private practice because of their belief in the rights of the poor. This complete commitment without a clear definition of roles has on occasion led to needless conflict within the community. Such instances of questionable judgment and lack of restraint cause two evils:

First, it wastes the energy and dissipates the resources of a program designed to help the poor; and

Second, it invites attack on the entire program because of the indiscretions of a handful.

Central to the policy issues which have been raised is the question of the restrictions, ethical considerations and standards of accountability that should be observed by Federally-funded legal services attorneys. Many have argued that, operating as they do with tax dollars, attorneys who serve on the staffs of legal services grantees owe an extra duty of care to the public in the performance of their legal assignments and in their off duty conduct.

These questions relate to all legal services programs funded by OEO, and are not unique to CRLA.

It is clear from studying the facts found in the Commission Report that some CRLA attorneys engaged in many activities on their "own" time which would have been obviously irregular and improper if subsidized at taxpayer expense.

The Commission recognizes that while the poor should be guaranteed their rights in court, "there is a danger that frivolous complaints may be urged by poor clients that would not be urged by a man of means who would himself have to bear the legal expenses involved." The Justices, therefore, state that "the legal services attorney thus

has a special duty to be sure that when he sues the government, the matter is not trivial and the legal theory has merit." The legal services attorney also has a responsibility to so conduct himself as to preserve the distinction in the public eye which makes him an advocate for his client, rather than a simple participant in or instigator of his client's cause. It is one thing for a lawyer to pursue a particular course in furtherance of the rights of an individual client, and quite another for him to seek out clients who serve merely as instruments to advance the attorney's own philosophical or political objectives.

It is imperative that in our efforts to construct and perfect a program to vindicate the rights of the poor we maintain a perspective on the overall goals of society and attempt to build into the program measures to achieve judgment which will insure attainment of those goals. It little services the interests of the poor to establish an elaborate program that cannot last because of its conflict with such goals.

Since the passage of the Economic Opportunity Act in 1964 the problems of poverty have become more obvious and we are now more aware that the health and stability of society as a whole depends greatly upon how well this nation responds to needs of the poor.

The OEO Legal Services program has played a major role in assuring that equal access to the law becomes a reality for poor people. President Nixon in his message to Congress (May 5, 1971) concerning the establishing of an independent Legal Services Corporation stated that Legal Services for the poor must become "a permanent part of our system of justice." He praised OEO's Legal Services programs and the organized bar for their efforts in assisting the poor. He made clear, however, that we have only travelled part of the way in seeing that all the legal needs of poor people are being met. The President asked Congress to approve new legislation which would institutionalize the program developed in the last six years and continue the search for new possibilities for even greater legal assistance to the poor.

Our goal is clear. Yet, which means are most appropriate and effective in achieving it is not yet fully established. The staff attorney concept embodied OEO sponsored Legal Service program has been one highly effective means. The private bar and individual attorneys throughout the country have made their contributions through means and techniques they deem appropriate. Those efforts have ranged from individual *pro bono* efforts, to the restructuring of corporate law firms' priorities, to voluntary contributions by lawyers assisting Legal Services programs and finally the establishment of a dozen or so experimental Judiciare efforts by the organized bar. One point is clear—no one approach has all the virtues and all can be improved.

On legal services, as with so many other social issues, California, our nation's most popular state, is the place where the questions at issue are most clearly recognized. Much of the current controversey over CRLA can be seen as reflecting a broad concern over the question of which means or which way Legal Services to the poor can be delivered most effectively. It relates also to fundamental issues which have heretofore been insufficiently addressed by OEO and by the Congress.

It is not surprising that the state of California should be leading the way in attempting to find innovative ways of developing legal institutions and programs which will serve the needs of the poor. The Governor is determined that his Administration shall play a major role in finding new ways to improve the legal services program and expand its impact.

Present discussions about the delivery of legal services in California provide an excellent opportunity to push forward and to accept the President's challenge to make equal justice for the poor "a permanent part of our system" of government.

Governor Reagan's support of the President's Legal Services Corporation concept, the desire of the State OEO to experiment with alternative models and means for providing legal aid, as well as the State Bar's growing interest in experimentation and study have all been made much more visible and real as a result of the CRLA controversy. Controversy need not always be destructive and we are convinced that in California controversy over the best means for delivering legal services can have a constructive conclusion.

In spite of California's outstanding record, large sections of the State are still without organized means to assist the poor in the many legal problems which deeply affect their lives.

I wish to propose, in cooperation with the Governor, the State Bar, OEO's Legal Services programs and private attorneys, a collective effort in planning for a broad and comprehensive experimental program designed to test a variety of models for the delivery of legal services to the poor in California.

In committing the resources of OEO to a partnership with California and its citizens in developing a model effort in legal services, I believe other states will ultimately turn to the California experiment for insight in meeting the legal needs of their own low-income citizens.

We are seeking to develop in California a universal legal services program designed eventually to serve the needs of all the poor. Our efforts obviously cannot be expected to succeed overnight. Nor can they initially be expected to affect all the poor throughout the State. I shall propose we begin where the need is the greatest. CRLA has provided many services to the rural poor but large portions of California are uncovered by any organized effort designed to meet the legal needs of the poor.

For these reasons and others previously noted, I propose making a grant of $2.5 million for planning a comprehensive experimental program for the delivery of legal services to low-income citizens in California. The President in his message to Congress in establishing an independent Legal Services Corporation noted that we should not be satisfied with our previous efforts and progress in the legal services field during the last six years. We must continue to push forward. I believe it is not unrealistic to plan for universal legal services for poor people. I, therefore, am pleased that the Governor as the Chief Executive of the State has encouraged this approach and is eager to participate fully in this planning effort. I wish to encourage the participation of the organized Bar, as well as CRLA and other OEO Legal Services programs in this effort. The participation of private attorneys, law firms and the poor will also be crucial to this vital attempt to plan for the future.

Pursuant to these general conclusions we will develop a comprehensive plan for delivering legal services to the poor in California.

Under this plan a new corporation established under the auspieces of the State OEO, interested attorneys and local bar associations and known as the California legal Services Foundation, in cooperation with the State BAR Association, will begin to design and implement a program to test various alternatives and supplementary methods of delivering legal services. Assuming the success of this experiment, a new combined program to provide comprehensive legal services within California would be instituted.

CRLA has applied for a grant for 17 months This application is approved subject to 22 special conditions and subject to the following funding arrangements:

The initial release of funds will be through the end of 1971 at which time there will be an evaluation by a joint OEO-State-State Bar Association team to measure adherence to grant conditions. If grant conditions are adhered to, funds for 1972 will be released, the decision to authorize such release residing in the Director of OEO.

EXPERIMENT TO TEST ALTERNATIVE METHODS OF DELIVERING LEGAL SERVICES

Designing and implementing an experiment to test alternative methods of delivering legal services in order to develop the optimum means of establishing a comprehensive system of legal services involves extremely complex problems. There have been several tests of alternative methods of delivering legal services (especially Judicare) but all of them have been unsatisfactory. They have not been porperly designed to test their own efficiency and effectiveness in delivering legal services nor their ability in comparison with present legal services programs. If this California experiment is to achieve meaningful results, hypotheses to be tested must be agreed upon, variables must be isolated and tested, and adequate systems for data collection, comparison and evaluation must be devised and implemented. Every group that has experimented with or studied Judicare and other non-staff attorney projects serving the poor must be consulted in order to devise the experiment. In short, careful and comprehensive planning is essential prior to the implementation of the experiment. And once implemented, the experiment must run for a sufficient length of time to demonstrate meaningful results. More specific details of such a project and its proposed timing are as follows:

Five month planning phase

1. The California Legal Services Foundation in conjunction with the SEOO, the American Bar Association, the American Bar Foundation, the California State Bar Association, legal service programs, and including CRLA, and other interested and knowledgeable groups, will design and prepare for the implementation of all phases of the experiment.

2. Among other variations, the experiment should include projects using a variety of intake and referral procedures; it should be established in new areas besides supplementing in areas presently served by CRLA; and it should be designed to test different mixes of the full range of present legal services activities on behalf of clients.

3. Commencement of the operational phase of the experiment will occur following OEO's approval of the prepared plan.

Twelve-month operational phase

1. Following approval by OEO, the experimental plan will be put into effect by the Foundation and administered for a full twelve months.

2. During this time, CRLA will continue to provide legal services under the conditions set forth in its grant.

3. A broad-based evaluation system will be established to ensure that existing and experimental programs are properly administered to provide meaningful results. This evaluation system will also ensure that statistical data and narrative reports are compiled and all evidence thoroughly evaluated.

Post-experimental program

On the basis of the results of the experiment a determination will be made of the optimum method of providing legal services to the poor in California. Assuming that the experiment proves that a program combining different delivery mechanisms will be the most efficient and effective method of providing legal services to the poor, such a

combined program would be instituted in California.

CALIFORNIA RURAL LEGAL ASSISTANCE

Legal services to the rural poor in California must be continued. CRLA will continue to aid in delivering those legal services but in doing so it must continue its operations in a manner that reflects the concerns previously stated.

In order to accomplish this, CRLA must adopt new methods of self-control which will insure that:

Its separation from partisan and union activities is both apparent and real;

It does not engage in prohibited criminal representation;

Its attorneys' use of "free time" is not allowed to interfere with or discredit the activities of the program;

Increased cooperation with state and local bar associations is promoted.

I have set out below comments regarding specific areas of CRLA's activities which have caused concern and proposed solutions to those problems.

UNION ACTIVITIES

CRLA's work with the California farmworkers is a very sensitive area. The CRLA Commission indicated that as a matter of policy CRLA, a federally funded agency, should ". . . not intervene in labor-management disputes." It is imperative that CRLA's role in this delicate area be carefully designed and monitored.

The function of CRLA is to serve the rural poor, not as union organizers, advisors, or negotiators but as a law firm concerned with legal matters. CRLA must not be involved in the formation of any agricultural worker's union or any agricultural collective bargaining association nor may CRLA negotiate or attempt to negotiate any agreement concerning wages, hours, or working conditions.

In addition, CRLA must not provide legal assistance in the following areas:

Representation of a collective bargaining union in litigation regardless of whether the union is a plaintiff or defendant in a court session;

Representation of a labor union in negotiations with employers or with other labor unions;

Providing legal assistance to a labor union in the incorporation or organizations affiliated with a union which are devoted exclusively to serving union members;

Representation of union officials in matters relating to union business;

Representation of a union member if the union itself is in fact and in law the real party in interest and the union member himself only a nominal plaintiff without a legal interest in the outcome of the controversy.

Also, CRLA must not display union posters or signs in any of its offices or use its client interviewing process to recruit union members.

CRIMINAL REPRESENTATION

As the Commission report noted, Section 222(a)(3) of the Economic Opportunity Act of 1964, as amended, prohibits legal services attorneys from representing a criminal defendant proceeded against by indictment or information except where the Director (of OEO) determines, after consultation with the court having jurisdiction, that adequate legal assistance will not otherwise be available.

Although interim guidelines interpreting this provision were promulgated in Community Action Memo No. 79, in January, 1968 they do not resolve all the questions in this area. The Commission, on page 55, suggested that CRLA "adopt more definitive guidelines to avoid future confusion within CRLA, as well as in the minds of the public generally." As the Commission recognized, the problem is not only one of determining the precise nature of the statutory prohibition but also one of focusing the program's limited resources. Without restrictions, the "demand for criminal representation would quickly deplete the agency's limited budget."

By statute and court decision, California has provided extensively for the criminal defense of persons in financial need. Therefore, the use of limited OEO resources for criminal defense is unnecessary and undesirable.

In order to properly carry out the abovementioned restriction in the Economic Opportunity Act and to avoid dissipating the program's resources, it is proposed that the following guidelines be adhered to in the area of criminal representation;

(1) The statutory prohibition must be strictly adhered to in the case of persons proceeded against by indictment or information. Waivers under the exception shall be given by the Director of OEO or his designated representative only in extraordinary circumstances and only when it has been determined, after such individual has consulted with the court having jurisdiction, that adequate legal assistance will not otherwise be available.

(2) Legal assistance shall not be given in any other type of criminal proceedings (including misdemeanors, violations of municipal ordinances and post-conviction remedies where the underlying confinement was the result of a case in which representation would have been prohibited under these guidelines) unless legal representation is necessary to protect the client's rights and adequate legal assistance will not otherwise be available.

(3) Representation provided to an indigent through any organized system such as the public defender systems or court led attorneys will be deemed to be adequate representation.

SPARE TIME ACTIVITIES

In its recommendations, the Commission stated that foremost of those problems which have contributed to the misunderstanding and controversy surrounding the program "is that caused by activities of CRLA attorneys on their spare or 'own time'." The Commission went on to say (p. 85):

"As was testified by numerous witnesses, CRLA attorneys are permitted to engage in activities on their own time which either by virtue of statutory prohibition or special restrictions in the CRLA grant are not a permissible use of CRLA resources."

The Commission concluded that CRLA's existing policies and procedures to handle this problem may be inadequate.

This is a problem which the Administration specifically focused on its bill to create an independent Legal Services Corporation. In the bill the Corporation is required to insure that legal services attorneys "represent only eligible clients and refrain from any outside practice of law."

In order to take care of this most important problem now, ample limitation on outside professional activities must be instituted immediately. Certain other specific "spare time" activities such as participation in demonstrations are dealt with elsewhere herein. However, as a general rule of conduct we propose that all Legal Services attorneys in their spare time activities be guided by the following paraphrase of a statement in the Commission's report:

Each Legal Services attorney has a professional responsibility to its project and to clients to act so as to preclude not only the actuality but also the appearance of impropriety in this area. The improper conduct of one attorney, acting as a private citizen, can give the appearance of improper conduct by the program. Such misguided conduct no matter how well intentioned can only damage the program's public image and thus handicap its legitimate efforts in behalf of its clients.

PARTICIPATION IN DEMONSTRATIONS

Problems have developed pertaining to the manner in which attorneys and community workers relate to organizations which they represent. A distinction must be made between participating in an organization as a member of the organization and undertaking to represent that organization as an attorney. The problem is compounded by active participation in demonstrations and picketing. The CRLA Commission recommended strict limitations on such activities.

It should be understood that representation of organizations is authorized only when such groups are composed primarily of individuals eligible to receive legal assistance.

A simple guideline for CRLA personnel to follow in dealing with organizations is that they should not act as both client and attorney. If such personnel engage actively in the affairs of an organization, they should not undertake to represent it or to give it legal advice to any extent. Conversely, if an attorney undertakes to represent an organization in any capacity, whether through a lawsuit, negotiations, preparation of legal documents or simple counseling, an attorney should avoid active participation in the organization and its political decisions.

The attorney's function under these circumstances should be to represent the organization as a lawyer and to provide legal counsel. Public statements pertaining to the activities of the organization should be made by the leadership of the organization. Statements made by its counsel should be limited to appropriate statements pertaining to legal problems, such as law suits. An attorney's function with regard to picketing, sit-ins, or other forms of demonstration, should be strictly limited to carrying out legal duties in accordance with the highest standards of professional conduct and responsibility.

To the extent possible, appearances before public bodies should be undertaken by organizational members and their elected leaders. Such appearances should not be structured so that an attorney has a dominant role.

With reference to situations which might develop into mass arrests or wholesale patterns of government recrimination, attorneys should counsel the organization that CRLA can provide no assurance that it will afford representation with reference to criminal charges which might be brought.

In counseling organizations, it is not the attorney's responsibility or prerogative to make political decisions for an organization, but rather to advise them as to the legal consequences of various alternatives.

Therefore, the following are guidelines for all CRLA attorneys and community workers:

Actively represent and counsel groups, but, do not picket or demonstrate on behalf of the group.

Regarding activities of the group, except as to legal matters, leadership should come from group members and officers, not CRLA attorneys. Therefore, nonlegal public statements, press conferences, etc., should be made by group members.

It must be made unmistakably clear to groups advised by CRLA that CRLA attorneys are prohibited from representing them in criminal matters. Although there may be rare instances in which both CRLA and OEO will concur that criminal representation is appropriate, they will be rare. It is, therefore, inaccurate and unfair to allow a group any prior expectations.

UTILIZATION OF PROGRAM FACILITIES

Problem

In several instances the Commission found that CRLA facilities were being utilized by non-CRLA personnel for non-CRLA activities. As the Commission stated on page 6 of Appendix F to its report, "it would be advis-

able for CRLA to use care in allowing others the use of its facilities, so that possibilities for misunderstanding will be minimized."

Solution

In order to deal with this problem, the following guidelines on the use of CRLA facilities are proposed:

(1) Unique assets of a CRLA office such as its library or xerox machine may be made available to other attorneys as a professional courtesy provided that it does not cost the project any money.

(2) Other ordinary facilities such as typewriters, telephones and stationery shall not routinely be made available to or utilized by non-CRLA personnel.

(3) No legal or secretarial assistance shall be provided to non-CRLA personnel utilizing CRLA activities for non-CRLA purposes.

(4) CRLA facilities shall not be made available to any individual or group working on a non-CRLA activitiy where to do so would identify CRLA with such activity.

MEMBERSHIP IN THE COMMUNITY

Aggressive attempts to vindicate the right of the poor invite controversy and often threaten to divide the community. Challenges to the establishment brought by attorneys perceived to be "outsiders" exacerbate the division. It should be clear that such *ad hominem* disputes necessarily detract from the Legal Services attorney's ability to give help to the poor.

There are two ways that attempts can be made to bridge the division between members of the community and CRLA attorneys.

First, by observing the solutions advanced elsewhere in this paper unwarranted controversy with respect to criminal representation, union activities, demonstrations, impact litigation, and free time activities will necessarily be reduced.

Second, CRLA attorney's should be encouraged to participate in the activities of the state and local bar associations. This participation which should lead to increased cooperation and understanding by CRLA and other attorneys alike could be promoted by CRLA's paying membership fees in the appropriate organizations.

This decision to provide legal services programs for California and the imposition of stringent controls on the future operations of CRLA has been discussed with Governor Reagan, who has advised me of his concurrence.

REPORT OF THE OFFICE OF ECONOMIC OPPORTUNITY, COMMISSION ON CALIFORNIA RURAL LEGAL ASSISTANCE, INC., TO THE HONORABLE FRANK CARLUCCI, DIRECTOR, JUNE 25, 1971

BACKGROUND, APPOINTMENT OF COMMISSION, AND ADOPTION OF PROCEDURES

Background

The California Rural Legal Assistance, Inc. (CRLA), one of the largest OEO funded legal services agencies in the United States, was initiated in 1966 and had been successively refunded after annual favorable evaluations of its activities by Governmental evaluation teams each year until the year commencing January 1, 1971. The last such evaluation was conducted in August of 1970 by a distinguished 13-man team of evaluators who recommended refunding. Likewise, the State Bar of California had approved renewal of the CRLA program for the year 1971.

In December of 1970, the then Director, Donald Rumsfeld, announced that CRLA would receive an expanded OEO grant of $1,884,101 for the year commencing January 1, 1971. In making this announcement, he commented favorably on the scope and quality of the CRLA program.

Subsequent to this announcement by Mr. Rumsfeld, Lewis K. Uhler, newly appointed Director of the State of California Office of Economic Opportunity, released an evaluation of CRLA made on behalf of his department and the State of California. The findings and conclusions from this evaluation were summarized in a 283-page report entitled "A Study and Evaluation of California Rural Legal Assistance, Inc. by California Office of Economic Opportunity." This report (hereinafter sometimes referred to as the California Evaluation or the Uhler Report) charged innumerable instances of alleged improper activities engaged in by CRLA beyond the allowable statutory authority and grant guidelines formulated pursuant thereto by OEO, as well as questionable ethical practices allegedly followed by CRLA attorneys. The report stated unequivocally that "* * * the evidence presented herein represents the most complete possible indictment of any program—both from the standpoint of the poor and the communities in which the program serves. * * *" [1] The report recommended to the Governor of California that the funding of CRLA for the year 1971 be disapproved pursuant to the Governor's authority under § 242 of the Economic Opportunity Act of 1964, as amended.[2]

Pursuant to this recommendation, the Governor announced his veto of the 1971 funding of CRLA on December 28, 1970. In response to the veto, the acting Director of OEO, Frank Carlucci, announced a temporary 30-day grant to CRLA, in order to enable him to study the problem. An additional six months' grant was made by acting Director Carlucci, extending the CRLA program until July 31, 1971. CRLA is now operating pursuant to this grant extension.

CRLA, upon learning of the Uhler Report, immediately prepared its three-volume response to the charges made against it and its attorneys. The CRLA response discussed, documents and answered each specification of alleged improper activities and misconduct. Thus, the issues were drawn, so to speak.

A resolution of the American Bar Association Section on Individual Rights and Responsibilities was adopted at the mid-year meeting of the American Bar Association in February, 1971 and directed to the Office of Economic Opportunity, urging the appointment of a "high level commission" to review the charges made against CRLA at hearings opened to the public.[3]

It was in this setting, faced with the veto problem, the California allegations of impropriety, the CRLA response thereto, and the resulting serious ramifications to OEO-funded legal services programs throughout the United States, that Director Carlucci, in testifying before the Subcommittee on Employment, Manpower and Poverty of the Committee on Labor and Public Welfare, United States Senate, on March 24, 1971, indicated the pressure of time did not allow the Director sufficient opportunity to examine all of the charges in the Uhler Report. He stated to the Subcommittee:

* * * * *

"We did not have the opportunity during the 30-day period to go into all these charges. I felt that in this particular case since the program was vetoed by the Governor in our most popular [populous] state, since it was a program that had been viewed with elements of the organized bar as a model legal service program, that it was important that a thorough investigation be conducted and that my decision in this matter not only be fair but be perceived to be fair.

"I, therefore, elected to establish a commission which can perform a fact-finding function in the investigation of the charges and CRLA's rebuttal.

* * * * *

". . . The commission will be empowered to start fresh and go into a complete investigation of the Governor's charges, and I anticipate that there will be a full opportunity for evidence to be presented in a public forum in the State of California.

* * * * *

"Yes, sir, representatives of CRLA and the State will be invited to attend to discuss preliminary matters. Soon after this initial meeting, I would expect a first meeting would take place in California. This would have a prehearing conference aimed at identifying the issues, discovery of documents, preparation of proof and other matters. The commission will not sit regularly during this initial period as most of the burden of preparation will fall on the parties, but I do expect hearings to begin in California around the 1st of May and should occupy between eight and twelve days as a rough estimate. After completion of the hearings, the committee will consider the evidence in the record, prepare findings and submit its report to me hopefully during the first week in June but certainly no later than June 15, which is approximately six weeks before the existing CRLA grant expires.

* * * * *

"Obviously, legally I cannot be bound by the recommendations of the commission. The commission will be advisory to me, but also, equally obviously, I would lean very heavily on their recommendations. And if they find that CRLA is functioning effectively and within the guidelines it is my intention to refund them." Reporter's Transcript of March 31, 1971, pp. 121–126.

Mr. Carlucci clearly indicated the kind of hearings he contemplated when, at the Senate hearing, he answered the following question: [4]

"Senator CRANSTON. Will the hearings be opened to the public and the press?

"Mr. CARLUCCI. Yes sir, they will be."

Appointment of commission and adoption of procedures

The Director formally appointed the Office of Economic Opportunity Commission on California Rural Legal Assistance, Inc. on March 27, 1971. The commissioners appointed were Chairman Robert B. Williamson, retired Chief Justice of the Supreme Judicial Court of Maine; Robert B. Lee, Justice of the Colorado Supreme Court; and Thomas H. Tongue, Justice of the Oregon Supreme Court. In the Director's appointment, he charged the Commission:

"In accordance with the request of the Commission, this letter will set out your task: To assist the Director of the Office of Economic Opportunity in discharging his statutory duty by finding the facts relevant to the Legal Services Program conducted by California Rural Legal Assistance, Inc. It is understood that the Commission shall adopt such procedures as it deems appropriate to accomplish this objective. I would hope to receive your report prior to June 15, 1971." [5]

A meeting had been scheduled by OEO for 9:30 a.m. on March 27, 1971, at the OEO headquarters in Washington, D.C., for a preliminary discussion of procedural matters. Specific written invitations to attend this meeting had been directed by Donald S. Lowitz, General Counsel for OEO, to Lewis K. Uhler of State OEO, and to counsel for CRLA, advising the purpose of the meeting and requesting their attendance. CRLA representatives appeared. However, no one appeared for State OEO. In view of the absence of representatives of State OEO, the meeting was immediately recessed and another meeting was scheduled for March 31, 1971 at San Francisco. Likewise, invitations were directed to State OEO and CRLA requesting that each submit written proposals prior to the meeting regarding rules of procedure to be formulated by the Commission.

Appearing at the March 31 meeting were Chairman Williamson and Commissioners Lee and Tongue. Also appearing with the Commission was Jim R. Carrigan of Denver, Colorado, counsel for the Commission.

Footnotes at end of article.

Also appearing at the meeting, representing State OEO, were Lewis K. Uhler, Esq., Director of State OEO; John S. Fattorini, Jr., Esq., in charge of Legal Services of State OEO; A. Lawrence Chickering, General Counsel for State OEO; John G. Sawicki, Assistant for Administration, State OEO; Robert P. Gouty, Advisor to State OEO staff; and Diane Sekafitz, State OEO secretary.

Present for CRLA were William F. McCabe, Esq.; Stuart Pollak, Esq.; Jerome B. Falk, Jr., Esq.; and Cruz Reynoso, State Director of CRLA.

Also appearing were the following attorneys at law: F. Douglas McDaniel of Imperial County, California; Albert J. Arostegui of Sutter and Yuba Counties and Marysville, California; William F. Moreno of Monterey County and Salinas, California; Edward Chidlaw of Madera County, California; and Richard W. Konig of San Joaquin County and Stockton, California. These attorneys advised the Commission that, in their view, hearings in the respective localities where they practiced law would be desirable and helpful to the Commission in discharging its task, and that they, as members of the bar, would offer their services to assist the Commission in its work. The Chairman, after expressing appreciation of the Commission for this offer of public service, excused Messrs. McDaniel, Arostegui, Moreno, Chidlaw, and Konig from this meeting, explaining that this meeting was a preliminary session between the Commission and the parties for the purpose of formulating rules of procedure.

Then ensued a full day of discussion concerning procedural rules. Counsel for CRLA submitted CRLA's Memorandum on Procedures. No memorandum or written suggestions were submitted by State OEO. A thorough discussion of the positions of the interested parties was held. The views of the State OEO and CRLA as to the function of the Commission were received and considered.

Mr. Uhler strongly urged that the Commission function as an administrative investigative body which should adopt a fact-finding methodology, suggesting that the Commission staff should seek out evidence and present its own witnesses, hold hearings in private, executive sessions, including secret *ex parte* interviews throughout the State of California in all areas where CRLA has rendered services, and make general and comprehensive findings concerning all phases of the CRLA program, not limited to the charges and matters contained in the Uhler Report. He expressed the official views of the State Office of Economic Opportunity and the government of the State of California,[6] as dictated by policy considerations.[7] He advised that the State OEO would not assume the position of a party or participant in an adversary, judicial type proceeding where witnesses would be presented in support of the case against CRLA, be examined and cross-examined *in public hearings* at which the press would be in attendance; to which evidence CRLA would then present its rebuttal witnesses who likewise would be subject to cross-examination by the other party or participant.

On the other hand, CRLA urged the adoption of the adversary, judicial type proceeding as the most conducive to a fair and objective presentation to the Commission of the matters in controversy.

The Commission indicated that because of the importance of the task undertaken and the seriousness of the charges leveled against CRLA and its staff attorneys, subject to further consideration, it intended to adopt rules of procedure which would provide for public hearings at which evidence would be taken on the record and witnesses could be called, examined and cross-examined by State OEO and by CRLA; other interested parties could present witnesses who would likewise be subject to cross-examination; and documentary evidence could be received on the record, and oral arguments or written briefs could be submitted for the consideration of the Commission. The Commission was made acutely aware by Mr. Uhler of the decision of State OEO not to be a party to or a participant in such hearings and of the procedural problems which would arise from such a decision by State OEO. The Commission urged that State OEO reconsider its position, as well as submit in writing a proposal of how it believed the Commission ought to proceed.

During the course of the day, the Commission communicated with Director Carlucci's office and was advised that the method of holding hearings in a public forum open to the press was entirely agreeable, as was later confirmed by telegram. This was made known to both State OEO and CRLA during the course of the meeting. The Commission adjourned until April 12, 1971.

On April 7, Mr. Uhler sent a telegram to the Commission stating the position of State OEO as follows:

"Position of State of California Re: CRLA hearings. Per the Commission request that the State of California present in written form its position regarding the procedures to govern the Commission's investigation of the activities of CRLA, we herewith present the following: 1) The Governor of the State of California, pursuant to Section 242 of the Economic Opportunity Act of 1964, as amended, vetoed the 1971 refunding package of CRLA. That veto was sustained by then acting Director of OEO, Frank Carlucci, which was evidenced by his press statement of January 30, 1971 and the fact that a new short-term grant was issued for a period of six (6) months instead of the one (1) year as originally requested in the grant package submitted by CRLA. The latter grant was approved by Governor Reagan. 2) We recognize the difficulties faced by the Commission since it does not possess the power to subpoena or otherwise compel the attendance of witnesses, or to administer oaths, bind witnesses to the truth, or impose sanctions where deliberate untruths are presented to the Commission. Nevertheless, we hope that you will be able to accomplish a meaningful investigation of CRLA, and we will provide all possible assistance to you. 3) Since the State of California is desirous of a thorough independent, and exhaustive investigation of CRLA's activities, the State suggests that the following general guidelines be implemented by the Commission: A) The Commission must survey in detail CRLA's activities in California from its inception in 1966 through the present. Of necessity, the State's evaluation should constitute only one element of the available information relevant to a thorough investigation of CRLA. B) The Commission must go physically into all nine (9) CRLA service areas which stretch from Santa Rosa in the north to El Centro in the south. Statements must be from those who gave statements to OEO as well as all others possessing information. Only by doing so, can the Commission prepare an objective report. C) If the Commission determines that it is unable to properly complete its investigation as outlined above, it should demand an investigative staff to be provided from independent sources at federal OEO expense. In the alternative, the Commission members might divide the nine (9) service areas among themselves so as to reach a greater number of those possessing information. D) It is imperative that the Commission's investigation must follow procedures designed to elicit maximum participation of people with information; executive sessions of the Commission are a necessity in order to encourage the testimony of indigents, judges, district attorneys, prison correctional officers, and community leaders who will not present their information fully to the Commission in public hearings. Further, much information is administratively confidential and cannot be presented in other than executive sessions. E) The time presently available to the Commission members to adequately prepare an objective and unbiased report must be expanded. An effective analysis will require at least ten (10) weeks of in depth investigation in California."

The next meeting on procedure convened in San Francisco on April 12, 1971. Appearing at this meeting were Commissioners Robert B. Williamson, Chairman; Thomas H. Tongue; and Robert B. Lee. Appearing with the Commission were Commission counsel, John Carney of New York City, Chief Counsel; Peter L. Murray of Portland, Maine; and Ronald Grossman of Portland, Oregon; and Jim R. Carrigan, of Denver, Colorado.

State OEO was represented by Lewis K. Uhler, Esq.; John S. Fattorini, Jr., Esq.; A. Lawrence Chickering, Esq.; and Robert P. Gouty.

CRLA appeared by William F. McCade, Esq.; Stuart Pollak, Esq.; and Jerome B. Falk, Esq.

Chairman Williamson presented proposed rules of procedure for the conduct of public hearings by the Commission. Thereupon he read into the record a telegram to the Commission from OEO Director Frank Carlucci, confirming the March 31 telephone communication: [8]

"This is in response to your telephone advice that after deliberation the Commission has determined that the only feasible method by which it is prepared to proceed with its task is by receiving testimony on the record at hearings of my March 29 letter to you. I said it is understood that the Commission shall adopt such procedures as it deems appropriate to accomplish its task. Accordingly, *this is to advise you that the procedure the Commission has chosen is acceptable and I request the Commission to proceed with its task.*" (Emphasis added.)

Once again, Mr. Uhler restated the position of State OEO and again decried the final decision of the Commission to hold open hearings in a public forum.[9]

Throughout the discussion of the rules and their proposed application to hypothetical situations that might arise during the conduct of such open hearings, a continuing invitation was extended to Mr. Uhler and State OEO to formally enter the forum as a party or participant and to assist the Commission in its task in accordance with the procedure adopted. State OEO through Mr. Uhler declined to do so. However, Mr. Uhler had promised all possible assistance of the State OEO to the Commission to aid it in its function.[10] This included promises to cooperate in every possible way,[11] to designate and locate witnesses,[12] to bring in witnesses to testify,[13] to encourage them to testify,[14] to provide documentary evidence,[15] to make available any additional information that State OEO might discover,[16] to encourage local counsel in various service areas to lend their hand to the Commission in the presentation of witnesses who might desire to testify before the Commission,[17] and to generally lend the resources of this office to help the Commission in its task.[18] The Commission relied upon this assurance that it would thus have before it for consideration all of the evidence available to Mr. Uhler and State OEO.

The Commission considered the proposals of procedure by both CRLA and by the State OEO and concluded that the performance by the Commission of its duty to prepare a thorough and complete report with findings of fact relating to the Legal Services Program conducted by CRLA required that such report be based upon evidence submitted at public hearings at which both CRLA

Footnotes at end of article.

and State OEO (hopefully) would appear, offer witnesses and other evidence, examine and cross-examine such witnesses, and also offer oral or written arguments setting forth their respective positions for the assistance of the Commission.

The Commission, viewing the Uhler Report and the CRLA response thereto as in the nature of a complaint and answer, concluded that the testimony and evidence must go forward in spite of State OEO's refusal to participate and present evidence in support of its charges against CRLA. It was the Commission's view that the State OEO's refusal to participate should not bar the people of the State of California who had complaints against CRLA from bringing forth relevant facts before the Commission. In addition, it was considered wholly inappropriate and inconsistent with the charge to the Commission by Director Carlucci to treat the State OEO's failure to participate and substantiate its damaging allegations as a "default" which might, in a court of law, justify a dismissal of the charges.

On April 21, 1971, George R. Currie, of Madison, Wisconsin, retired Chief Justice of the Supreme Court of Wisconsin, was appointed by Director Carlucci as Commissioner to fill the vacancy caused by Commissioner Tongue's resignation. James R. Cole of Madison, Wisconsin, was appointed as Commission counsel, replacing Ronald Grossman.

Congruent with these decisions, the Commission issued its Rules of Procedure (see Exhibit A to this Report).[19] The Commission informed State OEO of its decision and directed a letter to State OEO which expressed the Commission's "hope that State OEO, as the agency charged by the State Government of California with investigation and evaluation of CRLA, would be willing to assist the Commission in carrying out of its duties in the manner which the Commission has chosen by offering witnesses and other evidence at the public hearings and by questioning the witnesses offered by CRLA and any other participants."

The Commission's hope that the State OEO would assert its opposition to CRLA in a public forum was never realized. However, State OEO did encourage persons with relevant information to come before the Commission. It also encouraged attorneys to represent these witnesses, making clear, however, that these attorneys would not represent State OEO, which had refused to participate. The Commission clearly indicated that it would permit these local attorneys to present and examine their witnesses adverse to CRLA and to cross-examine the CRLA witnesses in rebuttal. Since, however, the State OEO had made it clear that these attorneys would not and did not represent it and that it was not a participant in the proceedings, the task of cross examining the witnesses in support of CRLA's affirmative case fell upon the Commission and its staff, which was in accord with State OEO's suggestion. See Rules 1(c) and 2(b) of *Rules of Procedure*, Exhibit A.

Concerning the times and places of the hearings, it early became apparent in the procedural discussions that the Commission, in addition to hearings in San Francisco, should be prepared to hold hearings in the CRLA service areas wherever it became desirable to do so. Witnesses who desired to express their views concerning specific charges in the Uhler Report, and other persons though not mentioned in the report, who might wish to testify concerning contacts and experiences with CRLA and its attorneys, were entitled to their "day in court," and the Commission, in order to fairly receive the pertinent evidence concerning CRLA, decided to go into the field to the greatest extent possible within the time available to it.

Footnotes at end of article.

As it was deemed necessary and appropriate that such unrepresented witnesses (those involved in the Uhler Report incidents and others, then unknown to the Commission) should have the guidance of counsel, the Commission called upon the services of members of the State Bar who had indicated an interest in presenting the evidence from such witnesses.

As a result of the foregoing considerations, the Commission scheduled hearings as follows:

Hearings en banc

San Francisco, April 26–30.
Salinas, May 17–18.
Soledad, May 19.
El Centro, May 20–21.

Single commissioner hearings

Commissioner Williamson, Santa Maria, June 1.
Commissioner Currie, Madera, June 1.
Commissioner Lee, Marysville, June 1.
Commissioner Williamson, Modesto, June 2.
Commissioner Currie, Gilroy, June 2.
Commissioner Lee, Santa Rosa, June 2.

Hearings en banc

San Francisco, June 4–6.

The following lawyers agreed to represent otherwise unrepresented witnesses at the Commission hearings and did appear and present and examine witnesses as follows:[20]

Salinas, William L. Knecht, Robert Hindrichs.

El Centro, William L. Knecht, F. Douglas McDaniel.

Santa Maria, Thomas Lang, Donald Dresler.

Madera, Herbert E. Bartow, Edward Chidlaw, Thomas Burcham.

Marysville, William L. Knecht, John T. Larimer.

Modesto, Donald Dresler.

Gilroy, Thomas Burcham, Michael Panelli.

The Commission acknowledges the public service rendered by the foregoing lawyers in assisting the Commission in the discharge of its task.

In scheduling the hearings and allotting time for testimony relating to specific charges, an evaluation of the charges made by State OEO was essential. The Commission in the first instance sought the advice of State OEO as to which of the Uhler Report charges it considered significant. The State OEO declined to indicate to the Commission those portions of the report which it deemed to be particularly significant. The Commission thereupon undertook an evaluation of the issues raised by the Uhler Report charges and supporting documents, answers thereto, and chose those matters of substance which it considered of sufficient import to warrant testimony and evidence. (See *Exhibit B* to this Report for specific incidents to be considered.)

On April 28, Chairman Williamson explained the basis for designating the incidents which, in the judgment of the Commission, should be considered:

"After re-examination of the California evaluation and the CRLA response thereto, and pursuant to Rule 4(b), the Commission has designated certain incidents set forth and questions raised in that evaluation as to which the Commission would like to receive evidence.

"In arriving at these selections, the Commission made the following determinations:

a. The Commission eliminated from consideration alleged incidents which appeared to be trivial or to involve only isolated errors of judgment by individuals.

b. The Commission is not inviting evidence on incidents as to which there is no factual dispute, but only a difference on interpretation of OEO guidelines or applicable law.

c. The Commission has elected incidents which allegedly reflect CRLA policies or practices that have provoked charges against CRLA from various sources.

d. The Commission also has designated some apparently more serious individual incidents which it felt were not disposed of by the CRLA response or as to which there appears to be some factual dispute."

Pursuant to the Commission's request, State OEO and CRLA provided the Commission with a list of witnesses whose testimony, in their opinion, should be presented as being relevant to the incidents designated for consideration. The Commission thereupon mailed requests to testify to all such witnesses. In some instances, it was necessary to make telephonic contact and to seek local assistance in an effort to locate witnesses who had moved or otherwise could not be found. It had been contemplated that State OEO was to assist in locating and notifying such witnesses, as indicated during the procedural discussions.

In addition to sending requests to testify, in order that interested persons might be afforded the opportunity to appear and give testimony before the Commission concerning their contacts and experiences with CRLA, the Commission advertised in ten newspapers throughout the State whose circulation covered the CRLA service areas: Bakersville Californian, Imperial Valley Press, Madera Tribune, Marysville Appeal Democrat, Modesto Bee, Salinas Californian, San Jose Mercury & News, Santa Maria Times, Santa Rosa Press Democrat, and La Opinion.

The advertisements gave notice of the rules, particularly Rule 2(b), and explained the methods by which an organization or person could be a witness before the Commission.

Persons who indicated a desire to appear were provided with Rule 2(b) forms for the submission of a concise statement of facts to be proved by the witness.[21] Rule 2(b) statements thus submitted were screened by the Commission to determine their sufficiency. Those which met the "fair and reasonable notice" test, as set forth in Rule 2(b), were sent to State OEO and CRLA.[22] Also, the 2(b) witnesses who were asked to testify were directed to the attention of the lawyers whose services as counsel had been volunteered in the hearing area which was proximate to the address of such witnesses.[23]

Commission hearings were held as scheduled. Inasmuch as the Commission was always desirous of having State OEO participate formally in the proceedings, the Commission renewed its invitation to State OEO at the commencement of each hearing where State OEO representatives were in attendance. Consistently, to the disappointment of the Commission, State OEO declined to participate.

In this posture then, there being no official representative of State OEO who would present the evidence against CRLA concerning the Uhler Report charges designated for consideration, it was determined that at the commencement of each hearing CRLA should present its affirmative case as to why it should be refunded. The San Francisco CRLA affirmative case took six days to present. State OEO refused to participate and cross-examine the CRLA affirmative case witnesses. At the hearings in the field, State OEO likewise refused to participate and cross-examine. Because of this, the Commission felt it necessary and desirable to drastically limit the CRLA affirmative case presentation to approximately an hour, in order to provide the maximum time and opportunity for those who wished to present evidence against CRLA to be heard. There was no limit on cross-examination of CRLA witnesses in rebuttal to charges made by the Uhler Report witnesses and by the 2(b) witnesses.[24]

No limitations were placed upon private organizations, lawyers, or laymen who had a legitimate interest in the affairs of CRLA, who wished to present their views or complaints against this organization at any hearing. Only simple compliance with Rule

2(b) was required. This rule imposed conditions only that a statement of the organization or person desiring to testify be filed with the Commission five days in advance of the hearing date, and that the scope of the subject matter of such testimony be relevant to the inquiry of the Commission. Procedural fairness required advance notice under this rule of the proposed testimony in order to allow counsel for CRLA time to prepare to meet the new charges raised by the 2(b) statements.

It is noted that at the hearings, rules of evidence generally applicable to administrative hearings were observed. The Commission was liberal on technical matters such as authentication of documents, copies and the like. Reliable and probative hearsay was admitted. Every effort consistent with fair procedure was made to obtain the facts relevant to the operation of CRLA.

A few witnesses sought to offer testimony concerning the merits or conduct of lawsuits presently pending in State or Federal courts. The Commission refrained from receiving such evidence. Such restraint in our opinion was necessary to avoid the risk of prejudice to litigants and to respect the jurisdiction of the courts involved.

Copies of all papers and exhibits filed with the Commission were immediately furnished to State OEO. At all times State OEO was kept fully advised of the Commission's activity. Although it was not practical for the Commission to provide copies of all documents to each of the various attorneys who represented individual witnesses, many of those attorneys were in close touch with State OEO and the Commission staff readily furnished them with all information and assistance requested.

At the conclusion of CRLA's affirmative case, Uhler Report witnesses and Rule 2(b) witnesses were then presented by those lawyers (herein before named) who had volunteered their services to the Commission in this respect. Such witnesses were subject to cross-examination. The scope of examination and cross-examination in the interest of fairness was limited only to the subject matter as stated in the designated Uhler Report incident or the 2(b) statement concerning which the witnesses were presented. Such a format of evidentiary presentation was determined eminently fair and practicable in light of State OEO's voluntary posture as "non-party" or a "non-participant".

It is the belief of the Commission that the procedural rules which guided it through the evidentiary hearings were a valid mechanism by which the truth-finding function of the Commission was effectively carried out.

CRLA'S FUNCTION AND ITS MODE OF OPERATION

California Rural Legal Assistance, Inc. is a nonprofit legal services corporation consisting of 44 attorneys supported by a secretarial staff and community workers. It has a central office in San Francisco and nine regional offices through rural California. It is funded by the United States Office of Economic Opportunity. The Office of Economic Opportunity is the organization designed to carry out the "War on Poverty". The object of this program in its inception was to focus efforts on eliminating the causes of poverty rather than relieving its symptoms. That this has remained OEO's basic purpose was emphasized by President Nixon in an address of August 11, 1969, when he stated: "It is important that OEO concentrate its energies on causes rather than symptoms, that it help people become productive participants in the economy rather than focusing on the conduct of income support or other ameliorative activities."

The OEO legal services program under which CRLA operates was born in 1964 when the Office of Economic Opportunity turned to the organized Bar for aid and assistance in outlining a program to provide legal services for the poor. On the national level, it was determined that the American Bar Association, the National Legal Aid and Defender Association, and the Office of Economic Opportunity would co-sponsor national conferences to explore how best to provide legal services to the poor.

Those concerned critically studied the history of legal services in order to assess their strengths and weaknesses. Although legal aid in the United States has a history stretching back to the 19th century, and although the provision of legal services to the poor became one of the 10 long-range goals of the American Bar Association in 1950, it was recognized in a 1965 resolution of the American Bar Association: "that the growing complexities of modern life, shifts of large portions of our population, and enlarged demands for legal services in many new fields of activity warrant increased concern for the unfilled need for legal services, particularly as to persons of low income, and that the organized Bar has an urgent duty to extend and improve existing services."

For a number of reasons it was felt that legal aid societies on the traditional mold could not meet current needs. Paramount among these was the fact that the legal aid societies were undermanned, underfunded, and overworked. The caseloads handled by legal aid lawyers rendered effective advocacy impossible. The result was the "revolving door practice" by which overworked attorneys would see as many clients as possible each day attempting to resolve their problems as quickly as possible. Typically, there was litigation only when forced in a defensive posture, an appeal very rarely, no legislative or "lobbying" work, and no representation of groups or legal education. In short, the poor urban client of a typical legal aid office had available nothing approaching the broad spectrum of legal remedies available to the client who could pay a fee. In rural areas, any effective legal aid services for the poor were virtually nonexistent.

The legal services program conducted by OEO was designed to overcome the inadequacies of the traditional legal aid operation. The OEO guidelines, under which CRLA functions, mandate that the broadest scope of legal services be provided. These guidelines require that an OEO legal services program handle not just the traditional "service" cases, but, in addition, it work actively in the fields of group representation, "law reform" and educating the poor regarding legal rights and responsibilities. As part of the Office of Economic Opportunity, it is important to recall that CRLA has what President Nixon termed a "social pioneering" function:

"Our nation will attain its social objectives, I believe, only if we develop a new spirit of adventure in their pursuit. We must become pioneers in reshaping our society even as we have become pioneers in space. We must show a new willingness to take risks for progress, a new readiness to try the untried.

"Such an innovative spirit should characterize all of our institutions and all agencies of government. But it is in the Office of Economic Opportunity that social pioneering should be a specialty. It is the OEO that should act as the "R and D" arm for the government's social programs." [25]

CRLA, founded by James D. Lorenz, who became its first Director, was incorporated in 1966 and received its first OEO grant in May of that year. Since then, CRLA's operations have showed continual expansion and it has been refunded on an annual basis.

SCOPE OF LEGAL SERVICES

The Guidelines for a Legal Services program developed by the broadly based National Advisory Committee, considered the question of the scope of legal services to be rendered and urged that, ". . . a full spectrum of legal work should be provided: advice, representation, litigation, and appeal." [26]

Beyond these standard categories, the guidelines specifically urged:

"Advocacy of appropriate reforms in statutes, regulations and administrative practices is a part of the traditional role of the lawyer and should be among the services afforded by the program. This may include judicial challenge to particular practices and regulations, research into conflicting or discriminating applications of laws or administrative rules, and proposals for administrative and legislative changes." [27]

Clinton Bamberger, former OEO Director of Legal Services Program, described the purpose of these portions of the guidelines, ". . . it was that we were concerned about using the skills and the talents of lawyers to serve people who were poor and to try to change those systems, those parts of our system, those laws, and those legal processes that made it difficult for people who were poor to move out of poverty." [28]

Law reform or impact litigation as a positive policy of OEO funded legal aid programs not only received the specific endorsement of the National Advisory Committee, but the existence of this portion of the legal services program was brought to the attention of the bar and public in law review articles, speeches, OEO published documents and testimony before Congress. That impact cases were consistent with the best legal aid tradition Mr. John Douglas, an attorney in private practice and President of National Legal Aid and Defenders Association, made clear. He pointed out that as early as 1919 Reginald Heber Smith urged that legal aid societies have a "fighting fund" to carry new and important points of law to the highest court.[29]

Under modern procedure, included among impact cases are class actions which have particular advantages as pointed out by John Douglas:

"It's an expeditious way of dealing with these things. It's a way of reducing delay and avoiding congestion in the courts. It's in the best interest of administration of justice and, most important of all, it's the only way that a number of circumstances can effectively be cured." [30]

Where CRLA attorneys encounter the same legal problems raised by a number of clients, the appropriateness of a class action is not only urged by reasons of economy in the sound administration of justice, but compelled by OEO guidelines. Special Grant Condition No. 1 provides,

"Multiple suits in the same judicial district shall not be filed by CRLA in cases of multiple plaintiffs if the legal issue or issues are identical or so similar that the issue can be decided and complete relief can be afforded by the filing of a single suit or by the joinder of all plaintiffs." [31]

This discussion of impact litigation should not obscure the fact that the overwhelming bulk of CRLA's work is handling the routine problems of the poor, known in the parlance of legal assistance attorneys as "service" cases.

In fiscal year 1968–69, CRLA handled 15,423 separate legal matters, a yearly average of 429 problems per attorney.[32] In fiscal 1969–70, it handled 18,942 matters.[33]

The substantial portion of these matters did not involve litigation. Indeed, in 1969–70, only 8% of the 9,705 cases closed by CRLA attorneys involved a court proceeding, and only 13% an administrative hearing. CRLA's record in the matters litigated is outstanding. Of the court cases decided in 1969–70, CRLA clients received favorable judgments 84% of the time. Of the administrative decisions rendered, CRLA clients received favorable rulings 88% of the time.[34]

Footnotes at end of article.

As would be expected, the routine matters comprise a large percentage of the matters handled, 95–98% of the total number. Although no exact records are available as to the amount of time spent on the service cases, as opposed to impact cases, the Directors' estimate of 80% is reasonable.

Although these figures speak eloquently of the need for legal services of the type performed by CRLA, it should be noted that in every area the Commission heard testimony which confirmed this need.

Suits against the Government

It may seem paradoxical to some that an attorney paid by the Government is able to represent a person suing the Government. Sargent Shriver made a cogent point in this regard:

"The easy way to stay on first base, or the easy way not to make a mistake with this program, is to try to remember all the time that even though the public is paying for the lawyer's salary, rather than a private client, the lawyer has to have the same freedom with that client that any lawyer has with any client.

* * * * *

"So when these tough cases come to you, you've got to stop and say, 'Does a citizen of the United States have that Right?

"If a citizen has it, then a poor person has it, despite the fact that a poor person's lawyer is being paid by public money.[35]

The apparent anomaly is also present in the criminal area where the state pays for the prosecution and provides free legal representation for the criminal defendant. It may be argued, however, that there is also a distinction between the situation where the government has initiated legal action and where the action has been initiated by the poor person. While this may be true, it is not a complete answer.

If the Constitution or a statute has granted a poor person a right, and an administrative agency of government has deprived the individual of that right, there would seem no sound basis for denying a poor person an opportunity to claim that right before our courts. Surely, in these circumstances, one who is not poor may sue the government to enforce Constitutional or statutory rights.

On the other hand, there is a danger that trivial or frivolous complaints may be urged by poor clients that would not be urged by a man of means who would himself have to bear the legal expenses involved. The legal services attorney thus has a special duty to be sure that when he sues the government, the matter is not trivial and the legal theory has merit. However, it would be unrealistic to expect the legal services attorney to justify the initiation of every suit by showing a clear cut legal victory. Such a standard would inevitably have a chilling effect on the creativity of advocates for the poor and would run counter to the core concept of OEO.

In this report we will discuss a number of cases which will indicate CRLA has acted responsibly in this regard.

Laurence Horan, former OEO Western Regional Director, well summarized one type of situation in which interests of economy might even dictate affirmative action against a government agency:

"It's entirely possible that a lawyer, for example, can represent—have fifteen cases in which, because of some misinterpretation of a rule by an agency personnel or some non-compliance with a rule, that fifteen administrative hearings might be necessary.

"If CRLA, as it has done, challenges either the rule itself or the application of it so that an internal policy communication in the agency effected results, they, then, have solved not only for the ten or fifteen people that they've just represented, a legal problem that causes anguish to poor people, but they have prevented an occurrence of that problem perhaps in fifteen, twenty, or perhaps a hundred other instances.

"I think that kind of thing is precisely what lawyers are set up to do."[36]

Clinton Bamberger recognized that the poor may have a special interest in being able to sue the government:

"Because the—while you and I don't have to depend on a lawyer or have bureaucracy to decide where we eat, or where we sleep, or work, we have in this country—and it's good that we have—written laws that provide food for people who are hungry and homes for people who are homeless, and jobs for people who are jobless.

"But the natural consequences of that is that the lives of poor people are going to be more governed and regulated by law and bureaucrats.

"And a lawyer who is going to represent the poor and poor people and the things that are important to poor people, is going to be an advocate for them against State and local agencies. It's—you can't avoid it, in our adversary system."[37]

Of the many cases which CRLA has successfully prosecuted with substantial impact on behalf of the poor, four are illustrative:

Morris v. *Williams*, 67 Cal. 2d 733, 63 Cal. Rep. 689 (1967), was instituted by CRLA attorneys in the Modesto office to enjoin the cutback in medical aid required to be provided by federal law to aged and indigent Californians, which the State of California had put into effect as a result of an erroneous interpretation of federal law. The Superior Court enjoined these "Medi-Cal" cuts, and the California Supreme Court affirmed.

As November, 1968, 21 of California's counties had refused to institute Federal Food Stamp and Commodity Distribution programs. In *Hernandez* v. *Hardin*, Case No. 50333 (N.D. Cal. 1968), CRLA lawyers secured an injunction from a three-judge Federal Court, requiring the Department of Agriculture to institute food programs in these 21 counties. As a result, in 1969, California became the first large state in which every county was operating a Federal food program.

The California Supreme Court, in *Castro* v. *State of California*, 2 Cal. 3rd 223, 85 Cal. Rep. 20 (1970), overturned California's 76-year old requirement that State residents must be literate in English in order to vote. It was held that persons literate in Spanish may also vote, thereby enfranchising some 80,000 Spanish-speaking citizens residing in the State.

In *Marquez* v. *Hardin*, Case No. 51446 (N.D. Cal. 1969) on behalf of its clients, CRLA sought declaratory and injunctive relief against the Department of Agriculture and Secretary of State requiring them to issue standards of eligibility for the free school lunch program. The defendants agreed to issue new regulations requiring that all children with welfare or equivalent income status, receive a free or reduced price lunch.

Schools and CRLA

During the course of the Commission's hearings, it became apparent that most CRLA clients had little formal education and were members of racial or ethnic minority groups. Many spoke little or no English, having been reared in Spanish-speaking families. Large numbers were migrant farm laborers whose families accompanied them as they sought temporary job opportunities in the rich agricultural areas of California.

The hard, nomadic life patterns of these CRLA clients, together with language barriers, poverty, and racial, ethnic, and cultural differences setting them apart from those in control of the communities where they lived, raised special problems for their children in the public schools. These people, acting through local advisory boards, set a high priority on the need to improve their children's educational opportunities. CRLA attorneys, responding to this need and perceiving that many of their clients were tied by lack of education to the public welfare rolls or subsistence jobs, focused efforts on improving the educational opportunity of their clients' children in the hope that the next generation might escape the "ignorance-poverty-welfare" trap.

These attorneys sought to apply the law to open wider the door of education so that these children of the poor, the migrant, the Black, the Chicano, the Indian might, through the schoolhouse door escape poverty and ultimately partake of the American promise of equal and abundant economic opportunity. The notion that the law may be a proper instrument for enforcing rights to educational opportunity was not invented by CRLA. Public education in all its aspects—including equal opportunity—has long been the subject of constitutional, statutory and case law.

In *Brown* v. *Board of Education*, 347 U.S. 483 (1954), the Supreme Court made clear that an educational system improperly operated may violate the Constitution by stunting rather than fostering intellectual growth. Many state and federal statutes have been enacted in efforts to assure equal educational opportunity. But in our legal system, enactment of a law is but a first, formal step toward improving the system; it becomes a step to nowhere if the rights defined in that law cannot be enforced by the law's intended beneficiaries. Moreover, illegal or erroneous administration of a law can result in harmful rather than beneficial effects. Our legal system—at bottom an adversary system—assumes that those who have rights to be enforced have lawyers to represent them.

The advantage to the poor of having advocates before our courts to insure the right to be educated is well illustrated by the case of *Diane* v. *State Board of Education* (U.S. Dist. Court, N.D. Cal. 1970). That action challenged the practice of testing children in an unfamiliar language and with culturally unfair tests, resulting in the placing of those who failed to achieve a certain I.Q. in classes designed for mentally retarded children ("EMR" classes). The classroom activity of "EMR" classes centered on playing games, coloring in books and cutting out pictures, with only very limited teaching of traditional subjects. One of the plaintiffs in this suit was the eight-year-old daughter of a Soledad Mexican-American farm worker, who had originally been tested in English and received a score of 30. When retested by a Spanish-speaking school psychologist at the instigation of CRLA attorneys, her score jumped 49 points to 79. The case was settled one month after filing by a consent decree agreed to by the plaintiffs, the State Department of Education, and the Superintendent of the Soledad schools. All 22,000 Mexican-American children in California's "EMR" classes have been retested in both Spanish and English with a test that eliminates all verbal sections. Approximately 5,000 children retested have been returned to regular school classes.

In *Shaw* v. *Modesto School Board*, 310 F. Supp. 1282 (E.D. Cal. 1970), CRLA brought to the attention of the public the fact that Section 9 of the National School Lunch Act, requiring school districts participating in the program to provide a free or reduced-price lunch to every student not able to afford the full cost, was being ignored in some areas.

The Modesto School District was receiving nearly $250,000 in assistance from the federal school lunch program, but only 170 students were receiving free lunches. It was estimated by the welfare officials that there were 2,800 students eligible to receive free lunches.

CRLA first brought to the school board's attention the fact that the board was not

Footnotes at end of article.

complying with the federal standard, in an attempt to negotiate settlement.

CRLA's negotiations with the school board were unsuccessful, and litigation was commenced. The court issued a permanent injunction providing that if the school district were to remain in the program, it had to comply with the federal statutory requirements by providing a free or reduced-price lunch to those who could not afford to pay.

Immediately following the court's decision, the Superintendent of the Modesto School District recommended to the board that Modesto withdraw entirely from the school lunch program, to avoid complying with the court order. The cost of compliance, for the remainder of the school year 1969–70, would have been $19,000.

Shortly thereafter, and within a month of the decision, CRLA learned that the Office of Emergency Food, part of the OEO, would make available the $19,000 necessary to permit Modesto to remain in the school lunch program and comply with the court order. The school board rejected this offer, and the lunch program was discontinued. A segment of the community reacted to this decision by staging peaceful demonstrations and picketing the school administration building. These efforts proved unavailing, and ultimately a sit-in was organized which resulted in arrests. Although CRLA attorneys were not arrested and the picketing was peaceful, partly because of their advice, the CRLA attorneys did participate in these demonstrations. It is the Commission's opinion that participating in such demonstrations is conduct inappropriate for a CRLA attorney.

On June 16, 1970, CRLA Director Cruz Reynoso issued a directive which, in pertinent part, provides:

"An attorney's function with regard to picketing, sit-ins, or other forms of demonstration, should be limited to monitoring the demonstration, advising the clients as to their legal rights and duties, and dealing with the public authorities at the request of the leadership of the organization." [38]

The Commission endorses that directive and recommends that it be strictly observed. (This matter is discussed more fully elsewhere.)

It should be noted that Modesto re-entered the school lunch program, and now lunches are provided for approximately 2,800 students, as contrasted with 170 previously participating.

Legal action, to enforce federal requirements providing food for poor children, would seem to be at the very heart of CRLA's purpose and function.

PRIORITIES FOR LEGAL SERVICES

Although law reform or impact litigation was "built into the original guidelines" and "advocated by Clinton Bamberger . . . and by members of the National Advisory Committee . . .," [39] evidence appeared in late 1966 and 1967 that the OEO legal service programs were unable to take meaningful cases because they were becoming bogged down in large caseloads.[40]

The limited resources available made it manifest that not every individual legal problem of the poor could be handled. Since resources were limited, priorities had to be established. It was recognized that one consequence of limited resources was that certain eligible clients would not be helped with certain problems.

As to these consequences, Professor Earl Johnson (former OEO Legal Services Director) testified:

"We were willing to accept them, because the—only other alternative was that we would accept all the divorce cases, and then when a Medi-Cal recipient came with his problem, which affected not just him but another million citizens in the State of California—we would have to say, 'We don't have enough time to take your case, because your case is going to take—you know, hundreds of man-hours of lawyer time, and we have to concentrate our resources on cases that we can handle in a few minutes.' " [41]

The need for the establishment of priorities was well stated by John Douglas, president of the National Legal Aid and Defenders Association, ". . . it's a compelling need, because legal services for the poor are underfunded and underfinanced. And, accordingly, it's impossible for legal aid groups to carry all of the cases which they might wish to carry." [42]

The National Legal Aid and Defenders Association has published a list of illustrative criteria by which priorities might be determined.[43]

A common thread runs through these criteria. Unless the limited resources of legal aid services are focused upon approaches to the elimination of the causes of poverty, and to the enhancement of the ability of poor people to resolve their own problems individually and as a group, there will be no end to the need for more resources.

The CRLA advisory committees and their client community generally have urged that "top priority be given to cases involving the farm workers." [43a]

Congruent with the central thesis underlying the "War on Poverty," that a legal services program should seek to eliminate the causes of poverty and the conditions of inequality, as well as providing help to individuals in their day-to-day problems, the Board of Trustees in 1966 and 1968 laid down the following schedule of priorities for CRLA:

"Cases affecting the employment of poor people were considered to be of first priority since a man's ability to bargain for decent housing, pay his debts, and exercise his political rights depends, in large part, upon whether he has a job. Cases involving education, civil rights, housing, welfare and consumer problems were also held to be of great importance. Bankruptcy and domestic relations were considered of secondary importance, and, we were told, should be limited in number. 'We do not want CRLA to become a divorce mill,' several members of the Board stated orally." [44]

Although accorded a low priority, domestic relations cases have not been ignored by CRLA. In emergencies, the system of priorities is sufficiently flexible so that such a case will be handled. In addition, in certain areas a cooperative arrangement has been worked out whereby the Welfare Department will screen the cases and refer those of greatest need. The number of such cases is not insignificant. For example, in 1970, the Salinas office handled 171 divorce and annulment cases.

In addition to establishing priorities, recommended maximum caseload standards have been developed. Mr. Douglas also testified on this point, with reference to NLADA guidelines:

The recommended maximum is that no lawyer should handle more than five hundred cases or matters each year. And the reason for that is simply that beyond that, a lawyer ceases to be effective in those cases which he undertakes. He simply can't do an effective job for the clients he represents, in our view, if he undertakes to do more than that.[45]

These caseload standards were adopted by the house of Delegates of the American Bar Association in 1970.[46] In recent years, CRLA has kept within this 500-case limit, handling between 400–500 cases per year, which compares favorably with legal service agencies in similar geographical locations.

REPRESENTATION OF THOSE ACCUSED OF CRIMES

At the time of the enactment of the Economic Opportunity Act in 1964, there was no statutory restriction prohibiting criminal representation by OEO-funded legal services agencies. Criminal representation of indigents is certainly within the general scope of furnishing legal services to the poor. However, upon reflection, in view of the tremendous demand for criminal representation in the wake of *Gideon* v. *Wainwright*, 372 U.S. 335 (1963), it became obvious that if an OEO-funded legal service program undertook to provide legal service in criminal cases as required by *Gideon*, demand for criminal representation would quickly deplete the agency's limited budget. The problem was one of priorities, and this was recognized by Congress by the enactment of the Green Amendment to the Economic Opportunity Act of 1964, which became effective in January, 1968.

This amendment provided:

"* * * No funds or personnel made available for such program (whether conducted pursuant to this section or any other section in this part) shall be utilized for the defense of any person indicted (or proceeded against by information) for the commission of a crime, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the Director has determined that adequate legal assistance will not be available for an indigent defendant unless such services are made available.* * * *Economic Opportunity Act of 1964*, 42 U.S.C. 2809, Sec. 222(a)(3).

By reason of the Green Amendment, OEO adopted new guidelines which were set forth in Community Action Memo No. 79, dated January 15, 1968. These guidelines interpreted the Green Amendment as follows:

". . . legal services programs may not henceforth undertake defense of any new criminal case at any stage following indictment or information, unless [a waiver is obtained after consultation with the court of criminal jurisdiction and the indigent defendant would not otherwise be able to secure adequate legal assistance.] . . . This limitation does not apply to:

(1) Representation of arrested persons before indictment or information.

(2) Parole revocation; however, it does apply to probation revocation.

(3) Juvenile court matters.

(4) Civil contempt.

(5) Alleged mistreatment of prisoners after sentence and incarceration.

(6) Criminal cases which were undertaken before receipt of this memo."

The statutory proscription appears to limit criminal representation to cases initiated by indictment or information (except in specific circumstances). However, as a matter of policy, the foregoing OEO guidelines were treated by CRLA's Director as more restrictive than the statute. For example, testimony was elicited that no criminal representation was permissible in misdemeanor cases unless a special waiver was obtained from the Director. Additionally, although there appeared to be no statutory or OEO prohibition against CRLA attorneys handling criminal cases on their "own time," this practice also was forbidden without specific permission.[47] On the other hand, traffic cases were not considered as criminal matters under interpretation of the guidelines and such cases could be handled as regular CRLA cases.[48]

In the area of post-conviction remedies, the guidelines are not definitive. One possible gray area is habeas corpus and similar post-conviction remedies where, in the view of some, the remedy is civil,[49] whereas others look upon the suit as criminal if the underlying confinement was the result of a criminal conviction or detention.[50]

The Uhler Report charges that it is "* * * obvious that CRLA attorneys have ignored the proscription as to representation of those accused of crimes. The record is replete with such representations." [51]

Footnotes at end of article.

In considering the specific charges, we have found no substantial deviation from the proscriptions of the statute and guidelines. Where criminal representation did occur, such was within the permissible bounds of the statute—that is, the cases were, with one exception,[52] not felony cases, instituted by indictment or information; they were, at most, misdemeanors, commenced by complaints or summonses. In most instances, CRLA attorneys had obtained waivers of the guideline prohibitions even in instances where not required to do so by OEO guidelines. No statutory violations were demonstrated. The Uhler Report charges were completely unwarranted.

Perhaps CRLA should adopt more definitive guidelines to avoid future confusion within CRLA, as well as in the minds of the public generally. We do not mean to suggest to what extent or degree there should be proscription of criminal representation because that is a matter of policy beyond our concern. Clarification would, we believe, tend toward a better understanding of CRLA's proper function and help minimize unfounded charges of impropriety in this regard.

RELATIONSHIP WITH CLIENT COMMUNITY

Providing legal services to the poor requires that the poor be made aware of the availability of such services. To this end, legal service attorneys, like other members of the Bar, have a duty to advise clients regarding their legal rights and duties. In addition, legal service attorneys may ethically inform eligible clients that legal assistance is available from a legal services organization without charge. Of course, an attorney in private practice may not compete with his brethren at the Bar for fee-generating cases by urging that potential clients visit him. Since legal service organizations cannot charge fees, and ordinarily do not handle fee-generating cases, the same limitations do not apply to such attorneys.

The Commission found exceptionally persuasive on this point the testimony of John D. Robb, Chairman of the American Bar Association Standing Committee on Legal Aid. Mr. Robb testified concerning the Canons of Ethics, especially Numbers 27 and 28, the decisions of the American Bar Association Committee on Grievances thereunder and the more detailed codification of these Canons contained in the Code of Professional Responsibility.[53] On the basis of his testimony and the Commission's examination of the applicable Canons of Ethics and the evidence before it, the Commission concludes that the charges of solicitation contained in the Uhler Report are without foundation.

One of the deficiencies of traditional legal aid societies was their failure to maintain an on-going relationship with their clients. The client would come into the office, receive advice, and then leave. The OEO-funded legal services program, however, views the relationship as an on-going one. One result of this type of attorney-client relationship is that the attorneys become aware of certain endemic and repetitive problems faced by a large number of their clients.

CRLA has implemented this policy of on-going representation effectively by conducting legal education programs for the poor, often in cooperation with other agencies, by working with groups on certain legal problems, by maintaining good working relationships with other agencies that serve the needs of the poor. The Commission finds that such activities are proper and necessary to CRLA's continued effectiveness.

It has long been recognized that certain problems of cultural difference between attorneys and their poor clients required special attention. To bridge this gap, attorneys are assisted by " 'community workers'—non-professional persons, known to the neighborhood, who serve as a 'bridge between residents and service agencies.' Patterned after the street workers of New York and Chicago, the community worker was to know, and to be known in, the community by his presence in homes, on the street, in pool rooms, taverns, churches, and jail." [54]

CRLA's refunding request for 1970 indicates that it has employed 22 community workers trained to assist attorneys in interviewing clients, investigating facts, and handling simple kinds of welfare, wage, and other claims.[55]

These community workers are generally drawn from the communities served by CRLA. Because of their background they are particularly well suited to act as a liaison between the professional staff of CRLA, and the clients whom they serve. In addition to their on-the-job training, formal training conferences of the community workers are held two or three times a year.[56]

CRLA's perfectly legitimate efforts to make its client community aware of the legal services available through CRLA have in a number of specific instances provided unjustified complaints of unethical conduct.

For example, in the case of *250 Farmworkers* v. *Schultz*, CRLA brought a suit challenging the statewide practices of the California Farm Labor Service. Although some portions of this litigation are pending, a number of reforms have been agreed to between the State and the plaintiffs, including posting of job notices on bulletin boards and guarantees from growers of job availability when placing orders for workers through the Farm Labor Service. Of course, CRLA, with its contacts throughout the State, had ample opportunity to be presented with those complaints by farm workers.

The California Evaluation [57] charged that CRLA not only had solicited plaintiffs for this case, but had actually brought this lawsuit without the consent of the named plaintiffs. An Assistant Deputy Attorney General of the State of California, William Bradford, who handled this case for the State, testified regarding the solicitation charges in connection with this suit. In the course of his representation of the State of California in defense of the suit, he had occasion to make independent investigations as to whether the solicitation charges and unauthorized representation were true prior to the time the Uhler Report was prepared.

His investigation has centered around the affidavits of the very individuals referred to in the California Evaluation. He had concluded and conveyed to the State Department of Human Resources and Development, under the jurisdiction of which is State OEO, his unqualified conclusion that there was no solicitation or unauthorized representation of plaintiffs whatsoever. The Commission independently comes to the same conclusion.

Mr. Bradford assessed CRLA's competence:

"I would say, first of all, specifically in regard to tactical and strategic matters, in that manner particularly, these were the best litigation lawyers I've ever run up against, and I've run up against the best of them.

"I thought they were extremely capable.

"And the State officials, who were my clients, including the State lawyers working on this case, privately to me congratulated the California Rural Legal Assistance lawyers on their ability and effectiveness, and we were all quite impressed with them."

Perhaps even more important in the present context, Mr. Bradford stated that the CRLA attorneys not only conducted themselves "absolutely" ethically, but were "perfect gentlemen." [58]

LABOR RELATIONS

CRLA, as a rural legal assistance program, is deeply involved with the various legal problems of California's farm workers. CRLA clients and rural advisory boards have afforded first priority to those problems that affect employment. Because the question of employment relations is so important to CRLA clients, CRLA frequently finds itself involved in activities that may be loosely described as labor related. CRLA clients as individuals have legitimate interests which CRLA has successfully advanced in such areas as enforcement of laws designed to protect health and safety. CRLA has vigorously advocated stricter enforcement of laws intended to protect the economic livelihood of California workers from erosion by wage competition from foreign nationals. Moreover, CRLA has aggressively sought to protect farm employees from employer practices proscribed by applicable state and federal laws. Not only in individual cases, but also in impact cases sometimes brought as class actions, CRLA has successfully represented farm workers in these and related matters.

Special conditions in the CRLA grant define very carefully CRLA's permissible role in this sensitive area.

Special Grant Condition #5 provides:

Criteria for eligibility for legal assistance shall not include factor of whether the individual or individauls seeking assistance are or are not members of a labor union. Persons satisfying the program eligibility requirements, shall receive assistance regarding their legal interests, including interests relating to labor relations, except as provided in Special Condition #6.

Special Grant Condition #6 provides in pertinent part:

The Grantee [CRLA] shall not provide legal assistance in the following areas: . . .

d. Representation of a collective bargaining union in litigation regardless of whether the union is a plaintiff or defendant in a court session;

e. Represetation of a labor union in negotiations with employers or with other labor unions;

f. Providing legal assistance to a labor union in the incorporation or organizations affiliated with a union which are devoted exclusively to serving union members;

g. Representation of union officials in matters relating to union business;

h. Representation of a union member if the union itself is in fact and in law the real party in interest and the union member himself only a nominal plaintiff without a legal interest in the outcome of the controversy . . ." [59]

These special CRLA grant conditions are intended to implement a policy that CLRA, as a governmentally funded agency, shall not intervene in labor-management disputes. The course of neutrality is difficult to steer. On the one side, it can be argued that any representation of an individual worker with respect to a matter arising out of a controversy with his employer during a labor dispute aids the union cause. On the other side, it can be argued that a worker should not be deprived of eligibility for legal services in his capacity as an individual by reason of affiliation with a labor union. This Commission, however, does not consider the merits of the policy embodied in the grant condition but only whether or not the terms of that grant condition, have been obeyed by CRLA.

Application of this special condition to CRLA's representation of union affiliated workers requires the Commission to determine whether clients eligible for CRLA services were directly and substantially benefited by the legal services CRLA rendered. In so doing the Commission has borne in mind the guideline reqiurement that: "Persons satisfying the program eligibility requirements shall receive assistance regarding their legal interests, *including interests relating to labor relations* . . . (with exceptions quoted above) (emphasis added).

These special grant conditions make it quite clear that direct representation of a

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labor union is forbidden. However, there are situations in which action taken on behalf of individual employees or groups of employees may, depending upon the circumstances, either promote or impede union organization effort. When relief sought by CRLA on behalf of its clients is similar to relief sought by the union on behalf of its members, it can be argued that CRLA's action promotes unionization by providing the union with a powerful ally suporting its demands. On the other hand, it can be argued that such action impedes unionization by providing the employees with meaningful benefits without union organization, without collective bargaining and without paying union dues.[60]

For instance, in the *Martin Produce* case, CRLA represented employees discharged from their employment allegedly because of union membership. CRLA representation of these employees in a law suit, which resulted in their rehiring, directly and immediately benefited the employees individually, regardless of incidental effects upon labor organizations. Other cases where CRLA attorneys represented tenants evicted from grower-supplied housing, and where CRLA sought to require state agencies to comply with laws and regulations governing farm worker job placement, also provided direct benefits to individual clients of CRLA. The Commission has, therefore, determined that in such situations CRLA has operated within the above quoted special grant conditions while vigorously representing its clients in this vital area of legally recognized economic rights.

It must be recognized, however, that any representation of farm workers in disputes with growers has potential for creating confusion in the public mind as to whether CRLA is counsel for individual workers or for the union as a collective bargaining representative. Some confusion is inevitable of course, but awareness of the politically sensitive nature of this matter enjoins CRLA attorneys to be especially circumspect in this area.

While CRLA as a legal services organization has carefully followed the restriction in its grant prohibiting union representation, it has permitted its attorneys and staff members to engage in union activities on their own time. This policy has been recognized and approved by OEO. While in most cases CRLA attorneys pursuing their own activities in their free time have done so in a manner so as not to engender undue public confusion, in El Centro one attorney engaged in union activity in his free time that made a very visible union supporter. He actively and publicly used his vacation time to support the union in demonstrations, picketing and other activities. While the Commission does not wish to suggest that individual attorneys be overly restricted in their spare time activities, it is the Commission's opinion that each CRLA attorney has a professional responsibility to CRLA and its clients to act so as to preclude not only the actuality but also the appearance of impropriety in this area. That the conduct of this one attorney, as an individual citizen, gave the appearance of improper CRLA conduct cannot be denied. Such misguided conduct no matter how well intentioned, can only damage CRLA's public image and thus handicap its legitimate efforts in behalf of its clients.

INTERNAL CONTROLS

Although substantial benefit is to be gained by responsible outside evaluation of a legal service agency funded by OEO such as CRLA, it is probably more essential that it have meaningful internal controls. These serve a two-fold purpose: (1) to insure that it provides the type of legal service and program it was created to furnish and does so efficiently; and (2) to make certain that it observes and operates within the conditions and restrictions of its OEO grant. A resume of the internal controls adopted and practiced by CRLA follows.

Each CRLA regional office is supervised by a Directing Attorney who is responsible for the operation of that office. Meetings of all the Directing Attorneys are held every six weeks.

In order to keep close liaison between the nine regional offices and the CRLA central office in San Francisco, each of the five attorneys in the central office is assigned as liaison attorney for two of the regional offices. As such liaison attorney, he is kept aware of the significant activities that are going on in the two regional offices assigned to him.

The five attorneys in the central office, together with H. Michael Bennett, the non-lawyer administrator of CRLA, constitute the Personel Committee. Three members of this Personnel Committee evaluate each regional office every six months, and over a five-week period visit every regional office and interview every member of the staff. Each attorney and community worker is evaluated as part of this six-month evaluation process, and their salaries are reviewed on the basis of these evaluations.

Commencing in 1970, either Cruz Reynoso, Director of CRLA, or Martin Glick, Director of Litigation of the central office, personally furnishes each attorney applicant a copy of all CRLA policy memoranda and discusses these with the applicant before he is employed. Bennett also gives each new CRLA attorney material which deals with various CRLA organizational matters. Prior to 1970, it was the responsibility of the Directing Attorney of the regional office to acquaint each new attorney with such memoranda. Each new attorney is further provided with summaries of various source materials covering the areas of the law with which he will be dealing.

An initial three-day training course is held for the new attorneys. CRLA also holds training conferences for its attorneys two or three times each year. Similar training courses are held two or three times each year for the CRLA community workers in the regional offices. Yearly conferences are further held for the directing legal secretaries in each regional office.

A very complete and complex filing system is maintained at the central office with the Director of Research, giving ready reference through a card index to every pleading and brief of any possible relevance, whether the case was of the service or impact type of litigation. Automatically such materials are given to the Director of Research. The Director of Research reads on a daily basis all advance sheets of United States Law Week and on a weekly basis all advance sheets of California decisions. If anything of immediate import is received, a memorandum immediately goes out to the attorneys in the regional offices.

In 1957 a CRLA attorney in the Madera regional office instituted litigation with respect to the closing of the schools at Madera so that the pupils could harvest crops. This attorney included in the complaint an unfounded charge of conspiracy. To prevent errors of this sort, the position of Director of Litigation was established and in any proposed litigation of moment "everything" must be checked with him before the suit is filed. Attorney Martin Glick has served as Director of Litigation since sometime in 1968.

The financial management of CRLA is in the central office under the direction of the Administrator. H. Michael Bennett has been such Administrator since June in 1966. Alan D. Shattuck, a partner of the C.P.A. firm which has conducted the annual audits of CRLA for the years 1968, 1969 and 1970, testified that CRLA's methods of accounting and fiscal control were excellent and are similar to those one would find in any business corporation type organization.

An overall appraisal of CRLA's internal controls was expressed by Laurence Horan, who was the Western Regional Director of CRLA from May 1, 1967, through February of 1969, in these words:

"I think they monitored themselves quite carefully. They had a central setup, I believe ten offices. That central setup enabled them to do several things: to scrutinize the kind of case they were taking, to dispense or disseminate legal information quickly from a central source to their satellite offices, and frankly to other legal services programs who found their research capabilities rather excellent.

"And so they monitored themselves, I think, quite well, both programatically and from an administrative standpoint."[61]

The Commission has been most favorably impressed by the internal controls adopted by CRLA to insure that the highest of professional service is rendered to its clients; that it is institutionally so organized as to operate efficiently with proper financial control maintained; and that the conditions and restrictions of its OEO grant and applicable federal statutes are observed. The Commission commends CRLA for its programs for thorough training of personnel, its central office files of pleadings and briefs in all litigation it has participated in that are made readily accessible by a comprehensive card index, and its practice of conducting every six months an evaluation of each regional office and of the individual attorneys and community workers on such office's staff.

Of course, the best assurance of a quality legal services program is a staff of attorneys whose background, training and dedication equip them to perform legal services of the highest order. The evidence from all sources made it clear beyond peradventure that CRLA attorneys are legal craftsmen of the first order. In addition, they are thorough, intelligent young men dedicated to vindicating the legal rights of their clients.

EXTERNAL CONTROLS

One of the most effective external controls over CRLA has been the reports it has been required to make to both the OEO in Washington and to the Western Regional Office of OEO in San Francisco. CRLA has submitted annually to OEO in Washington, as part of its application for a refunding grant for the ensuing year, a comprehensive report covering its past year's operations. If OEO, after reviewing a CRLA annual report, disagrees with some activities CRLA has engaged in, OEO will tell CRLA so and may impose special conditions in the grant.

CRLA has also been required to submit a number of documents annually, quarterly, and more frequently, to the Office of Legal Services of OEO's Regional Office at San Francisco. In practice, CRLA deals daily with this Regional Office.

Another type of external control has been exerted through requests made to CLRA from either the Washington or Regional Officer of OEO for information regarding complaints made to OEO about some alleged activity of CRLA. Sometimes the complaints were communicated to OEO by a Congressman or state legislator.

The Western Regional OEO office maintains a staff of lawyers which reviews CRLA's programs. Laurence Horan personally visited CRLA offices and read CRLA reports and evaluations.

A further external control has been the annual financial audits which have been made of CRLA by a firm of certified public accountants commencing with the year 1968.

OEO has also from time to time sent out teams of evaluators to investigate the CRLA operations and submit an evaluation report to OEO in Washington. Copies of the evalua-

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tions so made in December, 1967; November, 1968; November, 1969; and August, 1970, constitute exhibits in the record of the Commission's hearings. The evaluators usually consisted of teams of legal services staff members, private practitioners and law professors.[62]

Jerome Shestack, a prominent Philadelphia lawyer, who was a member of the 1970 evaluation team, testified at the April 28, 1971, hearing at San Francisco with respect to that evaluation. The Commission was impressed with the thoroughness with which this evaluation was made. Shestack personally spent approximately a week at CRLA's Salinas office gathering information, and other evaluators spent from three to four days at the other CRLA offices. This completely refutes the charge made at Page 13 of the California Evaluation: "The August, 1970 evaluation was conducted by 14 people who each spent seven days, one in each of seven of CRLA's nine operational offices."

In 1968, the General Accounting Office (GAO) of the United States conducted an investigation of CRLA, directed primarily to examining CRLA's connection with the United Farm Workers Organizing Committee (UFWOC) and whether CRLA had complied with the special conditions of its grant relating to union and political activities. This GAO investigation extended over a three to four-month period and was very thoroughly done. The GAO report covering this investigation is dated May 29, 1968, and found no violation of CRLA's grant restrictions against union and political activities.

The Commission deems that the investigative aspects of compiling the four aforementioned OEO evaluations and the GAO report have also constituted effective external controls over CRLA's activities. The CRLA executives and staff well realize that this type of investigation may occur at any time. Furthermore, recommendations for changes which had been made in the OEO evaluations were followed by CRLA and put into practice.[63]

The Board of Trustees of CRLA and the Regional CRLA Advisory Committees also exert external controls over CRLA operations.

The Board of Directors (Trustees) of CRLA sets the policies for CRLA consistent with the conditions and restrictions of its grant and OEO guidelines. This Board is composed of thirty-seven members. Its composition and the manner in which its members are appointed, as testified to by Daniel Luevano, present Chairman of the Board, are as follows:

3 members selected by State Bar of California;

9 members selected by the Advisory Committee of the nine CRLA regional offices, each of such Committees appointing one member;

9 attorneys chosen by the nine local bar associations in the communities in which CRLA's regional offices are located, each of such associations appointing one of the nine;

7 attorneys appointed by the board itself;

4 members at large (apparently also appointed by the Board itself) who represent either Spanish speaking people or the poor;

2 growers (apparently also appointed by the Board itself);

1 selected by the Mexican American Political Association;

1 member selected by the American GI Forum, which is a Spanish-speaking organization which deals with veterans' problems; and

1 member selected by the United Farm Workers Organizing Committee.

The Board of Trustees meets every six weeks and more often when special issues arise that have to be dealt with promptly.

As recommended by one of the OEO evaluations, an advisory committee has been created by CRLA for each of its nine regional offices. On each of these advisory committees there is representation of the local bar association, but the majority are poor people whom CRLA was designed to provide with legal services. These advisory committees are in a position to, and do, acquaint the local CRLA office with the legal problems of the poor and whether the legal services provided by CRLA are adequately dealing with such problems.

In June, 1967, a working agreement was entered into between CRLA and the State Bar of California. The origin of this was a resolution of the State Bar adopted by its Board of Governors on May 18, 1967, and approved by CRLA's Board of Directors (Trustees). The agreement itself is a letter dated June 2, 1967, by the State Bar to James D. Lorenz, Jr., then Director of CRLA, outlining the terms of the agreement and approved at the bottom by Lorenz on June 15, 1967. This agreement provides for the selection by the State Bar of two (later changed to three), and by the local bar associations in the communities where CRLA maintains regional offices of nine, members of CRLA's Board of Directors and for the local bar associations naming representatives on the CRLA advisory committees. It also requires that at least a majority of such Board shall consist of members in good standing of the State Bar. A further provision is that lines of communication be established between CRLA and the State Bar and local bar associations so that complaints or problems of mutual interest be investigated and discussed in advance of any public statements regarding the same being issued.

This 1967 working agreement between the State Bar and CRLA on the whole has worked well in providing liaison between the two organizations and between the local bar associations and the CRLA regional offices.

THE CALIFORNIA EVALUATION (UHLER REPORT)

Since its inception in 1966, CRLA has been the subject of frequent complaints and several investigations. From its earliest days persons and organizations in California have charged that CRLA has illegally represented labor organizations, has handled criminal matters in violation of grant instructions, has conducted vexatious and harassing litigation and has been guilty of a variety of other lapses in official and professional conduct. These charges have resulted in frequent investigations, such as the 1968 investigation by the General Accounting Office which was aimed particularly at the union representation questions. Federal OEO has conducted regular evaluations of CRLA performance. The 1970 evaluation by a group entirely independent of Federal OEO was the latest in this series. Although the results of these investigations and evaluations have included new and tightened special conditions of CRLA, in each case CRLA was found to be free of any serious wrongdoing or any substantial lapse or departure from its announced purpose of providing legal services to the poor in the sense mandated by the Economic Opportunity Act of 1964.

The most recent series of complaints about CRLA and its operations are set forth in the California Evaluation (often referred to as the "Uhler Report"), a 283-page document prepared by the California State Office of Economic Opportunity (State OEO) during the fall of 1970 and published during January, 1971. This Report consists of a compilation of charges or complaints concerning CRLA activities ever since that agency came into existence. These complaints in brief summary include serious allegations to the effect that CRLA has fomented violence in California penal institutions, that CRLA has engaged in unlawful representation of a labor organization, and that CRLA attorneys have incited unrest in schools. Also included are charges that CRLA attorneys have solicited clients and stirred up litigation in violation or applicable standards of professional conduct, that CRLA has violated grant instructions by handling criminal cases, and that CRLA, as an agency, is unmindful of the needs of the poor. Submitted along with the Report are some 3,000 pages of exhibits purporting to document the factual allegations contained in the California Evaluation. Setting forth some 135 (more or less) complaints or "incidents", the California Evaluation concludes with the recommendation that the Governor of the State of California exercise his right to veto the continued funding of CRLA under the Economic Opportunity Act.

Because of the seriousness of many of the complaints set forth in the California Evaluation and the fact that this Evaluation, in light of the Governor's veto, was largely responsible for the constitution of this Commission, we examined each of the matters contained in the California Evaluation. The Commission designated many of the charges as matters upon which it would hear evidence. Others were not designated for hearing because questions of policy, not fact, were involved, or because the particular incident was trivial in the overall picture being studied by the Commission. The disposition of each of the various complaints and incidents identified in the California Evaluation is set forth in Appendix A to this report. In instances where evidence was received by the Commission at its hearings, that evidence is summarized in Appendices C–L.

Following a most careful consideration of the many and various matters set forth in the California Evaluation, the Commission is of the opinion that, except to the very limited extent mentioned elsewhere herein, the charges of wrongdoing on the part of CRLA set forth in the California-Evaluation are unfounded and without merit.

The Commission specifically finds that any charges of impropriety with respect to activities within the prisons are completely baseless. After exhaustive hearings, both at Soledad and San Francisco, not a shred of evidence showing actual misconduct of CRLA has been adduced.

Similarly, the facts found do not support the allegation of any improper CRLA tie with any labor organization. Undoubtedly, in this area errors of judgment by individual CRLA staff members have caused public misunderstanding and needless confusion. However, our finding is that as an organization, CRLA has not in any way undertaken any proscribed activity.

Allegations of improper CRLA representation of persons accused of crimes likewise proved to be unfounded. In many cases it appeared that these complaints against CRLA originated because the complainants misunderstood the proper role of CRLA in criminal proceedings in light of limitations imposed by the statute and grant restrictions.

It should be emphasized that the complaints contained in the Uhler Report and the evidence adduced thereon do not, either taken separately or as a whole, furnish any justification whatsoever for any finding of improper activities by CRLA.

It should be noted that California State OEO and its Director, Mr. Uhler, were repeatedly invited and urged by the Commission to participate in its hearings, to present evidence in support of the charges against CRLA, to cross-examine CRLA witnesses and rebut their testimony. The State OEO and its Director repeatedly refused to participate or to present any evidence to support the charges in the Uhler Report.

The Commission expressly finds that in many instances the California Evaluation has taken evidence out of context and misrepresented the facts to support the charges against CRLA. In so doing, the Uhler Report has unfairly and irresponsibly subjected many able, energetic, idealistic and dedicated CRLA attorneys to totally unjustified

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attacks upon their professional integrity and competence.

From the testimony of the witness, the exhibits received in evidence and the Commission's examination of the documents submitted in support of the charges in the California Evaluation, the Commission finds that these charges were totally irresponsible and without foundation.

Of the complaints not set forth in the California Evaluation, only one is worth mentioning at this point. A copy of a confidential memorandum from CRLA attorney Robert Johnstone to Martin Glick, CRLA Director of Litigation, which had been publicly released, was admitted into evidence at El Centro. Because of inferences of misconduct which were drawn from this memorandum, the Commission received extensive evidence on the matter covered therein. A more complete discussion of this memorandum and the Commission's findings relating thereto are set forth in Appendix E. The Commission wishes to emphasize that the evidence adduced completely exonerates CRLA as an organization of any wrongdoing.

RECOMMENDATIONS

Although the Commission finds that almost all of the various charges of wrongdoing or serious departure from OEO guidelines leveled against CRLA are without any factual basis, the Commission has encountered certain problem areas of CRLA activity that have contributed to producing some of the misunderstanding and controversey that have surrounded this program. The foremost of these problems is that caused by activities of CRLA attorneys on their spare or "own time." As was testified by numerous witnesses, CRLA attorneys are permitted to engage in activities on their own time which either by virtue of statutory prohibitions or special restrictions in the CRLA grant are not a permissible use of CRLA resources. The evidence has disclosed such free time activities were permissible under OEO guidelines and that such freedom is a common policy in legal services programs.

The Commission's hearings, however, demonstrated that this policy can be abused by individual attorneys and that such abuse has resulted in damaging misunderstanding on the part of the public concerning CRLA and its activities. Most of the problems concerning spare time activities of CRLA attorneys were concerned with activities on behalf of labor organizations. The activities of one particular attorney in El Centro during the melon strike went beyond the "low profile" urged by Mr. Reynoso. From the testimony, it is evident that this lawyer's activities at a time of high local feeling contributed to the misunderstandings and tension that surround the operations of CRLA in that community. The Commission suggests that CRLA's existing policies and procedures to handle this "free time" problem may be inadequate.

In recommending remedial action by CRLA to ameliorate the problems caused by this policy, the Commission is most conscious of the undesirability of unduly restricting the activities of any individual attorney. We are not unaware of the various First Amendment arguments urged by CRLA in favor of the unfettered right of any CRLA attorney to do whatever he would wish to do in his "free time." However the Commission is of the view that an attorney has, by virtue of his office, certain additional responsibilities not shared by persons involved in other activities. It is difficult to say when an attorney's working hours begin or end during the day. Unlike most people, attorneys by their very work are identified with the causes of their clients. From an outside standpoint, it is often difficult, if not impossible, to know when an attorney is working for CRLA and when he is working on a non-CRLA matter.

Although the Commission does not urge that traditional "conflict of interest" rules be applied to activity prohibited by CRLA grant conditions, it does suggest that attorneys and staff be advised that highly visible partisan activities especially on behalf of a labor organization may reflect on the programs as a whole and impede CRLA's legitimate efforts on behalf of their clients.

The Commission has encountered occasional instances of lapses in administrative supervision and control of sometimes young and inexperienced attorneys and community workers. For example, there have been isolated instances of a lack of judgment of the local CRLA offices in instituting suits and in appearing "of counsel" in lawsuits initiated by other attorneys where the CRLA has not been familiar with the facts alleged. The Commission wishes to emphasize that these particular lapses in administrative control and organization are not of any great magnitude and have in the past resulted in new controls being instituted. The Commission recommends continual vigilance to provide direction and continuity to the attorneys and staff in its various regional offices by vigorous implementation of the programs of internal control outlined by it to the Commission.

CONCLUSION

Based upon the record before it, consisting of the voluminous testimony of 165 witnesses at 20 days of public hearings and the hundreds of exhibits admitted into evidence, and in light of the applicable legal principles and administrative policies set forth in the OEO guidelines, regulations, grant restrictions, and the Economic Opportunity Act of 1964, the Commission finds and concludes that the operations of CRLA as conducted presently and within the recent past are within applicable OEO standards and applicable standards of professional responsibility. The Commission finds that CRLA has been discharging its duty to provide legal assistance to the poor under the mandate and policies of the Economic Opportunity Act of 1964 in a highly competent, efficient, and exemplary manner. We, therefore, recommend that California Rural Legal Assistance, Inc. by continued and refunded.

Respectfully submitted this 25th day of June, 1971.

FOOTNOTES

[1] Uhler Report, p. 278.

[2] *"Submission of plans to governors.*

"In carrying out the provisions of this subchapter, no contract, agreement, grant, loan, or other assistance shall be made with, or provided to, any State or local public agency or any private institution or organization for the purpose of carrying out any program, project, or other activity within a State unless a plan setting forth such proposed contract, agreement, grant, loan, or other assistance has been submitted to the Governor of the State, and such plan has not been disapproved by the Governor within thirty days of such submission, or, if so disapproved, has been reconsidered by the Director and found by him to be fully consistent with the provisions and in furtherance of the purpose of this subchapter. * * *" *Economic Opportunity Act of 1966*, 42 U.S.C. § 2834.

[3] CF 561–565. Exhibit A–70

RESOLUTION

Whereas, The Section of Individual Rights and Responsibilities of the American Bar Association recognizes that the California Rural Legal Assistance Program is held in high regard by the agenices of the organized bar which are most knowledgeable in the field of legal services to the poor; and

Whereas, The failure of the Office of Economic Opportunity to refund the California Rural Legal Assistance Program for a full period is of serious concern to this Section and will in our opinion undermine the morale and effectiveness of legal services programs for the poor throughout the nation,

Now, be it resolved, That the concerns expressed in this Resolution be transmitted to the members of this Section and the aid of Section members be enlisted in preserving the integrity and independence of legal services programs; and be it

Further resolved, That the Board of Governors of the American Bar Association recommend to the Director of the Office of Economic Opportunity (1) that the Director promptly appoint a high-level impartial commission to review charges made against the California Rural Legal Assistance Program; (2) that such commission include representatives of the appropriate American Bar Association and local bar organizations, of the law schools and of the client community; (3) that the commission's hearings be open to the public; (4) that the commission provide procedures for specification of charges and fair and full examination and investigation of any such charges; and (5) that the Office of Economic Opportunity reserve sufficient funds for full refunding of the California Rural Legal Assistance Program, pending the finding of the commission.

[4] *Transcript* before the Subcommittee on Employment, Manpower and Poverty, Committee on Manpower and Public Welfare, United States Senate, March 24, 1971.

[5] At the threshold it must be noted that Director Carlucci at no time asked this Commission to investigate, evaluate or compare alternative methods for delivering legal services to the poor, such as "judicare" plans. Therefore, the Commission has taken no evidence and made no findings regarding the relative merits or demerits of alternative methods of delivery. At an early procedural session, the Commission made it clear, and State OEO representatives agreed, that this entire subject matter was outside the ambit of the Commission's responsibility.

[6] *Reporter's Transcript*, March 31, 1971, p. 76.

[7] *Reporter's Transcript*, March 31, 1971, pp. 79, 80.

[8] *Reporter's Transcript*, April 12, 1971, p. 8.

[9] *Reporter's Transcript*, April 12, 1971, pp. 11, 12.

[10] *Reporter's Transcript*, April 12, 1971, p. 18.

[11] *Reporter's Transcript*, March 31, 1971, p. 73.

[12] *Reporter's Transcript*, April 12, 1971, pp. 73, 74.

[13] *Reporter's Transcript*, April 12, 1971, p. 73, 74.

[14] *Reporter's Transcript*, March 31, 1971, p. 66; April 12, 1971, p. 16.

[15] *Reporter's Transcript*, March 31, 1971, pp. 28, 29.

[16] *Reporter's Transcript*, April 12, 1971, p. 101.

[17] *Reporter's Transcript*, March 31, 1971, p. 69, 70, 78, 92.

[18] *Reporter's Transcript*, March 31, 1971, p. 92; April 12, 1971, pp. 15, 18, 22.

[19] The Commission gratefully acknowledges the expertise devoted to the formulation of the Rules of Procedure by Commissioner Thomas H. Tongue, who, by reason of circumstances beyond his control, was compelled to discontinue his services as a member of the Commission.

[20] We here note that the Federal OEO had underwritten in addition to the expenses of the Commission, the necessary traveling and maintenance expenses incurred by witnesses in attending the hearings, counsel fees incurred by attorneys who might appear on behalf of such witnesses who were not otherwise represented. The Commission had nothing to do with the financial arrangements which were made directly with Federal OEO in Washington. See Rule 10 of *Rules of Procedure*.

[21] See Sample form in Appendix A.

[22] The Commission received 75 2(b) requests from persons who desired to testify. Of these, 72 were accepted and only 3 were rejected as insufficient.

[23] See Sample "Request to Testify" in Appendix A.

[24] These procedures for presentation and examination of witnesses were known to the lawyers who participated in the proceedings. In spite of this well known rule and the reasons for its existence, persistent efforts were made to discredit the method of procedure which was adopted only because of State OEO's refusal to participate.

[25] Statement of the President on the Office of Economic Opportunity, August 11, 1969. (Exhibit A–35).

[26] Exhibit B–1, p. 22.

[27] *Id*, p. 23.

[28] S.F. 63.

[29] R. Smith, Justice and the Poor (1919).

[30] S.F. 724–725.

[31] Exhibit C–20, p. 5(a); S.F. 461.

[32] Exhibit C–17, p. 16.

[33] Exhibit C–19B, p. 3.

[34] Exhibit C–19A, pp. 4–5.

[35] S.F. 1298.

[36] S.F. 1005–1006.

[37] S.F. 82.

[38] Exhibit C–44.

[39] SF 237.

[40] SF 238.

[41] SF 718.

[42] SF 719.

[43] Exhibit A–74, pp. 13–14. Because the number of variables, priorities, and choices as to limitation of caseload may vary from program to program and perhaps from office to office within each particular program, no attempt is made to delineate all of the potential criteria. One possible approach, which deserves serious consideration, would limit or focus the work of the organization on:

a. The handling of cases that deal with a problem or grievances shared by a large number of persons served by the organization or about which such persons feel strongly;

b. The handling of cases that offer the possibility for enhancing the ability of the persons served by the organization to participate in the solving of neighborhood or community problems;

c. The handling of cases that offer the possibility of increasing community understanding of a problem or issue and of advancing the knowledge of the persons served by the organization with respect to their legal rights and responsibilities;

d. The handling of cases that foster or assist the development of leadership among the persons served by the organization;

e. The handling of cases that offer the possibility of enhancing the income potential and economic growth of the persons seeking assistance or of the area in which persons served by the organization reside;

f. The handling of cases that offer the possibility of eliminating a practice or rule that affects a large number of the persons generally served by the organization.

[43a] See discussion notes to March 29, 1969, Board of Trustees meeting, Exhibit C–17, pp. 42–47.

[44] Exhibit C–32.

[45] SF 718.

[46] SF 719.

[47] SF 478–480.

[48] SF 481.

[49] SF 1090–1095.

[50] SF 739–740.

[51] California Evaluation, p. 165.

[52] See Appendix H, Disposition of Charges at Marysville, discussion of *Goodwyn* case.

[53] See Disciplinary Rule 2–103 D(5).

[54] Cahn, The War on Poverty: A Civilian Perspective, 73 Yale Law Journal 1317, 1319–1320.

[55] Exhibit C–17.

[56] SF 859–860.

[57] Pp. 131–133, 185–186.

[58] SF 1071.

[59] Exhibit C–20.

[60] This is dramatically illustrated by the fact that CRLA was picketed and boycotted by Cesar Chavez' United Farm Workers Organizing Committee. As a result, farm worker clients ceased coming to seek CRLA services, refusing to cross the picket line. In May 1970, the dispute was resolved by an agreement defining the mutually exclusive areas of (1) legal activities on behalf of clients and classes of clients to be pursued by CRLA, and (2) union activities on behalf of workers to be left to UFWOC. The agreement further pointed out the need for better communication regarding CRLA cases on behalf of clients with legal problems arising out of labor relations. We have carefully considered the May 1970 "truce" agreement embodied in the memorandum sent to Cesar Chavez by Cruz Reynoso on May 19, 1970 (C.R.L.A. Exhibit C–43), which memorandum was brought to the Commission's attention by CRLA, and we find that nothing in the agreement violated CRLA's grant restrictions. We find the agreement was a good faith attempt by Mr. Reynoso to chart a course of future CRLA conduct in this area which would make possible adherence to CRLA's mandate to represent clients with labor relations problems; yet not either represent or impede the union. Implementation of this agreement should receive continuing and active scrutiny from the CRLA Board of Trustees.

[61] S.F. 991–992.

[62] The composition of the 1970 OEO evaluation team is particularly impressive. The members were: Allan Ashman, National Legal Aid and Defender Association; Robert Bennett, Professor of Law, Northwestern University School of Law; Judge Christian Winslow, California District Court of Appeals; Honorable Tom Clark, retired United States Supreme Court Justice; Richard Ibanez, President-Elect, Lawyers Club of Los Angeles County, Chairman of the Executive Committee—Mexican American Legal Defense Fund; Carl Johnson, Director of Legal Services, California OEO; Jay Lutz, Director of Legal Services, California Bar Association; Henry Quevedo, Executive Director, Cabinet Committee on Opportunity for the Spanish Speaking; George Ranney, Deputy Director, Bureau of the Budget, State of Illinois; Jerome Shestack, Chairman of the American Bar Association Committee on Individual Rights; Michael R. Smith, Staff Attorney, United States Civil Rights Commission; Gilbert Dorame, Reginald Heber Smith Fellow assigned to Oakland, California Program; and John R. Velasquez, California Private Attorney.

[63] Illustrations of OEO evaluation recommendations which subsequently were adopted by CRLA are:

(a) Active local advisory committees be established for each of its regional offices.

(b) A second floor office location be changed to one having a ground floor.

(c) Evening hours be established at one office to meet the particular needs of CRLA clients in that community.

(d) More Mexican-American attorneys be employed. In addition, in an instance where the evaluation had questioned the competency of two CRLA attorneys, their employment was terminated by CRLA.

THE NEED TO REACT TO DRUG ABUSE

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. MANN. Mr. Speaker, there is no question that drug abuse constitutes a major threat to the well-being of all Americans, both those who are themselves on drugs and those who are not. As the President himself has said, many of those currently "hooked" on the hard stuff are returning Vietnam veterans, and our society has a moral responsibility to those who have defended it to rehabilitate them for civilian life. For that reason, I support President Nixon's proposed offensive to combat the worsening plague of drug abuse in America. Not only are veterans affected by this dangerous and ultimately deadly practice, but our inner cities are being turned into jungles and battlefields because of it. Anyone who has followed the accounts of the recent dopering "executions" in Detroit must look with fear and apprehension upon a future which would return us to the gangland days of the 1920's, when contraband liquor created an atmosphere in our cities similar to that of today. Neither are cities the only places where drug abuse has become an increasingly common way of social life. Our suburban high schools have become ministries of fear, many of them harboring rings of "pushers" and "users" which intimidate the rest of the students and create a setting in which it is impossible to learn as well as to teach.

For these reasons, I am proud to be a cosponsor of H.R. 6732, a bill which would establish a national Office of Drug Abuse Control within the Executive Office of the President. It would serve to do indispensable research on drugs and drug abuse. It would coordinate Federal programs in this area and serve as a clearinghouse for innovative ideas.

I am pleased to note that many of these points have been recognized in a recent editorial from the Greenville, S.C., News.

The editorial follows:

[From the Greenville (S. C.) News, June 25, 1971]

NATIONAL ATTACK ON DRUG ABUSE

President Nixon's proposed offensive to combat America's growing rate of drug abuse offers a logical and comprehensive approach to a complicated problem. His program should be given swift approval by Congress as the first step in a unified national attack.

The President has asked for an additional $155 million, which would bring total federal outlays for anti-drug efforts to $371 million in the next fiscal year. The funds would be used for a strong fourpoint program, divided between prevention and cure.

The money would be distributed for a campaign of rehabilitation, research and education, enforcement and international control of drug traffic. The President earmarked most of the increase—$105 million—for rehabilitation of military and civilian addicts.

One of the most important proposals calls for a special rehabilitation program for addicted servicemen being returned from the war zone. The most conservative estimate, supplied by the Pentagon, is that 10 per cent of American servicemen in Vietnam take heroin and that half of these are heavy addicts. Based on the number of U. S. troops in Southeast Asia, this would mean there are more than 12,000 heavily addicted servicemen there now. Other estimates have placed the percentage of addicts in Vietnam at 15 per cent or higher.

The country has a deep moral obligation to help these young men return to a productive life when the military is through with them. Much of Mr. Nixon's anti-drug program is aimed in that direction. Congress should grant the President's request to give

the Pentagon authority to keep uniformed personnel who are addicts in service beyond normal discharge dates to undergo treatment and rehabilitation.

Another key point in the President's plan is American aid in training enforcement officers of other countries which are the source of most illegal drugs used in the United States. The estimated $1 million to finance this project would be a sound investment for Uncle Sam, and would reap more concrete results than many of our other foreign aid programs.

Along with rehabilitation of addicted veterans and efforts to stop the flow of illegal drugs across our borders, President Nixon wants an offensive against drugs that would reach about a third of the nation's estimated 250,000 to 315,000 heroin addicts. The administration's goal is to insure that no addict has to commit crime because treatment wasn't available.

This would be accomplished through civilian treatment programs, most of which would be locally planned and run. They would differ from city to city and be based on local community needs.

Communities, like Greenville, and states, like South Carolina, that have taken the initiative in organizing coordinated anti-drug programs and making in-depth evaluations of local problems will be in a position to move ahead with the proposed federal assistance. The hope of such assistance should hasten formation of a Greenville County drug commission.

Mr. Nixon has named one of the nation's leading authorities on drugs, Dr. Jerome H. Jaffe, who pioneered in the field of heroin addiction and now heads Illinois' drug abuse program, to coordinate the entire massive federal effort. The President has created a special office within the White House structure for the program and asked Congress to formally establish the Special Action Office of Drug Abuse Prevention and broaden its power.

Congress and the country generally should provide the President all the help possible in undertaking a positive program to deal with drug abuse. It should be remembered, however, that there are no sure cures. Drug use and addiction are problems that go deeply into the confusion of values and goals afflicting our society.

We are not likely to witness any quick return on our dollars invested in treatment, but a start must be made. The President has proposed a logical path to take in attempting to grapple with a problem that is daily involving more Americans.

WHO NEEDS THE RAILROADS?

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. O'KONSKI. Mr. Speaker, as Members of Congress we are called upon daily to perform numerous and varied tasks. Sometimes these requests are routine and constituent problems can be resolved by working with an agency or department of the Federal Government. There are other problems and requests which necessitate the help of private enterprise.

On March 31, a young man from my congressional district wrote me the following letter:

Dear Mr. O'Konski: I am 9 years old and I promised my Frend Mark a ride on a train. He has a illniss that can't be cured and can't walk. They took the pasenger trains away from ashland wis. Could you please help me? Mark Buyrnes my frend lives in Iron River, Wis.

I thank you

Larry Flint
501, 11th ave. ashland Wis.

I am confident that this letter would touch the hearts of most of us as it did mine. Here is a young man feeling compassion for his friend—A young man with nothing to gain for himself personally except the satisfaction that he tried to do something for his friend. This is refreshing, but unfortunately, it appears to be a rather rare commodity these days.

To help these young people I sought the assistance of a man familiar to many of us in Washington, Mr. J. R. Brennan, vice president of one of the great railroads in this country, the Chicago & Northwestern Railway Co.

With the assistance of the railroad's assistant director of public relations, Mr. Tom Smith, and Mr. Richard Ryan, a C. & N.W. supervisor in Green Bay, Wis., and countless C. & N.W. employees, Mr. Brennan investigated the possibility of fulfilling the request of my young constituent.

After meeting with the boys' parents, the Chicago & North Western agreed to allow the boys to ride the caboose of a way freight train which makes three round trips a week between Ashland and Hurley, Wis.

Mr. Speaker, the Chicago & North Western Railroad did more than simply make available a train ride for these young men. Their efforts, their concern and their admiration for a young man who cared for his friend became contagious. The city of Hurley proclaimed June 23 "Mark Byrnes Day" and the Mayor, Mr. Paul Santini, who like Mark is confined to a wheel chair, led a parade through the city. The Iron County Drum and Bugle Corps participated. Earl Minkin of the Gogebic Range Ski Corp., made arrangements for the boys to tour the Copper Peak Ski Flying Hill at Ironwood, Mich. The boys were made honorary members of the Hurley Little League and the Hurley Chamber of Commerce. They were also made honorary conductors of the C. & N.W. Railroad. Gifts were presented by the Hurley Lions and Women's Clubs and the Ashland Chamber of Commerce. More than 100 Hurley area residents showed their support by viewing the parade.

These are the kinds of demonstrations we have in Northern Wisconsin, Mr. Speaker. People who demonstrate that they respect and value true friendships. People who admire qualities in others that appear to have become a lost treasure in many parts of the country.

I am proud of the efforts of the Chicago & North Western Railway Co. I am proud of the response by the people of northern Wisconsin.

Mr. Speaker, in order that my colleagues can share the events of that day, I insert in the RECORD newspaper clippings from the Ashland Daily Press and Ironwood Globe:

[From the Ashland (Wis.) Daily Press, June 23, 1971]

BOYS HAD GREAT DAY ON TRAIN

"I just thought we'd get a ride," was the reply of Larry Flint, 10, of Ashland, when asked if he expected everything that occurred as the result of his letter to Congressman Alvin E. O'Konski.

Larry wrote to his congressman asking for help in obtaining a ride on a train which he had promised to his friend, Mark Byrnes, 11, of Iron River. Larry and Mark got the ride Wednesday and much, much more.

The boys got a sendoff from Ashland officials, certificates from the Chicago and North Western Railway and a royal welcome in Hurley. In addition, numerous gifts were presented to the youngsters including flags which have flown over the U.S. Capitol.

Larry, who will be a fifth grader at Bay City School, is the son of Mr. and Mrs. Ed Bulanek, 501 11th Ave. E. Mark is the son of Mr. and Mrs. George Byrnes. Mark attends special education classes at Poplar School as he is a victim of muscular dystrophy.

Asked about their trip, which started in Ashland about 7:45 a.m. and concluded in Hurley about 11 a.m.; they described it as "fun." They looked out the window, touched the trees, went around a "real sharp corner" and went over a big river (the Montreal).

A delegation from the Ashland Area Chamber of Commerce was on hand to see the boys off. Lloyd Amundson, executive secretary of the chamber and George Moniza, president, were there. They sent souveniers with the boys and a special plaque making Hurley Mayor Santini an honorary admiral of Lake Superior.

Upon their arrival in Hurley they were greeted by the mayor, Paul Santini; a drum and bugle corps, and Little League ballplayers. In the boys' words they received a "whole bunch of presents."

Besides the flags they got numerous games, baseball equipment, "Honorary Conductor" certificates from the C&NW, proclamations signed by Hurley's Mayor Santini designating June 23 as Mark Byrnes Day in Hurley, fish plaques and sweatshirts.

Upon detraining in Hurley they were led up the main street by the band and the Little Leaguers. Following this the boys and their families were taken on a tour of Hurley, Ironwood and vicinity and saw the sights including the "World's Largest Indian" and the view from the top of the giant ski flying hill near Ironwood.

The boys rode back to Ashland via automobile and in mid-afternoon were busy trying our their treasures at Larry's house in the east end.

Larry had ridden on a train before but for Mark it was a first.

Both boys seem to have taken their big ride and all the attention in stride. The telephone had rung again. A few more pictures had been taken. More questions asked. A number of family members were sitting about. The boys had become involved in a game called "Fast Eddie."

[From the Ironwood Daily Globe, June 23, 1971]

TRAIN RIDE THRILLS CRIPPLED BOY

Today was a very happy day for young Mark Byrnes, and a day he will not soon forget.

The 11-year-old Iron River boy participated in an adventure which many young boys only dream when he rode in the caboose of a Chicago and Northwestern Railway freight train from Ashland to Hurley.

Over 100 persons, a band and representatives of civic organizations and the city government greeted Mark when the train arrived in Hurley at 10 a.m. after a two-hour ride.

Mark, who is suffering from multiple sclerosis, was accompanied on the journey by Larry Flint, his nine-year-old friend from Ashland. Larry had helped arrange for the ride by writing U.S. Rep. Alvin E. O'Konski, R-Rhinelander, who in turn contacted the railroad.

Hurley Mayor Paul Santini, who is confined

to a wheel chair like Mark, read a proclamation at the train station stating that today is "Mark Brynes Day" in Hurley. He then presented to the boy two flags that have flown over the capitol, which were sent by Rep. O'Konski.

At the ceremonies, Mark was made an honorary member of the Hurley Little League, and both he and Larry were made honorary members of the Hurley Chamber of Commerce and honorary conductors for the railroad company.

Mark, who received gifts and certificates from the Hurley Lions and Women's clubs, the Hurley Post Office and the little league, presented Santini with a certificate proclaiming the mayor "Admiral of Lake Superior."

Following the festivities at the station, a parade for the boy proceeded down Silver St. to the music of the Iron County Ambassadors Drum and Bugle Corps.

After the parade, the boys and their families were taken to see Cooper Peak Ski Flying Hill at the invitation of Earl Minkin, an official of the Gogebic Range Ski Corporation.

At the station, Mark told newsmen he would enjoy taking a similar ride in the future.

COOL WAY TO CURB DRUG ADDICTION

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. MONAGAN. Mr. Speaker, the problem of drug abuse in Vietnam has become dramatically evident during the last half-year. It is increasingly clear that one reason our GI's are turning to drugs is sheer boredom. With the war winding down, there is little to do but wait out one's tour of duty. Drugs are cheap and readily available, so the GI gets "high" to pass the time.

Sgt. Charles F. Bablonka of Meriden, Conn., has found a unique solution to the problem of boredom—a swimming pool. Sergeant Bablonka purchased a 700-pound pool in Connecticut while home on emergency leave, and with the help of contributions from employees where he made the purchase, is in the process of transporting it to Vietnam.

Sgt. Bablonka hopes that this pool will provide at least some GI's with much needed recreation and an alternative to drug use. Three hundred men are stationed at the hospital base where the pool is being sent, and patients as well as staff will be able to make use of it.

I would like to insert at this point in the RECORD an excellent account in the Hartford Courant of Sergeant Bablonka's efforts. He has made an invaluable contribution as an individual to what he has recognized as a growing national problem. and he deserves the highest praise of the Congress. And the store employees who are assisting him are equally deserving.

The article follows:

STORE EMPLOYEES DONATE $500 TO SHIP POOL TO VIETNAM

MERIDEN.—How do you get a swimming pool from Southington to Phu Bai, Vietnam?

The problem, faced by Army Sgt. Charles F. Bablonka of Meriden, was answered Saturday when employes of the store where he purchased the pool agreed to donate the $500 required air freight cost for the 700-pound pool.

Bablonka works in the emergency room of an evacuation hospital in Vietnam, where servicemen want the pool as an alternative to drug use and to raise the morale of the soldiers.

The employees of the four-store Namco chain, including the branch in Southington where he purchased the pool for $300, read of Bablonka's predicament and decided to pay the air freight.

About 50 to 60 people work at the store's four outlets. The other stores are located in Wethersfield, Milford and Enfield.

They plan to contact Bablonka's sister, Mrs. David Thompson of Meriden, to make arrangements for transporting the pool.

Bablonka said he could ship the pool from Hawaii to Vietnam on an Air Force plane, but his problem was getting it to Hawaii.

He said he hoped the pool will provide recreation that will keep soldiers from becoming drug addicts.

"There are so many addicted guys in the Phu Bai area it is impossible to deter others from falling in with them. There's nothing for them to do. There's nothing to look forward to or anything except getting high," Bablonka added.

Patients as well as staff would be able to use the pool. Three hundred men are stationed at the hospital base, which receives casualties from the most northern outposts of South Vietnam. Temperatures there often reach 110 degrees.

Bablonka bought the pool in Connecticut after an emergency leave at home because of his mother's death. He originally had planned to purchase it in Hawaii, but was refused a serviceman's discount.

His attempts to mail the pool or break it into smaller packages were not successful.

But with a helping hand from store employes, the pool will get to Vietnam.

FREEDOM OF THE PRESS MUST BE PRESERVED

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the many issues relating to the Pentagon Papers and all their ramifications promise to be with us for some time to come. Numerous questions have been raised—moral, legal, constitutional, diplomatic, and political—and a final judgment in all these areas will require extensive study. Not at issue is the uncontested fact that material marked "top secret" has been divulged without authorization and published. Beyond this, however, we are confronted by fundamental questions bearing on the public's right to know, the credibility of the Government during the period covered by this study of Vietnam policy written in 1967 and 1968, the soundness of the political and military judgments made by Government officials during that time, the adequacy of Government's classification process and security procedures, and, of course, the freedom of the press as we have known it.

Particularly with regard to the latter issue I was pleased to note that the State Journal of Lansing, Mich., devoted a lengthy editorial June 27, 1971, entitled "Freedom of the Press Must Be Preserved" to a discussion of this important aspect of the current controversy and I believe that it makes a worthy contribution to the current debate and include it in the RECORD at this time.

The editorial follows:

FREEDOM OF PRESS MUST BE PRESERVED

AMENDMENT I

U.S. Constitution

"Congress shall make 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 the people peaceably to assemble, and to petition the government for a redress of grievances."

For the first time in history, the United States courts have muzzled the press, in effect challenging the right of American citizens to know what is going on in their own country—or, in this case, what went on at a very critical time. The distinction in timing is essential, for the issue, rightfully put before the nation's highest tribunal, is one of the freedom of the press on one side and the danger of damaging national security on the other.

No one can argue against the cause of either side. One is a guarantee of freedom from within, and the other is a safeguard against acts which would aid enemies of this democracy.

The questions then are:

Did the New York Times (and later other newspapers) have the right to publish secret government documents about the Vietnam War?

Did the government have the right to call a halt to the publication of further articles based on these documents?

Is the information being exposed damaging to national security?

What effect will the entire issue have on our country?

The U.S. Supreme Court is in the process of making the ruling which will officially answer the first two questions and the third is the keystone to the case.

But the last question is vastly more important than the others, which deal mostly with what has passed. It is imperative that the nation profits from this entire episode in every way possible. It is to this end that each involved person—journalists and governmental officials—should dedicate themselves. Petty politics and personal motives have no place in an issue which clearly affects the freedom and security of this country.

The information published to date from the secret documents has not been shocking "news" as such—most of the information has long since surfaced in one way or another. Basically, the documents indicate that the Johnson Administration moved sooner than the public was told toward a deeper involvement in the war.

Supporters of the administration say that the country had to have a "contingency plan" for deeper involvement, and the so-called "general concensus," as the Times called it, was no more than this plan. Critics say that the documents prove a "massive deception" on President Johnson's part . . . that he planned the bombing of North Vietnam while promising during the 1964 election campaign not widen the U.S. effort in the war.

No matter which of these views is true, if either is completely valid, the essence of the situation is that now—some six years later—it is difficult to believe the Justice Department contention that the nation's security will suffer immediate and irreparable harm with continued publication of the information.

There may be some embarrassment and personal anguish, but there is no evidence yet offered by the government to show that the security of the country is in any way endangered by the publication of the papers.

What seems more likely is the simple fact that the government doesn't like what is being published, and this amounts to nothing more than censorship of the worst kind in a democracy.

Can censorship of the press be tolerated in America? Is it necessary? The record of the press in the U.S. has been outstanding in refraining from publishing security information which affects the well-being of the country and its citizens. Breaches of security were rare, if existent at all, during World War II, when necessary governmental restrictions were readily accepted by a press which proved itself highly responsible.

What effect the Pentagon Papers controversy will have on the nation is difficult to predict. It is almost certain the incident will add fuel to the belief that there truly is a "credibility gap" between the President and his people, between the government and its citizens.

Many observers believe that there has been a breakdown in the "checks and balance" system installed by our founding fathers, with the executive branch gradually siphoning off power from the judicial and legislative branches; the latter, of course, made up of the elected representatives of the people. Information from the Pentagon Papers would seem to confirm this. Legislators, as well as citizens were, officially at least, in the dark as to what was really happening.

Another effect of the controversy will almost certainly be a swelling of the "end the war now" sentiment which has been running high anyway, even with the accelerated pullout in Vietnam. To many, the incident is just added proof that the U.S. can only reap grief from Indo-China involvement and that the whole thing is indeed an American war.

We wholeheartedly hope that one of the results will be a thorough review and revision of the government's classification system. Critics have maintained that the Internal Security Act of 1950, which includes the old Espionage Act of 1917, is a poorly written law which permits government officials to apply secret classifications capriciously or to use them to cover up their own mistakes. If this is true, and it certainly appears to be so, then corrections are long overdue and should be made.

Congress enacted the security act and it can also repeal or rewrite it so that it cannot be misused or, worse, utilized to keep the public uninformed on important matters of which it should be aware. National security has to be considered and protected, but it cannot be used as a guise for deceiving the people.

Freedom of the press must be kept sacred at almost any expense to insure that we remain a nation truly governed by its people . . . an informed people.

This is important not for the sake of the press, but because it is paramount to the preservation of our Republic. That point has been made countless times by leaders of the greatest stature and of varying political persuasion.

The best way to accomplish this is to devise a system which offers fair protection to both the principle of a free press and to the right of government to protect information which could damage national security.

What is clearly necessary is the close cooperation of responsible journalists, lawmakers and other governmental officials in first finding such a system, and then the absolute and open cooperation of all to be certain that it works in a truly democratic way. Nothing more.

It is worth strenous, dedicated effort . . . now

"The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter."

Thomas Jefferson—1787.

TABLING MOTIONS WILL IMPEDE CONSTITUTIONAL RESPONSIBILITIES

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. DELLUMS. Mr. Speaker, the Military Establishment cannot always lose, and in one area, that of dealing deception and half-truths to the American public and to its adversaries in the Congress, the Establishment usually wins. The loser invariably is the public interest.

Tabling House Resolutions 489 and 490 will go down as another tainted victory for the Establishment, another setback for the American people.

Yet, the victory is Pyrrhic at best.

Already we know enough from the Pentagon papers so that it is obvious that the true planners of our misadventures in Southeast Asia were not as much the Kennedy-Johnson strategists as it was the militarists in and out of the Defense Establishment who imposed their archaic ideas on willing ears.

Not that the Kennedy-Johnson foreign policy "liberals" were innocent. Far from it. But their theories and machinations are thoroughly imprinted with the nonsense of outdated military policies.

However, no matter how this vote goes, it will be impossible to keep secret the ineptness, the stupidity, the deceitfulness of the Military Establishment and its friends.

No matter what constraints are thrown up by the Military Establishment and its friends, the American people already realize that strict controls must be held by the Congress so that the horrors and tragedies of Vietnam, Laos, and Cambodia are not repeated.

I am not willing to accept any of the so-called rationales of the administration and the Military Establishment and its friends for keeping the Pentagon papers under wraps. I submit that only through continuation of these absurd classification policies is it easily possible to maintain the prattling schemes of the militarists.

The Supreme Court is not going to make the final judgment on the openness of the Pentagon papers. That decision already is being made by the American people who are asking why lying is an official policy and why deceit is encouraged.

Finally, I am just a bit surprised that so many Members of this body will vote for a motion which impedes their ability to conduct their constitutional responsibilities. Government by stealth is a dangerous system, yet that is purely at issue today.

I urge my colleagues to vote against tabling these resolutions.

AMERICA'S ROAD TO SURVIVAL

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. PETTIS. Mr. Speaker, as a member of the House Ways and Means Committee, I am well aware of the rising costs of Government and the awesome burden being placed upon our taxpayers. I am even more concerned about the public debts that will be inherited by our children. I think we owe it to the younger generation to carefully investigate any reasonable ideas, new techniques or technical trends that might in any way reduce these rising costs. We are becoming so preoccupied with the "sickness of our society" that we may fail to recognize the healthy signs along the way.

Just such a healthy sign has come to my attention. The idea that we might reduce costs by eliminating problems instead of fighting them may be a bit too revolutionary even for these times—but I recommend that you take the time to read a short article by Frank G. Goble reprinted from Manage, an official publication of the National Management Association. It is entitled "Management Methods, America's Road to Survival":

MANAGEMENT METHODS: AMERICA'S ROAD TO SURVIVAL

(By Frank G. Goble)

America's social problems—crime, poverty, alcohol and drug addiction, mental illness and war—drained a staggering $181,000,000,000 from our economy last year. What's worse, there is no sign the upward curve of this annual cost is peaking.

Government and some private institutions are attempting to slow down the growth rate; but if past performance is a criterion of measurement, they will fail. Why? Because they are continuing to use the same methods with minor variations that have failed regularly in the past.

That does not mean we must accept the fall of our society as inevitable. It does mean that we should recognize the danger, and provide a new approach to the solutions of our problems.

There are available tools to lead us out of our current dilemma. These include:

(1) Modern management methods applied to the solution of social problems, and

(2) A new theory of psychology, capable of directing the rehabilitation of our problem population.

The new theory of behavior should come first, because without it we cannot utilize our principles of management with any assurance of success.

Colleges and universities still teach the precepts of Freud and Behaviorism to the coming generation of social scientists as though these concepts were indisputable. Ignored is the fact that these theories have failed to make any appreciable impact on those requiring rehabilitation.

Over the past few years there has developed a major breakthrough in the understanding of human behavior. It has resulted in a new approach in dealing with social problems. One of the leading proponents of the new theory is Dr. Abraham Maslow, former president of the American Psychological Association.

Dr. Maslow who calls his theory "Third Force Psychology," to differentiate it from the Freudian and Behaviorist schools of thought, concluded that the entire human specie has

common and apparently unchanging psychological needs.

Healthy individuals can satisfy these needs, and do. Less perceptive people fail to satisfy them, and they suffer accordingly, making society suffer as a consequence. The basic human needs according to Dr. Maslow, once those on the physical level have been satisfied, are for security, love, belonging, respect from others, self-esteem, and individual growth. These needs were never weighed with real importance by the older theories.

Using the "best of the species" as the norm, Maslow found that the healthy man's personal interests coincide with those of society. In the long run individual responsibility pays, and irresponsibility is costly. His own aphorism is "Time wounds all heels."

Experiments based on the new theory have produced dramatic results. Dr. William Glasser was successful in rehabilitating 80% of the girls in his program at the Ventura School of Delinquent Girls. This record is almost 100% better than previously thought possible.

Dr. Willard H. Mainord found that when the mentally ill at Western State Hospital, Washington, were classified and treated as being ill, their psychological condition rarely improved. His method of promoting cures was brutal, but it worked. He told the patients, "You're not sick. You're crazy." This blunt approach motivated them toward rehabilitation in even the more difficult cases.

The Seventh Step program at Leavenworth, founded by William Sands, used former criminals as teachers and reduced parole violation to less than 10% from the average of 40–70%. The Mott Vocation Guidance Program in Flint, and the Yonan Codex Program in Atlanta have reported similarly effective results.

Regardless of the area of effort—alcoholism, drug addiction, juvenile delinquency, mental illness or criminal rehabilitation, the new psychology is vastly more successful than any of the theories tried before.

Unfortunately, good theories and successful experiments do not mean an immediate acceptance on the part of social scientists trained in the old methods. It will take time. But it is important to know, first, that we do have the key to loosen the shackles weighing down our society.

In analyzing the new theories, it is significant to note that the "new emphasis" on responsibility echoes the concepts our founding fathers used in framing the Declaration of Independence. They believed—and even quoted—"The Laws of Nature and of Nature's God . . ."—the reference being to the laws governing human behavior.

The idea of enlightened self-interest is central to this American ethic. This point of view holds that when man is enlightened, his behavior in his own interest coincides with the best interests of his society. In other words, responsibility in the long run pays. One could almost say that the psychology on which our country was founded has been re-discovered by the new school of psychologists.

Our educational systems, however, are locked into concepts stemming from Behaviorist theories. Long age they dropped the teaching of responsibility in schools. Only now are some school districts re-assessing curricula and re-introducing courses pertaining directly to citizenship.

However, even if the entire of social scientists suddenly were to acknowledge and adopt the new theories of psychology, they would fail to rehabilitate more than a fraction of those who must be redirected away from their anti-societal activities.

In order to succeed, the new psychology must be applied systematically on a wide scale. This requires massive organization based on modern management methods.

Managerial concepts in the social sciences have been almost totally ignored, with an unbelievable splintering of effort resulting. Psychologists are not aware of the findings of sociologists. Psychiatrists do not talk to psychologists. Both ignore historians and anthropologists. Religious philosophy is considered a world unto itself.

There is, in fact, little cross-disciplinary effort to bring the specialized knowledge of one field into use in another field. In business this would lead to chaos. In the social sciences it has led to a failure of effort and a gigantic cost to the country.

The business community has probably done more to foster and apply new thinking in psychology than any other part of our society. It has brought in social scientists to learn more about motivation and human potential, and has provided the controlled situation that made studies possible.

Dr. Maslow feels that "For me industrial psychology opens up a whole new horizon; for me it means a new source of data, very rich data . . . a whole set of validations of hypotheses and theories that I have based on purely clinical data . . . a new kind of life laboratory, . . . it is a source of knowledge often more useful than the laboratory."

Dr. Herbert Otto, in announcing the opening of the new National Center for the Exploration of Human Potential said, "The topic of human potentialities has, for the last 50 years, been almost totally ignored as a focus of research activities by works in the social and behavioral sciences . . . all that one finds are individual pioneers conducting limited studies . . ." The majority of these pioneers came from industry, or found industry receptive to their ideas.

Now industry, and particularly those knowledgeable in managerial practices and concepts, must lend a further hand, for without their support and organizational know-how, the country will never come close to coping with its problems.

Business has already shown directions it can take, in the development of training programs for the hard-core unemployed, the massive efforts in community redevelopment and providing new homes in the replacing of slums.

In San Diego, for instance, a businessman trained in management methods has been active on the Board of a local hospital for the mentally ill. He recommended new concepts, new approaches and new psychological methods in dealing with the patients. The recent discharge rate of cured patients has more than tripled.

In Pasadena a group of businessmen, including management consultants, formed P.R.I.D.E., Pasadena Residents Interested in Developing Excellence. The organization established a series of measurable goals for the community, and then sought to determine what was being done by government and other agencies with respect to better education and housing, racial harmony and crime prevention.

Many other examples of management's involvement in civic affairs can be cited. The need for informed management participation is even greater than is realized. Social scientists, politicians—and even many businessmen—are not aware that the solutions they are seeking will not result from merely applying sound psychological methods and a working budget.

What too many of the community steering committees lack is managerial know-how, the organization of the proper individuals with specific directions and goals.

It is here that management can perform its most important role in community affairs. But it will, basically, have to be management volunteering to help, because those now serving are not yet aware of the contributions that can be made by professional management.

The full solution may be a long way off. But it will come, finally, with a total systems approach to our social problems similar in scope to the systems methods we employed to place a man on the moon. What is needed is a man-on-earth project equal to our man-in-space project.

Meanwhile, the testing must be accomplished at a local level. Management know-how must be introduced into committees organized to study the problems of juvenile delinquency, dope addiction, illegitimacy, alcoholism, crime, penal systems, and education.

Management's role in business is to lead. In the social science field there are many specialists, but few leaders. It is here that management can make its greatest contribution to the future inner security of our country.

THE PEOPLE OVERRULED

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attentiton of my colleagues an editorial entitled "The People Overruled" which appeared in the June 30 edition of the Chicago Tribune regarding the decision made by the U.S. Supreme Court to reverse the death sentence of Richard Speck and 38 others.

Speck was charged with the murder of eight nurses and was convicted and sentenced to death in 1966 in Illinois.

It is a tragedy that the Supreme Court has not forthrightly held capital punishment unconstitutional. So long as the Supreme Court has not ruled on the constitutionality of capital punishment, then the laws of the various States should be followed.

It is no surprise to me that crime on the streets of America runs rampant and that wanton killing of innocent people continues when murderers and thieves are allowed to go free on technicalities.

The editorial follows:

THE PEOPLE OVERRULED

When the people of Illinois voted nearly 2 to 1 against abolishing the death penalty last December, a good many of them may have been thinking specifically about Richard Speck, the man convicted and sentenced to death for the murder of eight student nurses in Chicago in 1966.

Yet this week the United States Supreme Court reversed the death sentences of Speck and 38 other murderers and rapists in other states. And it did so, with strange irony, on the assumption that most Americans oppose the death sentence.

The court reversed Speck's sentence and the others on the basis of the Witherspoon decision of 1968, in which it had held that Illinois "stacked the deck" against William Witherspoon, killer of a Chicago policeman, by excluding prospective jurors opposed to the death penalty. In the majority opinion, Justice Potter Stewart cited a public opinion poll suggesting that 47 per cent of the people opposed capital punishment and that only 42 per cent favored it—the remaining 11 per cent being unsure.

"In a nation less than half of whose people believe in the death penalty," Justice Stewart wrote, "a jury composed exclusively of such people cannot speak for the community."

Even assuming that Justice Stewart's assumption was right [tho Illinois would seem to have disproved it], his logic is hard to follow. Our juries do not impose death sentences by a majority vote; they must be unanimous. The jury system is thus stacked

already in favor of the defendant—and rightly so, because the dissent of one juror out of 12 indicates the "reasonable doubt" which protects defendants under our system of law.

Consider what the Witherspoon decision means in practice. It means that even if only one-twelfth of the people were opposed to the death penalty, then, by the law of averages, each jury would have to include one such person—and no jury would be able to agree unanimously on a death sentence.

Justice Hugo Black, who dissented on both occasions, put the matter succinctly in his dissent in the Witherspoon case: "If this court is to hold capital punishment unconstitutional, I think it should do so forthrightly, not by making it impossible for states to get juries that will enforce the death penalty."

The court has agreed to rule on whether the death sentence is "cruel and unusual" and thus unconstitutional. In a world where murder and cruelty are all too common, it would seem odd to proscribe the death penalty as cruel and unusual, but at least this is an issue within the jurisdiction of the court.

In the Witherspoon and Speck cases, the court has used devious and unpersuasive logic to prevent the use of the death penalty even in the majority of states which legally provide for it, and thus to deny the people of those states the right to determine their own laws. It has also demonstrated once again the cruelty and inhumanity of a legal system in which a defendant can live for four years without knowing for sure what his punishment is going to be. In Britain, the Speck case would have been finally settled, one way or another, years ago.

FREAKS FOR JESUS' SAKE

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. BROWN of Ohio. Mr. Speaker, because I support the viewpoint expressed by Dr. Edward L. R. Elson, pastor of the National Presbyterian Church and Chaplain of the U.S. Senate, I wish to insert in the RECORD herewith his sermon of June 27, 1971:

FREAKS FOR JESUS' SAKE

(Sermon by Dr. Edward L. R. Elson)

"No one should think that I am a fool. But if you do, at least accept me as a fool . . . But if anyone dares to boast of something—I am talking like a fool—I will be just as daring." II Corinthians 11: 26, 21 (T.E.V.)

I hold in my hands and display to you a copy of one of the most interesting newspapers I have read in many years. Reflected at the top is the dome of the Capitol across which is superimposed the title of the paper *The Liberator*, with the symbol of a forefinger of the right hand pointing heavenward and beside which is a Latin cross. The full title of this paper is "Jesus Christ is 'The Liberator'" published by the Jesus People. The headline of this issue on its front page is Jesus People: Here To Stay!

The leading editorial is written by William Willoughby, staff writer for the Washington Star, who last night spoke to the young married couples club of our Church, the Tuggs, at their monthly meeting, which was held on the beach.

Some people are writing, as in the current issue of Time Magazine, about the "Jesus Revolution." Others devote many paragraphs to the "Jesus Freaks." The July issue of Harpers carried an article by Sara Davidson entitled "The Rush for Instant Salvation." The most recent book by the Quaker writer, Elton Trueblood, has the title "The Future of the Christian."

More than a year ago, on the campus of Asbury College in Kentucky there broke out a spontaneous spiritual awakening which continued without interruption for many weeks. There had been no preparation for it, no evangelist summoned people to repent and confess Christ. What happened was that first one college student after another, prompted by some unexplained inner urge, stood up before groups of students ranging from little clusters to vast crowds, and confessed that they had been delivered from the burden of sin and defeat and had found joy and power through the living Christ. Although the college life continued, prayer and witnessing was uninterrupted. From that center students on weekends traveled to colleges all over America where they gave personal witness to the new-found reality of the living Christ in several hundred colleges. Other groups of students caught the spirit. The movement has infected the whole of American academic life in a manner not unlike that which happened in earlier American history in the days of Jonathan Edwards, Charles G. Finney, and Dwight L. Moody, as well as resembling in some manner that which took place in 18th century England under the leadership of two brothers in the Anglican ministry, John and Charles Wesley. There has been no explanation except in the supernatural power of the Holy Spirit.

Look at other bits of the current scene. Some years ago guided by Dr. Louis H. Evans, Sr., former pastor of the Hollywood First Presbyterian Church, there came into being what is now a tremendous movement called "The Fellowship of Christian Athletes." The members of this association are athletes in high school, in college, and in professional football, basketball, and baseball who are unashamedly out and out Christians. They hold conferences, institutes, and summer camps now attended by thousands of young athletes. Although some of the leaders have now given up their professional careers as athletes, completed their seminary education, and give full-time leadership to the movement, the genius of this group is that it is a "fellowship" of young Christian athletes who testify to a life transformed, made vital and meaningful in day-by-day living. Some years ago they asked me to write the story of the influence of my high school football coach upon my Christian life and my decision to enter the ministry. They made it a front-cover story.

On college and university campus there is also a movement called "Inter Varsity Christian Fellowship" which, while never pretending to substitute for or compete with the organized denominational representation on the campus, nevertheless seems to have the greatest vitality for influencing the personal lives of university students of any movement on American campuses.

Time Magazine pointed out that "few groups have had more impact than has one man, Assemblies of God minister David Wilkerson, whose growing movement began with a single incident: his dramatic conversion of Brooklyn teen-age gang lord Nicky Cruz in 1958." Cruz is now an evangelist. Wilkerson's evangelical and anti-drug organization "Teen Challenge" has 53 centers. His book about Cruz's conversion, "The Cross and the Switchblade," had sold six million copies. The movie version starring Pat Boone as Wilkerson will be released next week nationwide, on July 1st. Last year at the annual meeting of the Religious Heritage of America we became better acquainted with this phenomenal movement by the presence in our city of both Wilkerson and Pat Boone. Among other influences of the "Teen Challenge" group and Wilkerson is the Pentecostal flavor which helped launch the Roman Catholic Pentecostal movement which is an extraordinary feature of the lives of many Roman Catholics today.

How are we in the principal religious denominations of Christendom, in denominations both in the Catholic and Reformed traditions, to evaluate these movements and forces and relate them to the Church today?

Mr. Willoughby opens his editorial with these words: "I am 100 percent convinced that these must be the most exciting days in the world's history—more specifically, the history of the Church of Jesus Christ. It is becoming increasingly evident that a revival of spiritual life that focuses on the power of the Holy Spirit and the glorification of Christ is taking place—a revival such as not even the first century Christians witnessed."

This is a very bold assessment by one who is perhaps the best student of the movements in our country.

Willoughby goes on to say that he believes this powerful movement is anything but a fad and that it is something which cannot be stopped. The Jesus Freaks are using four-letter words—words like "love" and "pray." They are making forays into the topless and bottomless joints in San Francisco and giving an unmistakable witness that such things are not right. There they are looking a good bit like hippies, some converted Maoists or Black Panthers or Free Speech Radicals, now suddenly possessed of a zeal of pleasing God.

What are these people doing? It is a startling development, says *Time*, for a generation that has constantly been accused of tripping out or copping out with sex, drugs, and violence, now embracing the most persistent symbol of purity, selflessness, and brotherly love in the history of Western man, aflame with a Pentecostal passion for sharing their new vision with others. Fresh-faced, wide-eyed young girls and earnest young men badger business men and shoppers on Hollywood Boulevard, or near the Lincoln Memorial, in Dallas, Detroit, Wichita, or San Francisco, witnessing for Christ with reckless exhortations.

Nearly twenty-five years ago this congregation through the Sunday Evening Club opened in the basement of our old Church at Connecticut Avenue and N Street the first church-sponsored coffee house in Washington. Now there are many of them, such as "the Coffee House on Columbia Road, sponsored by the Church of Our Savior," "The King's Inn" in Alexandria, others in Georgetown, the Dupont Circle area, and on Capitol Hill. As one person put it, "these Christian houses" are multiplying like loaves and fishes for youngsters hungry for homes, many reaching out to the troubled with round-the-clock telephone "hot lines."

Almost all of them are reading the Bible and discussing it. Founder Bill Bright of the Campus Crusade for Christ says, "Our target date for saturating the United States with the gospel of Jesus Christ is 1976—and the world by 1980." This is reminiscent of the hay-stack prayer meeting at a New England university in another age which launched the Student Volunteer movement with its motto, "The evangelization of the world in this generation." For some there is the fascination for Jesus out of hero worship of a fellow rebel, the first great martyr to the cause of peace and brotherhood. But this is not the attitude of the vast majority toward Jesus. The one mark which clearly identifies them is their total belief in an awesome, supernatural Jesus Christ, not just a marvelous man who lived two thousand years ago but a living God who is both Savior and Judge, the Ruler of their desti-

nies. Their lives revolve around the necessity for an intense personal relationship with Jesus and the belief that such a relationship should condition every human life. They act as if divine intervention guides their every movement and can be counted upon to solve every problem. Many are redeemed from personal rebellion against all of society or from drug addiction and now subscribe strictly to the Ten Commandments rather than the "New Morality" and, like earlier Christians, are sometimes intolerant of failures among new converts, and impatient with Christians outside their movement.

Everywhere there is testimony to a new life, a new purpose, and a tremendous revolution. Maureen Ork, in a supplement to the book "Whole Earth Catalog" writes: "The first thing I realized is how different it is to go to high school today. Acid trips in the seventh grade, sex in the eighth, the Vietnam war a daily serial on TV since you were nine. Parents and school worse than irrelevant—meaningless. No wonder Jesus is making a great come-back!"

The truth is that the death of authority brought the curse of uncertainty.

"The freedom from work, from restraint, from accountability, wondrous in its inception, became banal and counterfeit. Without rules there was no way to say no, and worse, no way to say yes," wrote Thomas Barbour in his little book entitled "Tales for the Son of My Unborn Child." Richard Hoak believes that many of his youthful converts see Jesus as a marvelous father figure: "The kids are searching for authority, love, and understanding, ingredients missing at home. Jesus is what their fathers aren't." One pastor says, "I am amazed at how many people I have counseled have never heard their father say 'I love you.'"

The movement at present, we must conclude, is not against established religion but rather apart from it. The Rev. Robert Terwillinger of New York City's Trinity Institute says, "There is a revival of religion everywhere except in the Church." We Christians who love the Church must now show our love to all persons who call Christ Lord, whether they follow our patterns of expression or appear to be by our standards bizarre or eccentric. We must be careful lest too much we love the Church just as it is and do not love Christ sufficiently to allow the Holy Spirit to make us and the Church become what it ought to be in our age.

The Church, we must repeat over and over again, is not an institution, much less a building. The Church has been institutionalized in order to promote the gospel of redeeming love and it has buildings in order to shelter its activities and provide centers from which its influence might radiate to the whole world. These institutions and these visible symbols have served the Church well and can continue to do so. But the Church and all of us in it must be open to the leadership of the Holy Spirit, be prepared for surprises, and always to welcome to our affection and our community life all those who truly follow Jesus Christ even though they do it in their way rather than in our way. When some of the young people among the Jesus Freaks have been asked which church they belong to, they have replied, "We are the Church." Although they may not have formulated the profounder statements of Christian theology which we are heir to through the great historic Confession and Creeds of the Church, these "new Christians" bear a strange resemblance to the first century Christians who turned the world upside down. By every measurement we have today the greatest Christian evangelist, missionary and theologian the world has ever known would be described as a "Jesus freak."

St. Paul was called a fool and he used the word "fool" to describe himself.

In the first place, Paul must have been a "Jesus freak" in his personal appearance. Tradition says he was not a prepossessing personality. He was small of stature, baldheaded, and bow-legged. He had some physical malady which he called "his thorn in the flesh," which tormented him all his life. When he spoke his words came not through a massive, majestic, male personality whose physical appearance "wowed" his hearers. His words came through a wizened, weak little frame of a "Jesus freak."

Paul was an intellectual freak. He is often regarded as the greatest intellect of his time, but judged by the intellectual outlook of his age he was a freak. He was learned in the Scriptures, the complicated legalism of Judaism, its history, its philosophy, its practices. He was well-educated in Hellenistic or Greek thought, he was a Roman citizen and knew full well all that Roman life, law, and power meant. And he was one of the most traveled men of his age. Yet it was not his knowledge of all these forces which gave him power. His sermon on Mars Hill fell flat while he drew upon these sources of his intellect. He was a religious expert in all these fields, but it was through the "foolishness of preaching," what came to be called the Gospel, that his power came through.

His message was that this Jesus of Nazareth who taught, healed, and went about in the body of a man, like the rest of us, made known in that single life the greatest truths and the most vivid reality we can have about God. This Jesus of Nazareth, who was rejected by His own people, arrested, tried and put to death as a criminal, nevertheless was not destroyed by death but made Himself known to His followers after arising from the grave. This conquering of man's last enemy, death, was the certification that He was in fact the Son of God whom God sent to free men from sin and destruction. This same Jesus of Nazareth on Easter morning arose from the tomb to become the Living Christ of the ages—that He was even now present, alive, vivid, and would bring to fulfillment any human being who in true repentance and faith came to Him.

In our text for today Paul said, as he wrote his second letter to the Corinthians, "No one should think that I am a fool. But if you do, at least accept me as a fool . . . But if anyone dares to boast of something—I am talking like a fool—I will be just as daring." Wouldn't this be a good clue for us today?

On the scene today I see two great movements, both fundamentalist in their character and pretensions. The one is the Jesus Freaks, with their Bible study, prayer, praise, and radically changed personalities reaching people with a gospel that can only be called supernatural. They have a hard time being patient or even consider as credible those Christians who have not had their kind of experience. There is another group of Jesus Freaks. They are the activists who tend to minimize instant personal conversion but want instant conversion of society—the immediate transformation of cities, elimination of poverty, absolute justice and banishment of war. They tend to think their methods and their program are sacrosanct and the only divinely approved way of achieving the objectives. Some of them absolutize church resolutions, lift them to the level of theological dogma and make heretics of all those who differ with them.

Neither the Jesus Freaks for instant personal conversion nor the Jesus Freaks for instant sociological conversion have the whole gospel. There must be a synthesis of the two. The synthesis comes not in institutions, much less by pronouncements, but in persons. And the Church must be big enough in its love and inclusive enough in its fellowship to help each group find the other. The call to us today is to be unafraid of the destructive powers of evil in our world and to welcome the constructive powers of God's Holy Spirit which are ready to renew and empower the Church. The New Testament calls Christ the "dynamite" of God. Let us close with words which ring out from the last book of the Bible, "Even so come, Lord Jesus."

FREEDOM FOR THE EPIROTES

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. KYROS. Mr. Speaker, I would like to take this opportunity to call the attention of my colleagues in the House to a people whose plight is often unwittingly overlooked in this country. I refer to the minority of Greeks living in Albania, the Epirotes, who reside in the northern sector of the ancient province of Epirus.

Since the Second World War, Mr. Speaker, the Communist regime that has ruled Albania has consistently denied this minority fundamental human rights: The rights to freely practice their religion and to engage in the preservation of their culture.

Mr. Speaker, I am fully aware of how difficult it is for those of us living in America, and enjoying the advantages of American citizenship, to understand fully the suffering of those in other parts of the world living under severe oppression. Nonetheless, I am confident that all Americans join me in deploring the unjust subjugation of these people.

The gravely persecuted Greek minority in Albania, the plight of the Epirotes, cannot be overlooked.

The Panepirotic Federation of America and Canada have relayed to me remarks and a resolution which they have prepared for their 17th biennial convention, Second World Congress. I believe these remarks merit the earnest consideration of my colleagues so that the injustices they relate may indeed be understood and rectified:

REMARKS OF THE PANEPIROTIC FEDERATION OF AMERICA AND CANADA, SEVENTEENTH BIENNIAL CONVENTION, SECOND WORLD CONGRESS

It is a tragedy of our century, a century hailed at its inception as a high watermark of civilization, to witness instead a rising tide of persecution and genocide of helpless minorities. Our newspapers have been filled—and justly so—with the example set by the Soviet colossus in dealing with its Jewish citizens who have asked only that their rights to religious and cultural expression and leave to emigrate to Israel be honored.

Instead, as we all know, these requests have been largely honored by that country with suppression and imprisonment.

In another example, the regime of Peking China has not hesitated to absorb the Tibetan people who were unfortunate enough to come under the protection of the most populous nation on earth.

Specifically, since its advent to power shortly after World War II, the Albanian Communist regime presently aligned with Red China has let loose upon a minority within its borders all these refinements of suppression and repression that have come to constitute the shame of our century.

The problem of Albania's Greek minority and the territory wherein it constitutes a

majority—Northern Epirus—is an old one, having arisen in the breakup of the Ottoman Empire in Europe at the end of the Balkan Wars of 1912–1913. Its population, liberated by Greece and severed from its motherland by the European Powers of the time for self-serving reasons, rose in 1914 to declare its autonomy. Its success in the contest that ensued compelled those powers to grant the people of Northern Epirus their rights to their Greek schools, churches and political administration in a protocol signed on the Greek island of Corfu on May 17, 1914. As a result of the situation brought about the outbreak of World War I several months later, the protocol was destined not to be implemented.

This is not a time to indulge in a recital of the subsequent history of this problem, about which all sides have had their say. Suffice it to mention here that, on the two occasions during which it might have been settled to the satisfaction of the party most vitally concerned—the Greek people of Northern Epirus—the United States was not wanting in its expression of support. In identical resolutions (S. 324, May 17, 1920 and S. 82, July 29, 1946), the Senate of the United States expressed its sense unanimously to the peace conferences in Paris after both World Wars "that Northern Epirus (including Corytza) . . . where a strong Greek population predominates, should be awarded by the Peace Conference to Greece and become incorporated in the territory of Greece."

In the period following World War II and the attempted Communist takeover of Greece from the territories of her northern neighbors, including Albania, successive Greek governments have exercised considerable restraint in pressing for a solution to this problem. These governments, indeed have pursued a pacific policy that has resulted in normalization of relations first with Yugoslavia, then with Bulgaria and, in recent months, with Albania.

This has been particularly difficult respecting the latter for a number of reasons, not the least of which has been Albania's treatment of the Greek minority.

In a very limited area of a handful of villages immediately adjacent to the Greek border, Albanian elementary schools have been allowed to teach the children of the Greek minority the rudiments of Greek reading and writing in the first three grades. In addition, a government newspaper that contains virtually nothing beyond speeches by Albanian leaders and their decrees, is published in Greek in one nearby town. Both measures are intended all the better to facilitate the assimilation of this minority population and neither constitute anything more.

In the school of Stalin in which the Albanian Communist leadership has been faithful to the letter such "Potemkin's village" tactics have had just this objective. One recalls the "autonomous Jewish area" of Birobijan—near Outer Mongolia.

At the same time, refugees from Northern Epirus in Greece have told their accounts of jailings, forcible moves of individual families and whole groups to settlement in purely Albanian districts to the north, a complete shutdown of all churches and banning of all public worship whatsoever, and other measures amounting to ethnic genocide. It should be noted that, in the early part of this century, there were 315 schools including high schools (gymnasia) with a total of 14,234 pupils maintained by the expense of the Greek Northern Epirotes. Now there are none. There were many more churches thronged by the devoutly Christian people of Northern Epirus. Now there are none. Indeed, since the last two legitimate bishops of Northern Epirus fled to Greece and subsequently died there, there is no legal Christian hierarchy whatsoever.

Albania, in fact, goes beyond any other Communist country in the world in this respect, having proclaimed itself "the first purely atheist state", i.e. the first one in which all religious life is absolutely forbidden.

It is with this in mind that organizations abroad of persons of Northern Epirotic origin, including the Panepirotic Federation of the United States and Canada, recently expressed their anxieties to the Greek Government with regard to the resumption of diplomatic relations between the two countries. These were only partially allayed by statements made to Athens newsmen subsequently by Greek Undersecretary for Foreign Affairs Christian X. Palamas. Mr. Palamas stated that: "The existing status (of the Northern Epirotic problem) has in no way been altered from the point of view of the fundamental Greek positions, with the sole difference that absence is replaced by presence, indifference by interest and silence by dialogue". He further added that: "To the interest that, as was natural, the Greek Government expressed with regard to fellow countrymen, the Albanian government replied in a very satisfactory manner."

Nevertheless, Mr. Palamas did not spell out what that "very satisfactory manner" constituted. One thing, unfortunately, is obvious, and this is that the allies of Mao and worshippers of Stalin in Tirana have given not a single concrete indication that they will let up on their policy of suppression directed against the Greek inhabitants of Northern Epirus. And, until such indication is forthcoming, the kinsmen of these inhabitants settled in the free world have every right to their skepticism.

It is against this background that the present Resolution is offered. The United States, for excellent cause—Albania's nonperformance of her international obligations—has maintained no direct diplomatic or any other ties with the present regime in that country. One of these obligations is to the very minority it is so zealous in persecuting.

When Albania entered the League of Nations, that predecessor of the United Nations made the Albanian government of that time sign a solemn declaration on October 2, 1921, to respect that minority's rights and spelled these out in great detail. When a subsequent Albanian government, in the 1930s, attempted to abridge them, the International Court of Justice (Hague Tribunal), which is now an integral part of the United Nations machinery, ruled against such an outrage. At its 34th session on April 6, 1935, the Tribunal by a vote of eight to three handed down the opinion that "the plea of the Albanian Government that, as the abolition of private schools in Albania constitutes a general measure applicable to the majority as well as to the minority, it is in conformity with the letter and spirit of the stipulation laid down in Article 5, first paragraph of the Declaration of October 2nd, 1921, is not well founded."

Now, of course, Stalinist Albania has abolished not only schools, but every vestige of minority rights. To cap its affrontery, it denies, with the same severity as did Stalin's Russia, the right of its citizens to migrate.

All over the world, in the United States and in Greece in particular, there are thousands of persons with parents, wives and children trapped in Albania by this inhuman policy. If Albania were to open her doors just a crack, there would be a joyous exodus not of homeless refugees, but of human beings whose families in the free world are ready to open their doors.

Albania is a member of the United Nations, having been admitted in a "swap" which included Ireland and Outer Mongolia. Some day we may or may not extend diplomatic recognition to her ruler. Nevertheless, if only as an expression of our beliefs, our values, indeed our very humanity, we have an obligation to speak for those who live in that unfortunate country in silence.

From July 17th to July 27th this year, several thousand Americans who emigrated from the ancient province of Epirus, now equally divided between Greece and Albania, will hold a convention in the Epirote capital of Ioannina, Greece.

This gathering will come at a time when the governments of Greece and Albania are engaged in serious negotiations aimed at improving their mutual political and economic relations. While any improvement in the international climate—particularly in such a sensitive area of the world—is to be welcomed, the plight of the sorely persecuted Greek minority in Albania cannot be overlooked. The present Peking-oriented regime that has ruled Albania with Stalinist severity since World War II, has denied this minority—a majority in its own territory—fundamental human rights. These included the free practice of their religion and the preservation of their culture.

In addition, it has barred them from emigration to Greece and other free nations in the same manner that the Soviet Union prevents a Jewish migration from the USSR to Israel.

Accordingly, the following Resolution is respectfully submitted:

Whereas: Agreements recently concluded between the Government of the Kingdom of Greece and the present Communist regime of Albania reestablish economic relations and diplomatic exchange between the two countries;

Whereas: The aforesaid Albanian regime has, in violation of obligations undertaken under international law and the Charter of the United Nations to which it is bound, denied to its citizens the free practice of their religion and other liberties both individual and communal;

Whereas: A Greek minority constituting the majority of the inhabitants of Northern Epirus, being the southern portion of the present Albanian State and contiguous to Greece, has been subject to continual denial of guaranteed rights to the free exercise of ethnic, religious and cultural life and has been deprived of its self-sustained institutions by which this life has been expressed and maintained for centuries;

Whereas: Individuals and groups among this minority, many with relatives in the United States and desirous of emigrating to the United States or Greece have been subject to forcible relocation in parts of the Albanian State other than their native territory under a policy of forcible assimilation and have been denied the right to emigrate;

Therefore be it resolved: That the Congress of the United States, moved by humanitarian considerations and desirous of upholding at all times the principles of justice embodied in the Charter of the United Nations and in the Universal Declaration of Human Rights of which the United States is a signator, should express the great concern of the American people for the plight of the Greek minority in Albania and should request that our ambassador to the Royal Hellenic Government convey to it this expression. It further resolves to recommend to the United States Department of State that the United States and its accredited representatives abroad and in the United Nations bodies and agencies should take note of this concern in order to implement whatever ameliorative measures may be consonant with the considerations and principles herein expressed.

PROFESSOR KURLAND SPEAKS ON CONSTITUTIONAL PROBLEMS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. REID of New York. Mr. Speaker, I insert in the RECORD the brilliant statement that was submitted this morning by Prof. Philip Kurland of the University of Chicago Law School before our Subcommittee on Foreign Operations and Government Information.

Professor Kurland gives his views on the question of prior restraint, which was virtually struck down by the Supreme Court today, on executive privilege and the right of the American Congress and public to know, but more importantly on the symptoms of a more serious disease.

Specifically, he notes the serious erosion of federalism, the disappearance of the separation of powers doctrine through concentration of power in the executive, and the disintegration of restraints on the National Government. He suggests several remedies, and concludes that the failure of Congress to right the balance in these cases proves or will prove the failure of democracy.

STATEMENT BY PHILIP B. KURLAND

I

I am flattered by the invitation to appear before the Committee to express my views on the subjects with which these hearings are concerned. I am, however, fully appreciative of the fact that when the invitation to speak was issued to me the Supreme Court had not yet been called upon to express an authoritative opinion on the constitutional problems of the injunctions against the *New York Times* and *Washington Post*. For purposes of advising you of the law of the Constitution, my own views, whether in agreement or disagreement with the Court, are irrelevant.

I would point out, however, that there was agreement among the litigants in the cases about the appropriate general principle. That is, both sides assumed that an injunction could not issue to prevent publication of the documents unless such publication would be injurious to the national security. There was apparent agreement, too, that such threat to the national security would be a basis for injunction. The contest was essentially over two questions. First, what the standard for injury to the national security should be. Here there were considerable variations in suggested verbal formulae, with the words substantial, imminent, clear, etc., being offered. It seems evident, however, that no concatenation of words can afford a precise measure against which the facts could be placed in order to make a determination. There is no litmus paper test for danger to national security.

This first question, therefore, gave rise to the second. Who shall determine whether the proposed publication does or does not offend the standard of national security? The newspapers seemed to be satisfied that their own judgment was adequate to the purpose. Those on the other side thought that a decision reflected in the stamp on the document should be decisive. On this score, I would invoke the words of Mr. Justice Frankfurter, in another situation where conflicts between two constitutional commands had to be resolved. In *Pennekamp* v. *Florida*, 328 U.S. 331 (1946), he said:

"A free press is vital to a democratic society because its freedom gives it power. Power in a democracy implies responsibility in its exercise. No institution in a democracy, either governmental or private, can have the limits of power which enforce responsibility determined by the limited power itself. In plain English, freedom carries with it responsibility even for the press; freedom of the press is not a freedom from responsibility for its exercise. . . ."

The answer must be that the decision is for the courts to make. And inasmuch as the Government is seeking to invoke the authority of the judiciary in these cases, it would seem clear that the burden of persuasion should be on it to show the danger to the national security by clear and convincing evidence, evidence sufficiently clear and convincing to overcome the long-standing, fundamental proposition over which there is no disagreement, that the press ought to be free from prior restraint.

I shall, if I may, return briefly to the subject of the case of *New York Times v. United States* in a few minutes but from a different perspective.

II

The invitation issued to me called for me to make some observations also on the subject of the press privilege not to reveal the sources of its information. To me, the freedom of the press to conceal information is of a different dimension from its right to reveal information. The argument asserted by the press here is identical with the claim of the government that it, too, has a right to secrecy to implement the other functions that it must carry out. Both claim, therefore, that their right to conceal information is ancillary to other constitutional rights or powers.

My own view is that there is no constitutional privilege of confidential communication between the publisher of news and his source of news. The only testimonial privilege specified by the Constitution is the privilege against self-incrimination, which is not available to corporations. All other confidential communications privileges rest either on common-law origins or statutory provisions.

That is not to say that in particular circumstances the right to silence may not flow from a constitutional provision. Thus, the Court has ruled that a membership list of the NAACP need not be revealed to state authorities where the resulting injury to members was clear and the benefit to the state was obscure. So, too, the right to conceal news sources might be protected, where the reason for compelling their revelation is not persuasive. The difficulty in striking a balance is not small. And again, as in the first situation, the question of who is to make the decision becomes the important one. The issue can arise in several settings. First, there may be an order to produce sources of information in a judicial proceeding. Second, the information may be sought by a legislative body—the present contest between CBS and the Congress is an example. Third, the data may be demanded by an executive or administrative agency. It would seem, in each instance, that in order to secure the information demanded or—in the last two cases—injunction against the demand, the authority of the judicial branch will have to be invoked. And so, in a lawful society, the resolution of the problems will likely be in that branch.

Again, I should like briefly to return to this issue in some later remarks.

III

A more amorphous subject assigned to me is the question of the executive privilege to conceal information from the public, from the legislature, and from the courts. As to the public, Title 5, sec. 552 of the United States Code, grants a judicial remedy to compel disclosure by executive departments and agencies, with certain exceptions stated in that section and referred to in the preceding one. The provisions of sec. 552 place the burden of justifying the refusal of publication on the government agency in question. The exceptions are rather ill-defined. The ones particularly of interest in light of the present controversy between the government and the newspapers are those that provide: "This section does not apply to matters that are—(1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy; . . . (3) specifically exempted from disclosure by statute; . . ." The problem of who has standing to maintain such an action is one that is yet to be clearly determined. I respectfully refer you to Congressmen Reid and Morse for greater expertise in this area.

The statute to which I just referred specifically states that it is not relevant to the right or power of Congress to secure information from the executive and administrative agencies. The precedents in the tug-of-wars between Congress and the President over Congress's right to see what the President would conceal are not judicial ones. Heretofore the one or the other has prevailed according to the willingness of the one or the other to assert greater political strength. Where Congress is prepared to use its power over the purse or the power to refuse passage of legislation, it can succeed in securing the information that it wants. So, too, where the public sentiment is clearly with it, it may be expected to secure the information that it wants. Where public opinion is on the side of the President, or where his political clout is greater than that which Congress is prepared to exercise, his concealment of the documents will be successful.

So far as the executive privilege against judicially compelled revelations, we do have a judicial declaration from the Supreme Court to guide us. In *United States v. Reynolds*, 345 U.S. 1 (1953), the Court pointed out in a footnote: "While claim of executive power to suppress documents is based more immediately upon R.S. § 161 . . . [5 U.S.C. § 22], the roots go much deeper. It is said that R.S. § 161 is only a legislative recognition of an inherent executive power which is protected in the constitutional system of separation of power." Nevertheless, the Court went on to hold that the determination of the availability of the privilege to the Government in litigation must be decided by the courts.

The Court said:

"Judicial experience with the privilege which protects military and state secrets has been limited in this country. English experience has been more extensive, but still relatively slight compared with other evidentiary privileges. Nevertheless, the principles which control the application of the privilege emerge quite clearly from the applicable precedents. The privilege belongs to the Government and must be asserted by it; it can neither be claimed nor waived by a private party. It is not to be lightly invoked. There must be a formal claim of privilege, lodged by the head of the department which has control over the matter, after actual personal consideration by that officer. The court itself must determine whether the circumstances are appropriate for the claim of privilege, and yet do so without forcing a disclosure of the very thing the privilege is designed to protect. The latter requirement is the only one which presents real difficulty. . . .

"Regardless of how it is articulated, some . . . formula of compromise must be applied here. Judicial control over the evidence in a case cannot be abdicated to the caprice of executive officers. Yet we will not go so far as to say that the court may automatically require a complete disclosure to the judge before the claim of privilege will be accepted in any case. If may be possible to satisfy the court, from all the circumstances of the case, that there is a reasonable danger that compulsion of the evidence will expose

military matters which, in the interest of national security, should not be divulged. When this is the case, the occasion for the privilege is appropriate, and the court should not jeopardize the security which the privilege is meant to protect by insisting upon an examination of the evidence, even by the judge alone, in chambers."

Perhaps, before unwarranted conclusions are drawn from the *Reynolds* case to that of the *New York Times* v. *United States*, it should be noted that in *Reynolds* it was the individual and not the government that invoked the assistance of the court, and that the prerogatives protected by the First Amendment were not involved in that litigation.

IV

If you will allow me, I should like to suggest that the problems on which this Committee's attention is now focused, important as they are, are but symptoms of a more serious disease. There are, to my mind, more fundamental constitutional questions that underlie those being considered.

The essential scheme of the national Constitution was the limitation of governmental power. It sought to accomplish this end by three means. The first was a division of power between the national government and the States, a federal system in which the national government was to have limited and specified powers. For all practical purposes, federalism in this country is a thing of the past. Whether by reason of necessity of desirability or irresponsibility, the national government now has plenary governmental authority. That is to say, there is no area of governmental operations that cannot be rationalized as coming within the national sphere, whether by reason of the power over commerce or some other amorphous grant of authority.

The second major principle of limitation on authority that inheres in the constitutional scheme is that of separation of powers. It does not suffice to reject this proposition to point out that a clean, clear line among the three branches was never intended and has never been effectuated. Certainly that is true. But the essence of the scheme remains, that by dividing governmental authority among three branches there was to be not only separation of powers but a system of checks and balances. Here, too, we are in serious danger of losing the constitutional protection sought to be afforded. Since 1933, the executive branch of the government has secured and exercised more and more power, in part by seizing it, in part by the failure of the legislative branch to assert itself. We have reached the stage where an astute foreign observer, Louis Heren, can validly assert:

"I do believe that the modern American Presidency makes sense as a political system only when it is seen to be a latter-day version of a British medieval monarchy, and I commend this approach to its loyal American subjects. Thus armed, they will be less bothered by the frustrations that usually attend the conventional method of measuring the incumbent against the constitutional yardstick.

"The main difference between the modern American President and a medieval monarch is that there has been a steady increase rather than diminution of his power. In comparative historical terms the United States has been moving steadily backward."

The concentration of power in the executive branch may be sought to be justified by the criterion of efficiency. Just so the criterion of efficiency may justify restraints on the power of the people to learn what is going on in the government. A steady concentration of power even within the executive branch is also a trend to be noted and—I think—deplored. And this committee bears no small responsibility for the proposal to bring the various departments of the executive branch under a handful of cabinet commanders presumably on the model that Napoleon so successfully used. The Presidential reorganization plan will thus bring more and more power into fewer and fewer hands. (The examples afforded by the Department of Defense and HEW do not suggest to me that departmental conglomeration leads to efficiency).

That such concentration of power is inconsistent with the original constitutional scheme, I have no doubts. As Professor Andrew McLaughlin once noted:

"If it be asked why people were so unwise—and the question is often asked—as to hamper government by division of authority and by checks and balances, the answer is simple: such was the kind of government the leaders and probably men in general wanted. Who are a free people? Those who live under a government so constitutionally checked as to make life, liberty and property secure. That would have been the most explicit answer of the Revolutionary days. . . ."

The third limitation on government authority that was of the essence of the Constitution was a list of restraints on the national government included, not only in the Bill of Rights but in other provisions of the Constitution as well; none so important, however, as those contained in the First Amendment.

I recite these commonplaces to you because I think that they are relevant to the issues before you. Since John Marshall used the "necessary and proper" clause to expand the national authority in the *Bank* case (*McCulloch* v. *Maryland*, 4 Wheat. 316 (1819)), it has generally been regarded as a device for the allocation of power between the nation and the states. A reading of its provisions suggests that it is at least as relevant to the division of authority within the national government itself. The provision, as you may recall, reads: "The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into execution *the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.*" (Emphasis added.)

It becomes clear to me, therefore, that to the extent that Congress is still a viable institution, it can enact legislation which in effect says that the courts shall not be permitted to enjoin publication by newspapers even of materials purloined from the national government. Congress cannot derogate from the protections afforded by the First Amendment, but it can add to them. It can legislate the circumstances and conditions under which the press may assert the privilege to conceal its sources of information. It can, I think, even legislate the terms and conditions under which the executive privilege may be asserted for the protection of the national interests. Certainly there are balancing factors to be taken into consideration in the enactment of such legislation. Congress may decide that there are times when an injunction against publication—when permitted by the Constitution—should be proper. Congress may decide that there are situations under which the executive branch should be allowed the confidentiality of communications that most enterprises—even governmental enterprises—need in order to operate successfully.

I think that the real problem is that Congress cannot—because of the way it is organized—or will not, for whatever reason, undertake the duties that are ascribed to it by the Constitution. (I would require all Congressmen to read Wilson's *Congressional Government*, to show them what role Congress once played in our governmental scheme.) After the "crisis" of the Pentagon papers recedes into the past, I expect that Congress will continue to condone Presidential actions that find no warrant in Congressional legislation. We will continue, for example, to see the President wage war without Congressional declaration, to see executive orders substitute for legislation, to see secret executive agreements substitute for treaties, and to see Presidential decisions not to carry out Congressional programs under the label of "impoundment of funds." I suggested several years ago that the failure of Congress proves or will prove the failure of democracy. And I still think that the danger is nothing less than that.

Meanwhile, I would point out, that the failure of Congress to exercise its powers of supervision over the execution of the laws that it purportedly enacts makes it all the more important that the news media be kept free to do so. For if Congress is less and less concerned about what the executive is doing, it behooves the press—in the largest sense of that word—to assume the watchdog function.

I expect that I have more than tried your patience with this tirade. And so without explicit injunction I cease and desist from further imposition on your generosity. I should, however, be happy to answer—or to try to answer—any questions that you may wish to put to me.

"NEVER AGAIN"—AMTRAK CARRIES ON THE AMERICAN RAILROAD TRADITION FOR ABOMINABLE TREATMENT OF PASSENGERS

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. KARTH. Mr. Speaker, the Congress and the country, it now appears, were sold a "bill of goods" by the railroads when the Amtrak was presented as the solution to the problem of saving passenger train service. The following letter to the editor of the St. Paul, Minn., newspaper reveals that Amtrak carries on the American railroad tradition for abominable treatment of passengers:

NEVER AGAIN

SIR: A short time ago my wife and I took a trip to Grand Forks, N.D., by rail, or Amtrak. We left St. Paul in late afternoon by cab to Minneapolis depot at the cost of $4.65. We spent about a half hour buying our tickets to Grand Forks and return. Our train was called for 7:25 p.m. We were told to go out and board. We arrived in train sheds leading to the train and were told there would be a slight delay and to wait. It was hot and we stood waiting to leave with all our baggage until about 9 p.m. Well, we were late arriving at every station between Minneapolis and Grand Forks. We were due in Grand Forks at 1:40 and arrived at 2:10 a.m. This makes it nice for people meeting you.

We stayed a week and returned. The train was due out at 12:01 but left about 12:30 and we were late at every station all the way back. We were due in Minneapolis at 6:40 but arrived late. Our car going to Grand Forks was fairly clean and comfortable, but the car we got for our return was filthy. The washrooms were a disgrace to any railroad, but apparently acceptable for Amtrak. Upon arrival in Minneapolis we had the pleasure of going through their dinky dingy depot to the cab stands where we were given the privilege of paying $4.65 again to get home to St. Paul. With seat reservations, tickets and cab fare it cost $48.85.

We decided never again a train—from now on a plane or bus—and they claim they want to build up their passenger business. This has got to be a joke.

O. J. SHERLOCK.

ST. PAUL.

INVESTMENT TAX CREDIT

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. KEATING. Mr. Speaker, I have introduced a bill that will reinstate the investment tax credit. I have taken this action as the ITC is a proven economic tool that can help promote a high rate of capital investment and lead to a healthy economic environment.

In 1967 when the credit was restored Chairman MILLS reported to the Congress "delay in restoring the investment incentive runs the risk that further deterioration will result." The same holds true today.

The administration has taken some steps to move toward full employment such as the lowering of the depreciation lifelines, but this will take quite awhile to have any meaningful effect on the economy. Others have speculated about a reduction in taxes and, while this will also be of help, it will take a long time to have any impact on the state of the economy. The ITC is a proven tool that will work quickly to spur the economic upturn.

Former Secretary of the Treasury, Henry Fowler, stated in 1969 that the investment tax credit was designed to increase the national productivity, promote competitive efficiency, and services.

The figures back up the former Secretary's statement. During the 7 years of 1956 through 1962, when there was no investment tax credit, capital expenditures were almost static at $35 billion in 1956 and $37.3 billion in 1962. But after the passage of the credit plant and equipment purchase rose at a remarkable rate to $64 billion in 1968. What this means in other terms, is full employment and a healthy economy.

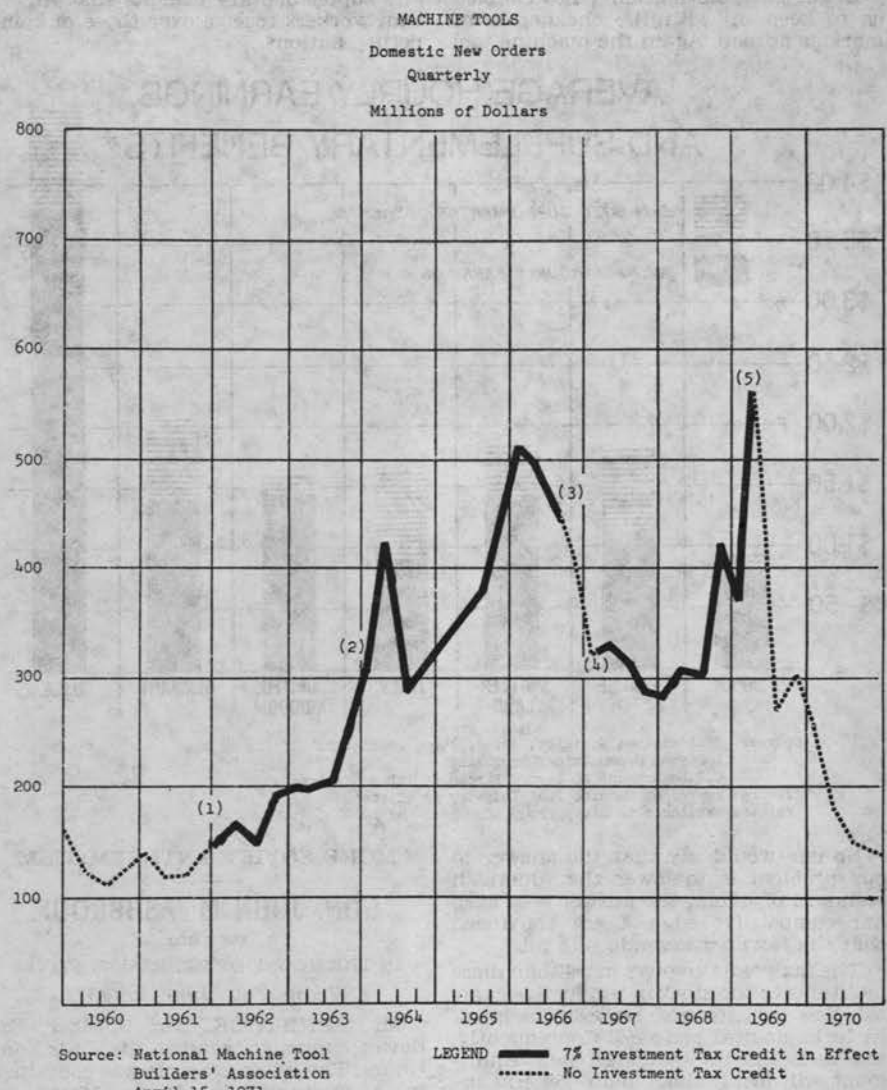
During this period, we had a situation where the Nation experienced high employment rates and the United States held a strong position in the world economic community; but today we are losing our competitive edge, and this is one of the factors in the continuing unemployment problem.

In our economy, the key to success and prosperity has been a high rate of productivity. Since World War II our productivity has increased at an annual rate of more than 3 percent, but in the last 4 years this rate of productivity growth has declined to 1.7 percent. What these figures mean to the average American is not only lower profits, but also less money for workers to spend and less job security against foreign competition.

The early 1960's saw a minor recession similar to the economic difficulties of today. President Kennedy and the Congress felt that the credit would help the economy. The figures I have already mentioned, demonstrate the success of the action. I feel that it is time again for the Congress to act and reinstate the investment tax credit.

While many sectors of the economy are being hurt by the present unstable situation, the machine tool industry is a striking example of an industry that is presently suffering severe economic difficulties, but could be vastly improved with the reinstatement of the ITC.

I would like to insert the following chart and give a brief description of what it represents.



Source: National Machine Tool Builders' Association April 15, 1971

Notes to Chart "A"

(1) A 7% investment credit was legislated late in 1961 to be effective on equipment *installed* after January 1, 1962. Credit was deductable from depreciable base.

(2) Effective January 1, 1964 the rules were liberalized to exclude the credit from the depreciable base with considerable increase in value of the credit to the taxpayer.

(3) Credit suspended on orders placed after October 1966.

(4) Credit reinstated in March 1967 resulting in a definite decrease in downtrend throughout 1967.

(5) Credit no longer applicable to any orders placed after April 18, 1969. The threat of this action having been public knowledge for many months resulted in a drastic increase in orders up to the cut-off date. The drop was immediate thereafter and has continued to the present with no upturn in sight.

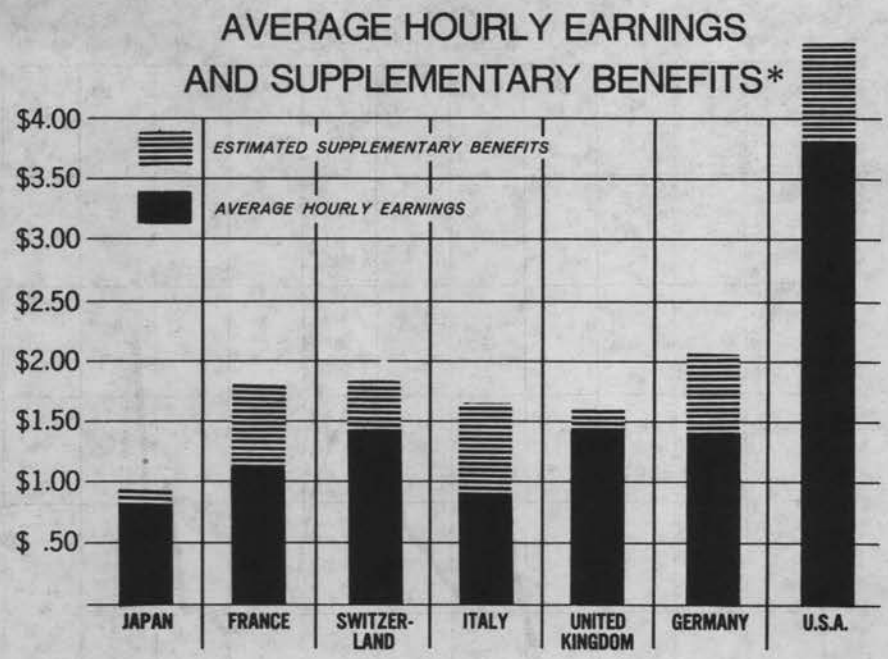
Point 1 on the chart marks the time when the 7-percent tax credit was first enacted into law. It was passed in late 1961 to become effective on equipment installed after January 1, 1962. Point 2 on the chart is the date when rules were liberalized to exclude the credit from the depreciable base with considerable increase in the value of the credit to the taxpayer.

Point 3 marks the suspension of the credit on orders placed after October 1966. This accelerated the rate of decrease on new domestic orders of machine tools. Point 4 is the date when the credit was reinstated in March of 1967 and it resulted in a definite reversal of the downtrend that persisted throughout 1967. Point 5 is when the act was again suspended and no longer applicable to any order placed after April 18, 1969. The threat of the action was held over industries' head for several months and resulted in a drastic decrease in orders up to the cutoff date. This drastic drop has continued to the present date.

The plight of the machine tool industry is not unique; while it may be more acute than other industries, there can be little

doubt that America is going to have to take some remedial steps to help give American products a competitive edge.

In the past, our efficiency has enabled us to keep up with the cheaper labor markets abroad. Again the machine tool industry provides a graphic example of the problem. In the second chart we can see the higher average hourly earnings and supplementary benefits that American workers receive over those of competing nations.



Sources: Statistiques Sociales, No. 8, 1969, Statistical Office of the European Communities, Brussels; U.S.Department of Labor, Bureau of Labor Statistics
*Figures represent Machine Tool Industry or closest related available industry group, for 1968 and 1969

No one would say that the answer to our problem is to lower the American standard of living; the answer is to keep our competitive edge. I am convinced that the tax credit can do just this.

The tax credit involves more than mere additions to the stock of productive capital. New facilities also embody the latest in technological progress. Consequently, tax inducements to install new equipment will bring about more general introduction of advances of research and discovery.

I urge Chairman MILLS to start hearings as soon as possible on the investment credit. There have been several proposals brought forward. We have a past history with the 7-percent credit but do not feel that figure is sacred. To spur the economy immediately, I believe that the committee should look into the possibility of having a 7-percent credit for the first year and then 5 percent thereafter; this would give industry the impetus to act quickly.

There has been talk of other economic measures such as the administration's ADR—assets depreciation range—and tax reductions, but they do not have the immediate effect of the tax credit. I do not see it as an either/or situation, but a case of them all working together and complementing each other. I urge consideration of this credit to put America on a sound economic course.

MORE SOVIET ANTI-SEMITISM

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. ASHBROOK. Mr. Speaker, the Soviet campaign against the Jews continues. The latest example was contained in a broadcast by Radio Minsk on May 24. The Soviet radio station repeated the old Nazi fantasy about Jewish conspirators controlling governments from behind the scenes. According to the Communists, even Rasputin, the mad monk who served as the "grey eminence" during the reign of the last Czar in Russia, was a tool of the Jews. The broadcast stated:

There are some chapters in history which, in spite of being separated in time and space, have a curious resemblance. Not in detail, of course, but in principle, and it is in these that the very same Zionist tactics are evident. With the help of their court agents, they influence state authority in the required direction.

The purpose of the pseudo history lesson was to tell Soviet listeners that a Jewish conspiracy controls the United States. The Soviet broadcast asked rhetorically:

Who, is their "ambassador" at the White House? By providing an answer to this question we shall find out who influences the shaping of American policy in a Zionist spirit. Zionists occupying high posts in the U.S. state apparatus are very numerous.

The Communists then name the alleged Jewish conspirators that control President Nixon. They are Arthur Goldberg, JACOB JAVITS, Benjamin Cohen, and, of all people, BARRY GOLDWATER. Henry Kissinger, of course, is listed as the chief conspirator, and according to the Communists, "compared to Rasputin, Kissinger is much the superior."

Anyone familiar with history remembers that Rasputin was not a Jewish tool but was, in fact, a rabid anti-Semite. And only someone with no knowledge of the American scene could compile such a list of alleged powers behind President Nixon. But the broadcast served a purpose for the Soviet regime. As part of a general anti-American propaganda campaign, the alleged crimes of the "American imperialists" can now be blamed on the hapless Soviet Jews. In a country like the Soviet Union where anti-Semitism has a long history, this kind of propaganda can only make the lives of the Soviet Jews more difficult.

"HISTORY KEEPS TIMES CASE IN PERSPECTIVE"

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. CHAMBERLAIN. Mr. Speaker, although the Supreme Court has now ruled in the case involving the so-called Pentagon papers, I suspect that discussion and debate over questions that have been raised with regard to freedom of the press will continue for some time.

The Jackson Citizen Patriot of Jackson, Mich., I have been pleased to note, has devoted two lengthy editorials to the varied issues relating to this controversy which make a worthy contribution deserving of inclusion in the RECORD. Consequently, I insert in the RECORD the Citizen Patriot editorials of June 17, entitled, "N.Y. Times Performs Great Public Service," and of June 26, entitled, "History Keeps Times Case in Perspective."

[From the Jackson (Mich.) Citizen Patriot, June 17, 1971]

NEW YORK TIMES PERFORMS GREAT PUBLIC SERVICE

The Justice Department may have the letter of the national security laws behind its effort to suppress publication in The New York Times of a Pentagon study of the Vietnam War.

But neither logic nor the public interest supports this legal action.

The Nixon Administration's move to suppress the report, which was inspired by former Secretary of Defense Robert S. McNamara, can be justified only on the grounds cited by Secretary of State Rogers. He contends that relations with other nations will be seriously damaged if supposedly confidential material finds its way into the public prints.

This reasoning puts the President and key figures in his administration into the unusual political position of attempting to keep the lid on a report which is damaging to the Democrats and, in the long run, will work to the advantage of the President. The revelations by the Times make efforts to call the Vietnam conflict "Nixon's war" seem extremely ludicrous.

What has been made public of the report today leaves no doubt that this is "Mr. Johnson's War," and, to a lesser degree, "Mr. Kennedy's War." In trying to get the troops out of Vietnam, Mr. Nixon is doing what President Johnson chose not to do in 1964 and 1965.

As for President Kennedy's involvement, his successor was following, in those years, the Kennedy philosophy and policy that Southeast Asia must be held "at all costs." Kennedy appointees, Secretary McNamara, Secretary of State Rusk, and others participated in the decision to send American troops into a hopeless ground war in Asia while keeping the people in the dark.

And there is the real justification for the legal risks The New York Times is taking in publishing the document. It is serving to make public what many have suspected, but could not prove; or really knew and chose not to risk violating national security laws to prove their point.

As for the administration's effort to stick the broken egg back in the shell, it is obvious that the contents of the report are known to too many people to make suppression of its contents feasible. Moreover, Sen. Mike Mansfield, Senate Democratic leader, is getting a great deal of bi-partisan support for his move to force the report into the open.

As for the legal proceedings involved, the question now is whether the courts will address themselves to the mere violation of the letter of the law by whoever supplied the report to the Times or whether they will entertain the question of whether the law permitting the classification of documents had been abused.

The burden of proof should be on the government to demonstrate, beyond all shadow of a doubt, that security, and not a desire to avoid embarrassment to persons in the government, was the real reason for keeping the report under wraps. Nothing that has been revealed so far by the Times justifies limiting publication on security grounds.

The damage being done by the publication largely is political. It shows the extent to which deception was practiced on the people by President Johnson at a time when he was standing for election and his party was castigating his opponent, Sen. Barry Goldwater, as a nuclear trigger-happy individual. In short, President Johnson was planning to do exactly what his party was accusing Goldwater of plotting if he should be elected president.

Goldwater, a political pro, claims he knew what was going on but had no effective way to combat the strategy. Sen Hubert Humphrey, vice president under Lyndon B. Johnson, cops a plea of ignorance of the deception. Whether this story is plausible or not, the revelations do little to boost Humphrey's presidential stock in 1972. Anyone with the remotest connection with either the Kennedy or the Johnson administrations is the loser from a political point of view.

All of which does not override the fact that deception was practiced by the Johnson Administration; that advice against getting the United States involved in a land war in Asia was ignored; that the methods adopted to carry the war to the North Vietnamese were doomed to failure; that excuses for wider United States participation largely were contrived. The decisions were made before the "incidents" occured.

All this, we believe, is information to which the American people are entitled if they are to make intelligent judgments on political matters affecting their government. It seems obvious that the government once more has abused its privilege of classifying information on the grounds that it affects national security. It has been caught doing that far too often.

As for The New York Times, it is doing what a free press must do when it is given the opportunity. The Times eventually may lose in court, but it is forcing a test of the law which seemingly has been abused.

The Times already is the winner in the court of public opinion for actions taken in the general interest.

[From the Jackson (Mich.) Citizen Patriot, June 26, 1971]

HISTORY KEEPS TIMES CASE IN PERSPECTIVE

While The New York Times has great support from the people, from members of Congress and the news media in its battle with the United States government over the Pentagon Papers a few voices are being raised to say that the Times is not all that pure and holy.

This, we believe, is fortunate. Not only does it help to keep the case in perspective, but it shows that the journalistic fraternity retains its objectivity in a highly emotional situation.

One example of needling of the Times comes from Stewart Alsop, one-time political writer for the defunct Saturday Evening Post who now is filling the role of columnist for Newsweek magazine.

In his column in the current Newsweek, Mr. Alsop recalls, with sardonic humor, the editorial reaction of The New York Times to an article on the Cuban missile crisis which Alsop and Charles Bartlett wrote for the Saturday Evening Post.

The Times, according to Alsop, attacked the article as a "breach of security" and denounced an article "purporting to tell what went on in the executive committee of the National Security Council . . ."

"What kind of advice can the President expect to get under such circumstances?" the earlier Times editorial asked, according to Alsop. "How can there be any real freedom of discussion or of dissent; how can anyone be expected to advance positions that might be politically unpopular or unprofitable? Does no one in Washington recall the McCarthy era . . .?"

Mr. Alsop pointed out that the article had been edited, badly he admits, by none other than the President of the United States. Moreover, the account subsequently was confirmed in detail in the late Robert F. Kennedy's book.

Mr. Alsop concedes that the Times is a great newspaper, but he can't resist the utterly human impulse to throw the earlier words of the Times back in its own teeth now that it is under the gun.

We admire the Times, too, and cheer it in its fight against the censorship, but still believe that Timesmen put their pants on one leg at a time, as do ordinary mortals, and are not above working themselves into state of editorial trauma when their heroes (in the Alsop case the Kennedys) are under fire.

Another interesting comment on the Times case appeared on this page Friday when Bruce Biossat, Newspaper Enterprise Associates columnist and a diligent researcher, told how all of President Lyndon B. Johnson's actions and decisions on the Vietnam War were revealed in a book by Charles Roberts, Newsweek White House correspondent.

According to Newsweek today, President Johnson disclaims some of the information in the Roberts book, indicating that he had second thoughts, about plans and strategy.

Biossat's reaction to the Times series is that it really is telling a story that was brought into the open in 1965 but the significance of which was missed by the Washington press corps, including Biossat, himself, and those gentlemen from The New York Times.

And from Ernest Cuneo, syndicated columnist and constitutional lawyer, comes the opinion that the Times is on thin legal ice and that publication of the papers is a "breach of security." There is the phrase the Times used against Alsop and Bartlett.

More than that, Mr. Cuneo believes that the Times should be aware that the papers were leaked to it for the express political purpose of discrediting President Richard M. Nixon, and that the Times is selecting material from the volume which will further that purpose.

We don't necessarily agree fully with Mr. Cuneo's assessment, but he is entitled to his opinion and he is a highly knowledgeable man on the law, military matters, national security—and politics.

All this is useful, however, to show that while the Times has great support among working newsmen their objectivity causes them to tell the other sides of the story.

THE PUBLIC FORESTRY PROSPECTS FOR THE SEVENTIES

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. GOODLING. Mr. Speaker, more and more, we in the Congress and our constituents are becoming exposed to environmental problems dealing with the management and use of our public lands. More and more, we are subjected to polarized approaches which hardly form the basis for sound reason and judgments.

For these reasons, I was particularly delighted to have my attention called to a recent presentation before a group of State employees in Pennsylvania. E. M. Bacon, Deputy Chief of the Forest Service and an outstanding public servant who has previously served as supervisor of the Allegheny National Forest in my State, has very candidly laid out some of these forest management—environmental problems with clarity and in a manner that does indeed provide a basis for sound reason and judgment by myself, my colleagues, and my constituents. I ask that Mr. Bacon's remarks be included in the RECORD.

The remarks follow:

THE PUBLIC FORESTRY PROSPECTS FOR THE SEVENTIES

(By E. M. Bacon)

Each generation of foresters views its place in time as the most challenging yet encountered by any previous generation. In large part this has been the case. The accelerating rate of change, not only in forestry but also in the Nation's economic and social fabric, would in itself account for such a view. With new knowledge and technology emerging at its current pace, it is virtually impossible to keep abreast of new facts as they emerge. Values are shifting in both the public and private sectors.

Those of us who now find ourselves in the older generation of active professionals can hardly accept that categorization or even to understand how this could have come about. Certainly none of us has grown older and naturally all of us remain responsive to change—or do we.

And so to the "Challenge of the Seventies" and challenging they will be. It is not diffi-

cult to recall that as recently as five years ago we and a few others were talking about conservation. Not many listened. Today that isn't the key word. We now have two other key words—environment and ecology. I say this not in protest or derision. Rather, I state the fact bluntly and before I conclude you may think crudely as well.

Where will we be 10 years from now? Do we know where we want to be? I doubt it. And how about our image? We formerly didn't have any—unless it was of a somewhat mythical forest ranger astride a white horse and looking into the distance across a great expanse of mountains and valleys. (Incidentally, I have often wondered what that guy was looking for.)

Today we have an image, but now unfortunately foresters find themselves on a black horse. In too many quarters we are the bad guys rather than the good guys. But we can take some consolation in the statement of an accomplished PR man who counseled—"Don't worry over what people say about you as long as they say something."

In recent months, facing the accusations hurled not only at Forest Service administrators but at the entire forestry profession, I have on occasion wondered about the soundness of that principle. In any case, dealing with this problem will be a major concern for the seventies. And foresters must come out of the woods to do so. At issue is whether or not foresters in the years ahead will have the leadership role in the management of forest land—public and private.

And I include here industrial foresters. There was a time, you will recall, when exclusive or almost exclusive concern for timber production was thought to be completely appropriate for foresters—but this is not the case today and certainly it will not be tomorrow.

The "bundle of rights" that are the substance of private ownership are increasingly considered rights in which the public has a stake. Note, for example, current environmental activity related to air and water pollution or the bill recently introduced by Congressman Dingell which provides, among other things, for regulation of timber operations on private land.

These are indeed changing times. Administrative decisions are more commonly becoming the subject of legislative review. Judges are thus making the value judgments based on law that have traditionally been made by professional forestry administrators based on scientific and administrative considerations. I bring this to your attention not to deplore the trend but to focus on the fact. Standing to sue and class actions have now become part of the lexicon of forestry.

The Environmental Protection Act of 1969 has already become a primary force for change and a new basis for legal action. Major Federal actions, proposed legislation and controversial decisions now carry the requirement for preparation of an environmental statement under the provisions of that Act. To date, most legal action has charged non-compliance with this requirement rather than the adequacy of that compliance. We are not yet quite sure what constitutes "major" or "controversial" but we do know that meeting this requirement has had a tremendous impact on the Federal agencies. Hopefully, however, better decisions will result and in any case, the level of public involvement has increased. So far "the public" has tended to be the individuals and organizations which many of us feel may not represent a true "public" cross section. But this is the way our system works, through the counterbalancing of forces at opposite extremes rather than through the voice of the average—if there is an average.

It is my judgment that on balance the benefits flowing from these trends far outweigh the problems created by them. They have already strengthened the protection of forest resources and the beneficial effects are sure to multiply in the years ahead. No longer are the voices of forest land managers lost in a void of public apathy. I can illustrate this point by drawing on my experience here in Pennsylvania as Supervisor of the Allegheny National Forest. It was a lonely role I played with. I raised questions about what salt wastes from oil and gas activities were doing to some of the streams within that National Forest. And I still recall my shock at hearing a high ranking pulp company official argue that there was an existing right for industry to use the rivers to move pollutants away from factories just as there was a right to use them for transportation in the Nation's commerce. How far we have come, and how evident this is as we look back to even the recent past.

There are two specific challenges to the practice of forestry and forest land management that are of special current interest and concern. I would like to discuss these with you briefly. They are pesticide use and clearcutting.

Many in our business—but fewer each day—still tend to deride Rachel Carson's early expression of environmental concern. Certainly several of the points she made were overdrawn. But again on balance, her effort was a positive force for desirable change. It awakened public concern and supported the posture of public land administrators who had been seeking an improved evaluation of favorable and adverse impacts in resource use decision making. Since then there have been a series of significant events in the pesticide field—and here I include herbicides. There does, in fact, seem to be a concentration of DDT as one moves up the food chain to the Raptors where thin egg shells may well be an effect. DDT and the other chlorinated hydrocarbons have not yet been totally banned from use although that may be the final outcome. Regardless of this, it is difficult to visualize a situation serious enough to warrant use of aerially applied DDT in the forest environment—and I am sure this also would be the judgment of your State Forester, Sam Cobb.

I would like to bring to your attention a further interesting aspect of public reaction. Recognizing the hazards presented by the use of the hydrocarbons, notably DDT, the Forest Service launched a research and development project to find alternatives. Over several years a great many chemicals were screened for effectiveness and safety in use against spruce budworm, a major defoliating insect.

The pesticide chemical Zectran was found to have two outstanding characteristics—special toxicity to budworm and non-persistence. A large quantity has been purchased and control projects will be conducted this year in Maine and Idaho. Having accomplished this we sat back and awaited accolades for our pioneering progress in providing an alternative to DDT. We are still waiting, and now find that all the specific complaints about DDT; its persistence, transmission through the food chain, etc., generated sentiment against use of any chemical. While we agree that biological controls are of first choice we believe that pending their availability (and of course assuming that the benefits exceed the adverse impacts) there will be a continuing need for pesticides in forest protection.

Herbicides in general and 2,4,5-T in particular are in the spotlight for possible teratogenic effects presumably because of the presence of one or more of the Dioxins as a contaminant. Mercury and its potential effects due to widespread occurrence in the environment has recently made the headlines. The chlorinatedphenols—of special interest to us pentachlorphenol—may be potentially more hazardous than formerly recognized.

These are cases in point. Many of us believe that there has been too much emotion and not enough fact nor a hard enough look at alternatives as pros and cons are propounded—and propounded they often are. Despite this, there have evolved overriding benefits.

Scientists and administrators, public and private alike, have faced up to change. Research is being reoriented and strengthened to seek new facts. Evaluations of impacts, adverse and beneficial, probe far more deeply than heretofore. A sense of urgency, renewed dedication to public interest, if you will, has emerged. A far higher level of professionalism is being focused on pesticide problems. Within the Forest Service at the Washington office and field levels, for example, there have been established Pesticide Use Coordinating Committees charged with oversight of the full range of pesticide uses by the Forest Service and with its cooperators where Federal funds are involved. All of this gives promise for the future—for the decade of the seventies and beyond.

I would now like to talk briefly about the clearcutting controversy—and it will be brief because I note that Bill Towell of the American Forestry Association is scheduled to speak specifically on this item. There is an element in this issue which has had little attention as we consider ways to obtain public understanding and acceptance of this silvicultural practice. A psychologist might be better qualified to do so than a forester, or on the other hand, might refute the theory completely, but I do want to suggest it to you.

I wonder if it isn't possible that the public, after long confusing National Forests and Parks, has suddenly realized that there is a Federal agency in the business of cutting (killing) trees. While this may have been condoned as an unavoidable pursuit of industry, many may not countenance it as a public endeavor. Much of our correspondence has seemed to deal more directly with the evil of cutting trees in general than with clearcutting in particular. Clearcutting may only be a more violent and manifest form of tree killing. Wood substitutes are increasingly proposed as a desirable alternative to any tree cutting (killing).

It is now well recognized that we have entered the era of the environment. Old values are being discarded. The works of man, his cities, his products, his wastes, his consumption are castigated. All that is natural is good, whether it is really natural or not.

The tree stands at the apex of the plant community, just as the eagle stands at the apex of the birds and at the top of a food chain. Do we even find here a religious connotation or a substitute for traditional religion—a cult of nature. Recall the Druids or the sacred cows of India.

Let me hasten to point out that I do not condemn the implications of this theory and I hope I am not quoted out of context. Neither do I seek to put in this categorization all those who have condemned clearcutting. I merely raise what I think is an interesting possibility. One that will make extremely difficult the job of anyone who proposes to make clearcutting or any "tree killing" acceptable to all or possibly even to a majority.

Let me deal at this point with the question of wood substitutes, a concept seemingly so attractive to many people who want to "save" trees. They forget that trees are in fact a renewable resource and substitutes are not.

As Jerry Saeman, Associate Director of the Forest Products Laboratory, said in a paper presented at the 35th Yale Industrial Forestry Seminar in October 1970—

"When we discuss wood as a resource in the world of the future, we must fit it in with all other resources. There is great in-

terchangeability in materials for many applications. Beams or panels can be made of steel, aluminum, or fiberglass. Airplanes can be built of aluminum, magnesium, titanium, or plastics.

"(An extraordinarily successful airplane of World War II was the British mosquito bomber built of a plywood-balsa composite.) The strategy of choosing among alternatives requires some sense of the whole resource picture, of our competitive position in drawing on foreign resources, and of how wood can serve to alleviate resource supply and environmental problems."

And he went on to say:

"Now my argument, I must make clear, is not against the use of mineral-based products—it is rather that it will be to the advantage of the Nation to achieve high efficiency in the production and utilization of timber, thus filling major needs and reducing our dependence on minerals and fossil fuels. Our Nation, of course, will benefit from a flow of new products. But I dispute the view that miracles of future technology will make wood a less attractive industrial raw material if all effects of the substitution are taken into consideration."

Then speaking specifically of aluminum as a substitute, he says—

"Some two tons of 'red mud' are generated per ton of aluminum in the process of preparing alumina from bauxite. This presents serious pollution problems, and presumably the use of native clays would cause even more severe problems. The electrolytic reduction of alumina requires a high amount of power—17,000 kilowatt hours per ton. This is equivalent to some six tons of soft coal. Strip mining, deep mines, acid mine drainage, combustion of coal, and power plant thermal pollution all have a severe environmental impact. Furthermore, the Nation is now temporarily at least, in the midst of a power and energy crisis. There is also required, for the production of a ton of aluminum, the better part of a ton of electrode derived from coal. Fluoride emission accompanying aluminum production causes serious air pollution problems."

These are important points to consider in the evaluation of alternatives to the use of wood and weighing the impacts that result. Those who focus on a single component of what is really a complex equation subject themselves to the charge of oversimplification.

I continue to be amazed at the position of many organized sportsman's groups on the question of clearcutting. (Incidentally, I consider myself a member of that fraternity when not assigned to duty on the shores of the beautiful Potomac.) Some of my confusion stems from my 2-year assignment as Supervisor of the Allegheny National Forest, I followed Dick Costley in that job and his primary training was in wildlife biology. He had set up a system of establishing a few small clearcut blocks in selectively-cut timber sale areas. Why? Apparently for an absurd reason as many would now have us believe—to favor wildlife. What has happened in the short time since then?

What is ahead as we enter the seventies. A broadened public concern revolving around the environment as a focal point or a turning away to new things that can become rallying points. I doubt that we will see reduced emphasis on environmental matters—and I hope we do not. Although I will agree we can do with a bit less emotionalism.

Increasingly, we will be challenged to truly consider all forest values—not only to consider them from the standpoint of mitigating impacts, but to do something positive to enhance them.

Today we refer to our forest practices as silviculture. Have you ever considered the extent to which these are oriented exclusively to timber production? Our frame of reference pays no attention to lesser vegetation, or to flowering trees, or shrubs or to browse—unless these tend to interfere with regeneration of trees for the next crop. Shouldn't our systems and our practices be more than this, or at least more than slight modifications of them. Won't they have to be in the decade ahead.

When will we reach the point where every forest manager, service forester, consulting forester, and industrial forester understand what this rather indefinite term "multiple-use" really means. That it will work—that it has been shown to work in many places. Will it be realized in the decade of the seventies that it must work—that even in this great Nation of ours there will never be enough wilderness for those who only like wilderness, or enough commercial forest for those who only want "working" forests, or enough of anything to meet any exclusive need. Here lies one of the real threats of the seventies, a functionalized slicing up of the forest resource into neat exclusive packages. It is no vague or remote potential. This we face as public land managers now, industrial, and other private landowners tomorrow.

Fortunately, we have been alerted in time. National Forest System people are organizing multi-functional teams to deal with specific forest land areas. This thrust recognizes the need for multi-functional planning and operations if there is to be multi-functional management. A restructuring of our functionalized organization structure is being tested and may be adopted. And this will be so because organizations as well as people must accept the challenge of change—and change there will be in the seventies.

There is already ample evidence before us. Take the matter of pesticides, primarily the insecticides and herbicides. Lawsuits seeking to enjoin action or to collect alleged damages have become common. Most notorious has been a case in Arizona, most recent was a case enjoining a project to control gypsy moths in New York this spring.

Public land administrators who formerly based decisions on professional and technical input now find public involvement a critical additional requirement. This is not to say that there hasn't been such input heretofore. Rather, the point is that public involvement must now be strengthened and more broadly based. Additionally, we note a trend toward more formalization of the process. Hopefully, this will not involve formal hearings except in unusual circumstances. To go further than this would bog down the agencies charged with management and administrative responsibility. But by the end of the decade we may find that this, in fact, has been the outcome.

Important to all of us will be the rule of reason. Decisions forced by emotion in lieu of fact are often wrong decisions. Policies formulated through reaction are often indefensible. Crisis management is often bad management. Avoidance of all of these will place new burdens on each of us. We must do a better job, mistakes are grasped as illustrations of the norm. We must strengthen the factual basis for decision making. This will require more research effort and better procedures than we now have for dissemination of research results. We must apply what is known and what we know, and here is confronted the need for continued learning and growth in our jobs. We can in fact do better than we have been doing, we can in fact bring to bear the specialized skills of others. The day when the forester could do anything has long since passed.

This is a real challenge to the forestry profession in the decade ahead. Where will we be at the end of the decade? Much will depend on how well we respond to change and how broad that response is. Each of us, whatever our role or level of responsibility, will have great influence on where we will be. Thus, the choice, at least in part, rests in our hands. This is the challenge I bring to you at the opening of this Conference. A meeting of great significance to Pennsylvania and nationally as well as similar meetings that are generated throughout the country.

In closing, I offer my congratulations to State Forester Sam Cobb and others who have had the foresight to recognize the need for meetings such as this.

NATIONAL SECURITY RESIDES IN THE PEOPLE'S RIGHT TO KNOW

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. FRASER. Mr. Speaker, the Supreme Court yesterday freed the New York Times and the Washington Post to resume immediate publication of articles based on the secret Pentagon papers on the origins of the Vietnam war. By a historic vote of 6 to 3 the Court struck down the first effort of the Government to enjoin publication on the ground of national security.

I think that it is important that we make an effort to understand the fundamental issues which were at stake in this action by the executive branch, and the basic threat to democratic institutions posed by the Executive's right to withhold information through an extensive and inordinately complicated system of classification.

At the request of the Minnesota Newspaper Association I submitted the following statement on June 25, 1971 opposing the U.S. Government injunction against the New York Times, the Washington Post, and the Boston Globe. As I have tried to emphasize in the statement there is a price for each secret we withhold from the people, and that price is a diminution in our freedom—not much each time perhaps, but considerable over the long haul.

Free discussion of our national aims in Vietnam and why and how we got there can only help the President in negotiating an end to the war, if he is truly interested in doing so. Our entire policy of the last 12 years cannot be reversed without broad public understanding resulting from free and vigorous public debate.

The statement follows:

STATEMENT OF CONGRESSMAN DONALD M. FRASER IN OPPOSITION TO U.S. GOVERNMENT INJUNCTION AGAINST NEW YORK TIMES, WASHINGTON POST AND BOSTON GLOBE

"The ultimate test of any foreign policy is not its short-term tactical success but its effectiveness in defending the basic values of the national society. When a policy becomes incompatible with, or subversive of those values, it is a bad policy, regardless of its technical or tactical effectiveness. I think we all agree that the central, commanding goal of American foreign policy is the preservation of constitutional government in a free society. My apprehension is that we are subverting that goal by the very means chosen to defend it."

This statement of Senator Fulbright's is an acute description of the dangers we face in tampering with First Amendment freedoms in the name of "national security." The vitality of the First Amendment is one of the

key institutional safeguards in a democratic government, a government, we must remember, which is composed of three co-equal branches, not simply the Executive.

The Supreme Court has specifically ruled "prior restraint" of publication unconstitutional except in the case of a potential threat to national security (Near v. Minnesota, 1931). The request of the U.S. Attorney General to enjoin the *New York Times*, the *Washington Post* and subsequently *the Boston Globe* from publication of documents relating to the Vietnam war does not meet the test of posing a threat to national security.

The U.S. Court of Appeals in the District of Columbia upheld the ruling of Judge Gerhard A. Gesell that "disclosure of those specific documents would not be harmful or that any harm resulting from disclosure would be insufficient to override First Amendment rights." In New York Judge Gurfein ruled, and was upheld, in the case of the *New York Times* that matter cannot be banned from publication essentially because it is classified "top secret" by the Executive Branch. He also ruled that that publication would cause "some embarrassment" but no danger to the government. However, while the government appeals these cases to the Supreme Court the papers are still unable to publish the documents.

It is hard to believe that the defense interests of the United States could suffer "irreparable damage" by the disclosure of essentially historical information. The information contained in a study, now three years old, could not constitute a "mortal" danger to America's national security: no lives are endangered; no troop movements are revealed; no operations threatened.

These documents are embarrassing and cast a long shadow on the entire history of the "administrative" war that we have been waging in Vietnam. But the only danger they represent is a threat to the Executive's right to withhold information by an extensive and inordinately complicated system of classification.

We need to take a fresh look at why information is classified. From whom is information meant to be kept? (The Soviet government clearly knows more about American military operations than the American public does.) Who does the classification system protect.

We have allowed the Pentagon and the security agencies of the Executive Branch full discretion in using security classifications, forgetting that we diminish our freedom each time an additional matter of national policy is kept from the public. The classification system is a comparatively new institution in American life (really originating in the National Security Act of 1947), yet it plays a major role in protecting such agencies as the Department of Defense, the Armed Services, the Central Intelligence Agency, the National Security Council from any public scrutiny of control. In Congress one is constantly confronted with the military rationale, "If you only knew what I know, you wouldn't feel that way." But secrecy prevents disclosure of revelant information.

A retired Air Force expert on classified information recently testified before the Government Operations Committee that after 43 years of evaluating, classifying, and declassifying information the Defense Department has developed "utterly ridiculous" habits of overclassifying information. William G. Florence, who also filed a brief on behalf of the Washington Post, estimated that there are at least 20 million classified documents of which 99½% contain no information which could be considered "prejudicial to the defense interest of the nation." Although there are 300 top-level persons employed in the task of classifying documents, in practice almost anyone among hundreds of thousands of employees can classify almost anything.

The people, and certainly their elected representatives in Congress, have a right to know all they can about the formulation and implementation of a policy which so far has cost us 50,000 lives, 200,000 casualties in hospitals across the country, hundreds of billions of dollars and a seriously dislocated domestic economy. Neither the people nor Congress can function in a democracy if necessary information is consistently denied them. The "public's right to know" clearly outweighs the Executive's interest in diplomatic confidentiality.

If in fact, the President is truly interested in negotiating an end to the war, such free discussion of our national aims in Vietnam and why we got there could only help him, since the set of assumptions on which our entire policy has been based over the past twelve years cannot be reversed without broad public understanding.

In short, I am for full public disclosure of all documents in the Pentagon study relating to decision-making in Vietnam. I am concerned about the precedent set by the U.S. Justice Department in requesting and receiving temporary bans restraining publication. It would be tragic if a decision is handed down from the Supreme Court allowing the newspapers to publish only a "clean" version of the study. The classification and security rating system of the Executive branch of government is wholly inadequate to protect the public's right to know.

No doubt some secrecy is necessary, but there is a price for each secret, and that price is a diminution in our freedom—not much each time perhaps, but considerable over the long haul.

Congress must do more than it has in insisting on access to information; and we must also begin to restructure the security bureaucracy so that men who are making policy can no longer say, "We have to do this, but national security prevents me from telling Congress why."

If the central goal of American policy is the preservation of constitutional government in a free society than an effective dialogue must be restored within this country on our foreign and military policies.

AMERICAN POW'S IN VIETNAM

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HANNA. Mr. Speaker, the recent announcement by the Vietcong delegate to the Paris peace talks of their willingness to release American POW's during U.S. withdrawal may be the breakthrough we have long awaited. This may very well be the concession by the Vietcong that allows us to see the light at the end of the tunnel. Most Americans want out of this war as fast as possible; but insist, and rightly so, on the safe return of our POW's as a high priority in our withdrawal plans. Mrs. Nguyen Thi Binh has suggested that the prisoners will be released on a simultaneous basis as the U.S. troops are withdrawn. Previously, the Vietcong position has been that the prisoner release would be negotiated only after the final U.S. withdrawal date was announced. The President's reluctance to set such a date prior to the return of the POW's left the situation in a state of deadlock. That deadlock may now be broken as a result of the Vietcong concession.

The response of the President must be cautious and well constructed, but a response must be made. We must not let this chance for peace slip through our fingers. The response of the administration should be one which will test the sincerity of the Vietcong and also indicate the willingness of the United States to enter into any reasonable agreement which will bring a proper conclusion to this war.

I would hope that the President will seize this opportunity by announcing an eminent troop withdrawal and a willingness to set a withdrawal pace that would result in our total withdrawal by the end of 1971. If this is done now, the ball will be back in their court. Such an announcement by the President would test the sincerity of the Vietcong and at no risk to us. I urge the President to act swiftly and meaningfully lest we lose the most encouraging peace opportunity to come out of a long, frustrating and stalemated conference.

With respect to the demand for a coalition government in South Vietnam, it should be our position that this is a matter for the South Vietnamese to decide and one which cannot be a topic for American decision. The United States has not, cannot, and should not control the internal political affairs of South Vietnam. The Vietcong proposal is of two parts, one concerning the POW's and troops and one concerning the political future of South Vietnam. We can negotiate only on the first of these topics. I have noted in the June 26, 1971, issue of The Economist that President Thieu, Vice President Ky, and General Minh each have a somewhat different position on the question of a coalition government. President Nixon should make it quite clear that the United States cannot and will not negotiate this subject while at the same time making a meaningful response to the offer for the release of American prisoners of war.

SEGREGATED RECEPTION IN CAPETOWN

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. DIGGS. Mr. Speaker, I include the following letter to the Honorable William P. Rogers, Secretary of State:

JULY 1, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: The segregated reception given by the U.S. Ambassador in Capetown on the first of June not only gives rise to grave policy questions, but, even more seriously, such action by a U.S. official of deliberate omission of Africans, Coloreds and Indians on the grounds of race cannot but raise fundamental legal questions.

At the time of the Senate hearings on Ambassador Hurd's nomination, the Committee on Foreign Relations requested a statement on the policies of our Embassy with regard to entertaining. The substance of the Department's reply was as follows:

"It has been, and continues to be, U.S. pol-

icy that American entertaining in South Africa is not subject to the racially discriminatory restrictions of the South African Government. Accordingly, it is the practice of the U.S. Embassy and Consular posts in South Africa to invite white and non-white guests, together or separately, as appropriate to the occasion. At official receptions such as those on the Fourth of July and George Washington's Birthday, the guest list is invariably mixed."

Unfortunately, this statement lacks clarity and specificity and furnishes no guidelines whatsoever for defining the standard of "appropriate to the occasion". What are the specific guidelines that our Embassy and Consular posts in South Africa use to determine whether it is "appropriate to the occasion" to invite white and/or non-white guests, together or separately?

Nor is clarification provided by Mr. Abshire's communication to me of June 7, 1971. The statement in paragraph 2 does point out that a basic thrust of our relations with South Africa is to maximize contacts with all racial elements in South Africa, but only vague generalities are set forth. What is the standard to be used by the Ambassador in determining whether attendance by USG personnel at a particular segregated function is permissible? How does the Ambassador determine which events or facilities are particularly identified with apartheid? And once this determination is made, what are the guidelines for participation by USG personnel? Although Mr. Abshire's letter purports to present guidelines, in fact, not one definitive guideline is stated. U.S. foreign policy interests, as well as legal considerations, require serious attention to the spelling out of a definitive set of guidelines for our personnel in South Africa, where the situation of racial segregation under law is unique.

If there is to be any credibility to the "communication" policy, it is not enough to make statements on the breadth of "communication" or on "our abhorrence of apartheid". The U.S. representative on the ground in South Africa must actively demonstrate this abhorrence. Oral statements that the policy of communication does not mean acceptance of the South African system are vitiated by the giving of segregated receptions by the U.S. Ambassador in order that South African Cabinet officials may attend.

Moreover, there appears to be a conflict between the type of approach followed by the Embassy and the recent advice of the Department to a private group, the Congressional Secretaries Club. This club, in planning a trip to Africa including South Africa, reports that it was advised as follows:

"In planning our trip to the African continent, we have been in close contact with our State Department. We have raised questions concerning these prejudices. Although no one can make any iron-clad guarantees, it is the considered view of the Department that any member of our club wishing to take the trip will be courteously treated everywhere. No difficulties are anticipated in obtaining visas. And the Department believes that the group will be allowed to travel together throughout Africa."

It would certainly seem advisable that the Department inform American citizens more realistically on the situation in South Africa and caution them that, notwithstanding efforts to avoid difficulties, of the real possibility—as demonstrated in the case of recent State Department officials and others—that an embarrassing situation might arise. It is the Embassy which should seek to explore all avenues of communication and to use every opportunity to bring it into real communication with all groups and to categorically refuse to be bound by South African customs.

Moreover, the Ambassador's reception causes grave concern, because—recalling the Malan Opera House incident—this is the second time in a relatively short period that the Ambassador has been the subject of controversy as to the guidelines which he is following with respect to the racial composition of functions in which he participates. Is the Ambassador adhering to the guidelines for US officials in South Africa? Have there been any segregated receptions of comparable size to the June 1 reception since Ambassador Satterthwaite initiated the multi-racial July 4 and Washington's Birthday reception many years ago. If so, we would like to be furnished with full specifics on these segregated affairs, including hosts, dates, invitees, and, insofar as practicable, persons attending.

Was the Department informed fully on Ambassador Hurd's plans for a segregated reception the day following Republic Day?

U.S. interests require both that our diplomatic and consular officials follow a policy of non-discrimination in their daily and personal activities and that, within reasonable limits, their attendance at and hosting of functions be limited to those which are open to all persons without regard to race. Operational guidelines might, I believe, permit such personnel, where clearly required, to host activities of a functional nature. This would allow Embassy officials to participate, in accordance with specific guidelines, in official activities with a limited functional participation. The attendance at the June 7 reception, however, indicates that it would not fall within any such guidelines and that, although the guest list represented a wide spectrum of the South African community, Coloreds, Indians and Africans were deliberately excluded from what was termed a "segregated" party. As indicated above, such action by a USO official raises constitutional considerations.

Mr. Abshire's letter to me of May 6, 1971, stated as follows:

"A policy of non-attendance by our representatives at any event in any racially segregated facility in South Africa, however, would effectively isolate us and be counterproductive. Nearly every facility in that country is designated black, white, colored or Indian. A policy such as you propose would preclude our entering a black school, a colored home, the Parliament or the office of a government minister. Clearly this is not feasible as long as we maintain diplomatic relations with that country."

This fails to address the problem of utilitarian guidelines permitting both maximum association with the majority of the people of South Africa and also the carrying on of diplomatic functions. Obviously, the formulation of such guidelines requires careful thought. But, I believe we must face that task or, through inadvertence or callousness, show complicity with apartheid. Is not support of a segregated whites-only theater by USC personnel showing such complicity? Is not our use of segregated whites—only golf courses, recreational facilities and other like public accommodations showing such complicity?

I therefore reiterate my call on the Department to establish functional and legal guidelines for the Embassy and Consular officials in South Africa as to their participation at official and social functions and their use of segregated facilities in South Africa.

I would appreciate being fully informed on these guidelines and on all points raised in this letter at an early date.

Sincerely,

CHARLES C. DIGGS, Jr.,
Chairman, Subcommitte on Africa.

RATIFICATION OF 26TH AMENDMENT ASSURES 18-YEAR-OLD VOTE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. McCLORY. Mr. Speaker, just 2 days after ratification by the Illinois General Assembly, the Ohio Legislature became the 38th State to ratify the 26th Amendment to the Constitution. This is, indeed, both a proud and historic moment for our great Nation. Only 3 months after Congress approved this amendment, it has become part of our basic law. Henceforth, all American citizens who have reached the age of 18 will be able to cast their votes in all elections—Federal, State, and local. This is certainly an auspicious moment for American youth, and it is indeed a pleasure to welcome an additional 11 million young Americans between the ages of 18 and 21 into the electorate.

Mr. Speaker, as an active supporter of the 18-year-old vote, I find this moment extremely gratifying. Young people, especially those between the 18 and 21, have never been better equipped to exercise the franchise. Levels of education have risen greatly, and today most of our young people finish high school and many continue their education in college. I am confident that these new voters will justify the faith and trust that we have reposed in them and that they will exercise their franchise in a responsible and intelligent manner.

Mr. Speaker, by extending the right to vote to citizens between the ages of 18 and 21, we, as elected representatives, will now more than ever before have to listen and respond to the views and opinions of these young Americans. With the right to vote, these young people will no doubt become more interested in issues and will communicate their opinions to legislators on both the Federal and local levels. Certainly, this is a result to be welcomed.

As is always the case, with new rights go new responsibilities. To vote wisely requires careful evaluation and thorough study of the candidates and the issues. No longer will our youth be able to merely complain about the performance of their elected officials and bemoan the fact that they had no voice in their selection. If they are dissatisfied, they now have a constructive way to express themselves—at the polls.

Mr. Speaker, it seems entirely appropriate that in this era of youthful participation in national issues we allow and encourage legitimate participation at the polls. By enactment of the 26th amendment, and I am pleased to note that it was ratified in record time, we have demonstrated our conviction that young Americans between the ages of 18 and 21 are worthy of this most precious right, the right to vote. I trust that they will cherish this right as we do and recognize it for what it is—the foundation of our American system of government.

FEDERAL CIVILIAN EMPLOYMENT, MAY 1971

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. MAHON. Mr. Speaker, total civilian employment in the executive, legislative, and judicial branches of the Federal Government in the month of May was 2,879,761 as compared with 2,833,546 in the preceding month of April. This was a net decrease of 3,785.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the executive branch in the month of May totaled 2,840,820. This was a net decrease of 3,952 as compared with employment reported in the preceding month of April. Employment by months in fiscal 1971, which began July 1, 1970, follows:

Month	Executive branch	Increase	Decrease
July 1970	2,942,517		−1,595
August	2,901,856		−40,661
September	2,851,875		−49,981
October	2,838,664		−13,211
November	2,843,411	+4,747	
December	2,838,320		−5,091
January 1971	2,829,637		−8,683
February	2,834,209	+4,572	
March	2,834,899	+690	
April	2,844,772	+9,873	
May	2,840,820		−3,952

Total employment in civilian agencies of the executive branch for the month of May was 1,698,822, a decrease of 492 as compared with the April total of 1,699,314. Total civilian employment in the military agencies in May was 1,141,998, a decrease of 3,460 as compared with 1,145,458 in April.

The civilian agencies of the executive branch reporting the largest decreases during May were Treasury Department with 5,518 and Post Office Department with 2,004. The largest increases were in Agriculture Department with 3,412, Veterans' Administration with 1,372 and Interior Department with 1,054. The changes shown in Treasury, Post Office, Agriculture, and Interior Departments were largely seasonal.

In the Department of Defense the largest decrease in civilian employment was reported by the Navy with 3,818. The largest increase was in Air Force with 657.

Total executive branch employment inside the United States in May was 2,642,958, a decrease of 949 as compared with April. Total employment outside the United States in May was 197,862, a decrease of 3,003 as compared with April.

The total of 2,840,820 civilian employees of the executive branch reported for the month of May 1971 includes 2,518,783 full-time employees in permanent positions. This represents a decrease of 3,170 in such employment from the preceding month of April.

The executive branch employment total of 2,840,820 includes some foreign nationals employed abroad, but in addition there were 98,057 foreign nationals working for U.S. agencies overseas during May who were not counted in the usual personnel reports. The number in April was 97,628.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the legislative branch in the month of May totaled 31,237, an increase of 89 as compared with the preceding month of April. Employment in the judicial branch in the month of May totaled 7,704, an increase of 78 as compared with April.

DISADVANTAGED PERSONS

The total of 2,879,761 reported by the committee for May includes 22,590 disadvantaged persons employed under Federal opportunity programs, an increase of 1,744 over the preceding month of April.

In addition, Mr. Speaker, I include a tabulation, excerpted from the joint committee report, on personnel employed full time in permanent positions by executive branch agencies during May 1971, showing comparisons with June 1969, June 1970, and the budget estimates for June 1971:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1969	June 1970	May 1971	Estimated June 30, 1971 [1]
Agriculture	83,425	82,912	83,178	85,600
Commerce	25,364	25,427	27,840	28,400
Defense:				
Civil functions	31,214	30,297	29,953	30,900
Military functions	1,225,877	1,129,642	1,071,140	1,079,500
Health, Education, and Welfare	102,941	102,297	103,542	105,300
Housing and Urban Development	14,307	14,661	15,490	16,000
Interior	58,156	59,349	57,214	58,000
Justice	35,106	38,013	41,309	43,600
Labor	9,723	10,217	10,986	11,600
Post Office	562,381	565,618	567,794	585,200
State	24,658	23,618	23,229	23,600
Agency for International Development	15,753	14,486	13,750	14,000
Transportation	60,386	63,879	67,645	69,600
Treasury	79,982	86,020	89,844	93,500
Atomic Energy Commission	7,047	7,033	6,933	7,000
Civil Service Commission	4,970	5,214	5,312	5,500
Environmental Protection Agency [1]			5,782	6,700
General Services Administration	36,176	36,400	37,830	39,900
National Aeronautics and Space Administration	31,733	31,223	29,466	29,900
Office of Economic Opportunity	2,856	2,387	2,421	2,500
Panama Canal	14,731	14,635	14,078	14,800
Selective Service System	6,584	6,665	5,840	6,500
Small Business Administration	4,099	4,015	3,996	4,100
Tennessee Valley Authority	11,987	12,657	13,941	13,300
U.S. Information Agency	10,500	9,989	9,743	9,900
Veterans' Administration	147,606	148,497	151,882	154,400
All other agencies	26,200	27,420	27,147	29,700
Contingencies				5,000
Subtotal	2,633,762	2,552,571	2,517,285	2,574,000
Public service careers			1,498	[3] 4,900
Total	2,633,762	2,552,571	2,518,783	2,578,900

[1] Source: As projected in 1972 budget document; figures rounded to nearest 100.

[2] Established as of Dec. 2, 1970, by transfer of functions and personnel from Interior, HEW, Agriculture, Federal Radiation Council, and Atomic Energy Commission.

[3] Source: Civil Service Commission estimate of persons in "entry" component for whom ceiling relief has been granted.

SPECIAL EDUCATION—FEDERAL LEVEL

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. QUIE. Mr. Speaker, the third annual special education symposium was held at Northern Illinois University in March of this year. Dr. Maynard Reynolds, chairman of the Department of Special Education, University of Minnesota, spoke on the subject, "Special Education—Federal Level."

Dr. Reynolds' remarks deal specifically with Federal legislation in the field of special education and attempts to evaluate the benefits and progress which have been made using such funds. He also analyzes various funding methods and their impact upon educational programing.

I commend his remarks to my colleagues and others interested in improving Federal education delivery systems:

SPECIAL EDUCATION—FEDERAL LEVEL

(By Maynard C. Reynolds)

To federal agency insiders, the conjunction of my name and the topic assigned to me, "Special Education—Federal Level," may evoke some knowing amusement. Except in the doubtful role of consultant, many times fingerprinted and sworn in for week-end advice-giving, my relationship with the agencies has involved neither the power to control events nor ready access to confidential information. Like most of us here, I know more about standing outside the agency doors with an application in hand than about what goes on behind the doors. Indeed, I feel vastly over-experienced as a supplicant of federal largesse; sometimes I have felt extinguished by the process. At this precise moment, I am in what some learning theorists would call "spontaneous recovery," which is to say that for some reason not explained very clearly by the theorists, I am still bobbing around somewhere above zero level in federal program participation after a sustained period of non-reinforcement.

As a university-based consumer-participant with a small role in state-administered programs, my view of the federal role in special

education might be characterized as that of the adolescent toward his powerful father. I have become accustomed to, indeed dependent on, federal programs for support but I am restive—occasionally even hostile—about the conditions and controls that seem to accompany the financial sustenance. One may feel like "copping-out"—"leaving the nest"—sometimes, but there is no Haight-Ashbury for special educators.

In more mature moments, my attitude toward federal supports is about like my predispositions toward book-writing. Early in professional life it may seem a good thing to write a book or to be a "grant swinger"; with experience, one learns that both books and grants can be bad as well as good and that they can impede or enlarge one's accomplishments. Both books and federal grants are best engaged in at carefully chosen moments when one really has something to say.

Mind you, I am not against federal grants. My professional life has been much stimulated and succored by such programs over the past decade and a half. I sincerely believe that special education has been blessed by an extraordinary set of federal legislative achievements. The leaders of federal programs on behalf of the handicapped—the parent groups, legislators, and bureau leaders—deserve every accolade they have received and many more. They have led the way toward improving the life opportunities of hundreds and thousands of handicapped children. It is because I believe that federal programs and agencies are so important in maintaining and furthering the gains of handicapped children that I want to take a hard, objective look at them.

First, perhaps, we ought to take a critical look at ourselves. What are our goals? It seems to me that there is an excessive tendency to sum up our work mainly in terms appropriate for legislative hearings, that is, to enumerate all of our glowing achievements as a pitch for more money to continue what we are doing so "successfully." But for how long can we continue to count as achievements only the rising numbers of handicapped children and special teachers touched by our programs and measure our failings only by the numbers yet untouched. Congressman Quie, a key deliberator on matters of education in the U.S. House of Representatives and a Minnesotan, phrased the question as a challenge:

"One of the great problems of being in political office these days is that there is very little that is sacred. One was generally always safe being for motherhood, the flag, apple pie, and handicapped children. But today with the women's liberation movement and the pill, motherhood is being challenged, the flag seems to be continually getting into trouble, apple pie is being tested by the Food and Drug Administration, and I am afraid that handicapped children might not be too far behind. If the public is going to significantly invest in the education of the exceptional child and if legislators are going to continue their efforts on these children's behalf, then the responsibility must fall upon your shoulders to establish clear objectives for the programs, to explain to the public what the dollar will buy, and to demonstrate that the objectives have been achieved."[1]

Let there be no mistake about it—the federal programs have been designed and operated to stimulate and control changes and developments in the schools. But it is equally clear that federal programs make no pretense at solving the basic financial problems of the schools. The U.S. Office of Education puts virtually all of its money at the top—in the "frosting," so to speak—rather than in the cake itself. For example, Title–I money was only for *new* programs; Title III has funded and funds *new* and *innovative or supplementary* programs. The federal dollar, in other words, has been used as *lead* money, not for basic supports. At a time when states and localities are agonizing to come up with basic funds for their schools, the federal programs have made big waves, but provided only limited muscle. With less than 5 percent of the total education dollars of the nation and lots of scurrying about, the "feds" have spawned an insistent new vocabulary and spirit of change with words and phrases such as "innovation," "compensatory education," "accountability," "needs assessments," and "approved state plans." Thus the federal dollar has not gone to the guts of the schools but, rather, to narrowly-streamed categories of support to induce particular changes. This strategy of putting money at the top and in narrow channels makes the federal role a very crucial one in the future of special education—indeed of all of education.

I propose to explore three topics this morning: (a) planning; (b) categorical funding; and (c) the advocacy role of the federal government. In each case, perhaps we can reminisce a bit about what has been done and then consider some of the implications for the future that are indicated by the theme of this conference: "Education Today for Tomorrow."

Temporally, my thinking begins with the work of the 85th Congress—with the formation of the Cooperative Research Program and the first supports for the training of special education personnel under the famous Public Law 85–926. My purview encompasses the succeeding congressional actions to broaden training and research programs and to initiate a broad package of service programs in the Bureau of Education for the Handicapped (BEH). I also want to consider briefly the elements of what might be called the Kennedy era mental retardation programs, which go well outside the field of education; several aspects of the Elementary and Secondary Education Act; and some other programs in education that are administered outside of BEH.

PLANNING

In reflecting on these past fifteen years, a topic of concern must be: how well has the federal role been planned? The answer, I think, is a sad story of neglect and plain poor performance.

1. *ESEA strategy.* The general strategy behind the billion-dollar-a-year Elementary and Secondary Education Act must have been something like this: Support for educational research (Title IV) is basic, but should be linked with development activities and innovative applications (Titles III and IV), which in turn should spawn diffusion and dissemination activities and lead to adoptions in many schools (Titles I and II). To achieve all of this will require strengthened leadership from state departments of education. (Title V) And, cutting across this total effort is a concern to improve the education of disadvantaged children. What has the history of the effort been?

Close inspection revealed educational research to be thin beyond the most pessimistic of evaluations and a poor base for constructing a dissemination system. This is to say that the propositional knowledge in education, and in related disciplines such as psychology, is not impressive; fabricating systems of schooling from this "stockpile" is just not feasible.

No early provision was made for personnel development so that Title I programs for example cried for remedial teachers, speech therapists, and others who were not to be had. The lack of personnel plus disgracefully delayed funding of programs meant that in many school systems the roles of specialists were carried out by people with marginal qualifications.

The magnificent design for Title III innovative programs was soon diluted by political forces which turned it over in waves from federal to state administration and part way back again; and linked it to NDEA programs which had a history of "formula" distribution. The pioneering spirit was quickly crushed.

Pressures for hardware and materials funding under Title II sometimes distorted the overall balance of programs.

Somehow an expectation for "evaluation" of programs was sold to Congress which the education community was totally unable to deliver. The nonsense and dangerously wrong answers delivered up in the name of evaluation are a disgrace. Even now one finds distinguished leaders speaking of the failures of Title I (and of Headstart), while others say we have not yet created the technology necessary to evaluate such programs.

Legislative and rule changes in ESEA have come so regularly and unpredictably and funding so late that state and local planning has been very difficult.

Sadly, it must be reflected that planning for ESEA was poor and operations unpredictable. In an era of accountability, it is fair to ascribe a large part of the difficulties with ESEA to a Congress which has been chronically slow in getting its appropriations out. Late funding and month-by-month continuation funding have driven educators to despair.

2. *The Kennedy Mental Retardation Package.* The exciting promises in the field of mental retardation in the early 1960's have come to fruition in the form of many developments of importance to handicapped children. Indeed, work in mental retardation was the basic ground for much of the broader legislation and programming for all of the handicapped. But what can we say of the *planning* of these efforts?

Early programs were based on an extremely narrow concept of mental deficiency. It was proposed, for example, that mental deficiency—admittedly consisting of hundreds of different conditions—ought to be the organizing concept for research facilities, training programs, and service centers. We all know now that the buildings that were started to house mental retardation research and training programs have been turned into centers of broad child development interests or, at least, centers concerned with intellectual development. The initial concepts of organizing the services were too narrow in several aspects.

Of particular concern to educators, or so it should be, is that too many of the mental retardation programs have been undertaken in the wrong institutions. I agree with Albee's assessment that the problems of mental retardation are mainly educational—is there anyone who believes that the massive problems of mental retardation can be "cured" in a hospital?—yet the facilities have gone elsewhere. I am not denigrating by any means the signal work being done in studying the causes and prevention of mental retardation for future generations; what I am pointing out is that the mentally retarded children and adults with us now need education and field programs that can only be provided by educators, yet the university-affiliated construction programs have gone mainly to medical centers and not to us.

Again, there was an abysmal lack of personnel. Buildings have been funded with virtually no consideration of the personnel or even the general funds needed for their operation. Educators were classed as Johnny-come-latelies when the construction of facilities were of concern but we are high on the list now that operating funds are needed in medical centers or "affiliated hospitals."

Let me be the first to concede that every-

[1] Albert H. Quie, Congressman, 1st District, Minnesota. An address to the Executive Training Institute for Directors of Special Education, June 8–12, University of Indiana, Bloomington.

one has had good intentions but good intentions do not take the place of solid planning. In retrospect the design and plan of mental retardation programs appears to have been less than adequate.

3. *BEH programming.* Closest to most of us is the consolidated set of programs administered by the Bureau of Education for the Handicapped. Here we have done relatively well, despite the fact that basic planning is only beginning to surface. Because basic studies of personnel needs have been lacking, some incongruities have resulted. For example, review panels assembled to recommend use of training funds have sometimes forced colleges to employ faculty members who really were not there, that is, program development grants have sometimes preceded available training staff; and changing needs have sometimes not been considered in funding programs. As an example of the latter, let me cite the area of visual handicaps where the change in needs has been most dramatic, yet this change has not been adequately reflected in changing training support patterns.

One of the roots of the problem lies in the fact that review panels making allocations of training funds have not had data reflecting person needs, and availability of resources to meet needs. The aggregations of needs reported by states have usually been nothing more than "guesstimates" made on the basis of inadequate "incidence and prevalence" rates that may have had some validity once but certainly not at the present time.

BEH's research programs have not been impressive and one might doubt that they should ever have been separated from other research support units of the U.S. Office of Education. From where I stand, it seems that the creations of service-oriented IMC's in University settings was a mistake from the outset. The IMC activity now evident in the schools and the CEC information/materials activities, generated out of the IMC/background, however, are quite promising. Project research has been of mixed, mostly low, quality and recent approaches to programmatic and "center" research are still too young for evaluation.

At the moment, BEH research operations apparently are experiencing the same pressures toward closely targeted applied work that other research agencies are experiencing. Unfortunately there is not as much basic scientific understanding at hand to support such an applied effort as would be desired. Difficult times may be upon us to plan research efforts that build healthy resources for research and at the same time demonstrate how research does, indeed, link with and serve the practical needs of handicapped children.

Service activities of BEH have gone mostly their several quiet ways but with good results. The Title VI programs have been productive from what I have seen, as have captioned films and related activities. Unfortunately, the Title III "earmarks" have had little visibility and the Vocational Education "Earmarks" are not yet fully in view.

On the whole, I think we must give failing marks to federal programs on the topic of planning. This is extremely unfortunate because the resources have been adequate enough for a real impact. Too often, instead of progress, however, we have the impression of a great deal of "scurrying about". In all fairness I must say that there was a real attempt to design a plan of some scope in the case of ESEA, but unfortunately, many errors were made, as in the failure to make early provisions for specialized personnel training, for example.

If the federal programs do not reflect careful policy analysis and planning and if they do not become somewhat more stable than they have been, the consequence can be disastrous. At this moment, many universities are losing state support because they have become national institutions and it appears to the state legislature that national functions ought to have national support. Federal participation, however, seems undependable, unknown, and even "fickle."

To make the federal role in special education and other areas of education strong, more planful approaches are needed. All of us can and must help in the fashioning of such approaches first by improving our own capacities to plan meaningfully and then by demanding and helping to form meaningful plans for the federal agencies. We will need to persuade the Congress, and even the general public, that long term, carefully planned commitments by the federal government are essential.

CATEGORICAL FUNDING AND PROGRAMMING

My second general topic is categorical funding and programming. The two facets *funding* and *programming* will be treated. The two aspects are virtually inseparable; nevertheless, I am going to consider them separately. First then, let us consider the matter of funding.

Special education programs exist on the basis of categorical aids provided by state as well as federal agencies, and we are constantly being challenged to justify these funding systems. Educational administrators who write on the topic of categorical aids oppose them almost to a man. Their main objections seem to be the controls from above, program distortion, red tape and complex communication, disregard of local planning, the tendency to penalize those who already have good programs, the failure to include "equalization" procedures, the tendency to be scattered and uncoordinated at the source agency level, the difficulties in evaluating categorical programs, and the general undermining of educational planning as a whole. But you know the list of objections as well as I.

Are there any defenses? Well, all financial supports are categorical at some stage and the real problem seems to be "Who does the categorizing?" or "Who makes the decisions?" Second, attitudes toward categorical aids tend to be more favorable after one receives them than at an earlier when they are an abstract issue. Third, they work! That is, educators respond to categorical aids,

I must admit that I am a pragmatist on this issue. Considering the vast failure of our schools and colleges to make adequate provisions for handicapped children, it is a weak argument to say that a general aid, which had been long-used in the states, will solve all the problems. We know, I think, that decision processes being what they are, children with unusual needs will be neglected unless there is force to influence the decisions on their behalf.

If we can demonstrate that categorical aids *work* in getting us closer to our objectives, it seems to me then that theorizing about financial support is less important than maximizing our efforts. Nevertheless, there are a few principles that I think should be applied to the problems of financing.

(1) We should not categorize the funding pattern any more than necessary to. To rephrase the statement positively, we should seek the broadest possible pattern of financial supports in order to achieve our objective. For example, when BEH can accomplish its goals by giving block grants to colleges for training purposes, it ought to do so. Block grants are infinitely preferable to separate grants in several very narrow categories, if it is clear that progress is being made in achieving our goals and objectives.

I am reminded of B. F. Skinner's discussion included in his first major book, *Behavior of Organisms*, of the problem of defining a response. When is a response a response? One could focus on minute muscle twitchings which would be very difficult to make sense of. Or, one could go to extreme molar levels. He chose to define a response as the level of observable behavior from which you could obtain a smooth learning curve. Similarly, I think, we should avoid defining and funding programs at the muscle-twitching levels and bring them up to the level which produces a smooth growth curve. I suppose we would all buy a financial aid pattern at the most general level if we felt assured that the curve of development in programs for the handicapped would continue to slant upward. I am not at all confident about that, but feel we should be ready to do "blocking" when it does make sense. The U.S. Office of Education is now moving to some block grants in training programs, and I think that it is timely. Similarly, the Research division has, in effect, blocked funds as it moved to programatic and center supports, and again I applaud that move as timely and promising.

(2) We ought to use categorical aids to build special education *into* rather than *out of* the broader school support programs. For example, it is better to stay with the general Title II program, which has 15% earmarked for the handicapped, than to take 15% of the dollars out of Title III and run off to our special center or bureau. Now, this will not always work—but we ought to try to make it work.

(3) We ought to be greatly concerned about building leadership systems and avoid seeming to be just a bribery system. I shall want to say more about this later.

In general, I think we should continue to use categorical aids and help to sustain the constituencies—parent groups and the like—which will have "clout" wherever needed. In fact, I think the extreme general advocates have little but simplicity on their side. General aids tend to be minimal aids and they just will not come up to the problems of special education. We had better accept that and behave accordingly!

Do not underestimate the challenge in this idea! HEW Secretary Elliot L. Richardson recently spoke of narrow categorical aids as "incredible wasteful" and of ". . . the virtual strangulation of federal efforts as grant programs proliferate and as more resources are continually forced into narrow constricting funnels long since inadequate to the task."

"The needs of people are seldom adequately met by any single one of the narrow categorical programs . . ."[2]

President Nixon, in his budget request this year said, "More than any other federal activity, the school-aid programs of the Office of Education reflect the excesses of the present categorical grant system."[3]

I think many of us would agree with these comments by Secretary Richardson, but at the same time we would make a case for a needed buildup of special education on a categorical basis so that it can be part of a broader, coordinated system of child and family support.

I have had personal experience in connection with the 15% "earmark" of Title III funds, as a former member of the President's National Advisory Council. That "earmark" was deeply resented by many general school administrators—so much so, that I believe they would actually have preferred that the money be taken out, if necessary, for administration elsewhere. They did not want to be told to deal with the handicapped. But it is in that kind of situation that we should push our case. HEW's proposed Block-Grant Plan for schools, entitled the Educational Assistance Act of 1972, pulls out the "earmark" funds from Titles I and III of ESEA

[2] *Toward Workable Federalism.* Speech delivered before the National Association of Counties, Atlanta, Georgia, July 27, 1970.

[3] Quoted by Ed Willingham in Education Report/Nixon seeks massive change in federal school-aid procedure. *National Journal,* February 13, 1971, pp. 323–332.

and the Vocational Education Act and puts them in a "block" aid for the handicapped. While achieving a kind of blocking effect these changes would actually take special education programs out of rather than into a broader pattern of programs and would be a mistake.

Now I would like to turn briefly to another aspect of the categorizing problem. The legislative structure that undergirds special education is drawn in language that stresses categories, such as, for example, mental retardation, blindness, deafness, learning disability, etc. A similar thing happens in other fields; in health, for example, much legislation is drawn in terms of "heart," "stroke," "mental health," and "cancer." The problem is that we have let our Special Education program development proceed in the same simple categories.

I think we can live with legislation and with social action groups organized around simple categorical concepts, and I think we can define all these terms, at least crudely, and we can count those served and unserved. But we should not permit our programs and children to be confined by the strictures of such language.

Just as problems of "cancer" may require the training of specialized radiologists and the reorganization of general hospitals, so our concern for mental retardation may require the training of preschool language specialists and a strong voice in programs of early childhood education. No one assumes that the cancer specialist must be confined to his microscope and surgical techniques to do his job, why, then is it so frequently assumed that we educational specialists must be restricted to training teachers of the retarded? Or that retarded children must be restricted to separate administrative arrangements?

We are, of course, somewhat at fault. In the past we have permitted the assumption of an easy isomorphism between the general categorizations of issues for public discussion and the classifications necessary for program development. The time has come to break out of the categories and to experiment much more freely with approaches to attenuated cognitive development, sensory problems and learning difficulties. The late Ray Graham, the distinguished leader in special education in this state, used to advise educators to drive ahead of legislation, to stretch it and then occasionally let it catch up. We need that attitude now—we need to stretch ourselves and break out of the mold of simple categorical concepts. We, ourselves, must become more open to new ideas so that we can think in terms of flexible rather than rigid arrangements.

THE ADVOCACY ROLE OF GOVERNMENTAL AGENCIES

Earlier in this paper, I pointed out that the federal role in education has been that of an influential supporter of movement—innovation—in programs rather than a supporter of existing programs. A major problem in the way the federal agencies enact their role is that they have not been adequately structured to lead the programs they have helped to pioneer or even to be part of the action. It is not unusual for programs involving millions of dollars to be in the supervisory hands of one or a few staff officers whose "S" and "E" [4] funds are so limited that they rarely visit field projects or bring together adviesrs.

I am closely involved in an EPDA program, the Leadership Training Institute, that is related to 43 projects, some funded individually at the level of $.5 million per year. The U.S.O.E. staff is precluded from making site visits this year because of "S & E" fund shortages. And, although I believe it was intended for federal officers to participate in this conference, none is here because of the lack of funds.

What is the result of the federal agencies failure, for whatever reason, to make their presence visible? Well to start with, their image becomes solely that of money-givers and takers. Secondly, the prevalent tendency to negotiate grant arrangements on the basis of paperwork depersonalizes both the applicants and the federal officers and reduces the significance of the proposals to a form of games-manship in which "we" are out to take "them" for as much as we can get. Federal officers of almost any level seem to be authorized to call for more paper from the field and most of them do, or so it seems. Lastly, federal agencies are foreclosed from meaningful participation in the programs, so that they have only limited ways of knowing which programs are or are not working out, which ones could work out with a little help, or which ones should be encouraged to try a new direction. In other words, programs receive funding, but no other form of support. The advocacy role is not filled.

Federal agencies basically lack the resources to participate in the active advocacy of Congressional and agency intent. Perhaps this situation arises out of a kind of Congressional distrust of the federal agencies, a feeling that the agency control can be limited if the bureaucracy is kept thin and poor. Or perhaps the Congress is more interested in appeasing its political constituents than in the programs the funds buy. It is noteworthy that in recent years the Congress has tended to deemphasize the agency role further by establishing special, independent commissions to evaluate and advise them on federal programs, again, perhaps, a sign of limited confidence in the agency.

So we have federal officials playing the roles of program evaluators (on the basis of written proposals), and money-givers within a framework of "go no-go" decisions. The question is, of course, can they break out of the confines of this role to become program or project advocates? And could we break out of our enforced isolation to view visits by the "feds" as helpful rather than threatening?

Certainly the answers to both questions should be yes. Many of us need help in the course of our work but are afraid to admit or ask for it. How comforting it would be when we initiated federal programs to know that the agency was our advocate and partner and was ready and willing to share its expertise with us. How reassuring it would be to know that we could discuss problems and obstacles with someone who was more interested in our carrying out our programs successfully rather than in threatening us with the loss of funds.

The Bureau of Educational Personnel Development is trying to establish an approximation of such an advocacy role. Under the leadership of Dr. Don Davies, they have established what they call Leadership Training Institutes in each of the major program areas of the Bureau. In effect, the LTIs are an external advocacy system that could not be created internally. Each LTI is assigned some number of BEPD projects in one area of concern and it is expected to develop necessary supports for those projects through training, technical assistance, and process evaluation. Site visits, conferences, newsletters, shared reports, common dissemination efforts—all of these devices are used. It is clear, hopefully, that the LTI functions as an advocate—as a friend—of all these projects.

For the past two years I have directed the LTI in special education. We have worked closely with U.S.O.E. staff so that the "externalization" of the advocacy system can be said to be only partial. On both sides there has been good trust and accommodation has been sought valiantly when differences have appeared.

In the beginning I was amazed to find that there is probably no one quite so lonely as a project director who perceives all federal officials as threatening figures. It was very difficult to form the non-threatening, constructive community that we had in mind and we had to keep proving over and over again that we were concerned with enhancing their work, not with cutting off their funds. Now, I believe, LTI is beginning to be recognized for what it is meant to be, an external advocate of federal projects.

The idea of LTI, in my opinion, should be expanded and developed into an advocacy system that will embrace all federal projects. Through it, federal offices should be able to provide shoulder-to-shoulder partnership help with people in the field and eradicate their old image of a purse-proud agency that giveth with portentous advice and taketh away with a heavy hand.

SUMMARY

When one considers how poorly federal programs have been planned, it seems important to try to figure out why. Is aid to education, particularly special education, considered a political maneuver to win votes and silence pressure groups? I cannot believe that the Congress is more interested in the gesture of appropriating monies than in the purposeful expenditures of the funds to improve the educational opportunities for all children. Certainly the words of Representative Quie indicate that the purpose of the appropriations is the latter and that it is up to us to make certain that the monies are used meaningfully.

If we are going to have to account for the federal funds that we receive, then we must make certain that the funding agencies are working for carefully considered purposes and in planful ways. We must insist that the agencies develop long-range plans to provide a meaningful context for the programs they sponsor. Especially, we must insist that the planning balance programs with personnel. What good is it to institute projects when there is no personnel to staff them or to train personnel without clear ideas of where and how they will serve?

Federal funding has become a fact of life for special education and the question that faces us is how should the money be given? Categorical funding has a long history, starting with aid to specific categories of handicapped children who were included in the appropriations at different times. During the last fifteen years, however, the philosophic concept of equal educational opportunities for all children has made categorical funding something of an anachronism.

Let us accept categorical funding when and where it is essential but let's fight for programs that will permit us to break out of the constrictions that we seem to have visited upon ourselves in translating public concern and legislation to programs for children.

The best way to achieve such break-out programs, in my opinion, is through governmental planning and agency advocacy. It is true that the limited financial resources of federal agencies have forced them into a framework not unlike that of some of our local welfare agencies, that is, a framework in which professional workers are money-givers and regulation enforcers. We need more from the education agencies. If we are going to give a good account of how we use federal funding, they are going to have to help us put the money to good use by providing us with their leadership and their positive assistance.

Certainly to achieve some of the goals implied in this talk, much more is required than just legislative action or a change in federal officers. We are going to have to make some changes ourselves: we must create voluntary structures through which we can help

[4] Salary and Expense.

one another and press for needed changes in federal programs. Those of us in colleges and universities have failed, I would acknowledge, to link ourselves in constructive ways. There is hardly any escape from simple systems of governmental accreditation and regulation if we fail to create voluntary structures that can deal with the problems of standards and change.

We have problems aplenty. As Congressman Quie has warned us, Special Education is about to be confronted by the accountability press; "whistle-blowers" are appearing in our field, from both within and without. It is up to us to strengthen ourselves and our potentially very muscular partner—the federal program in special education. It is up to us to prepare for some mighty overhauling of our behavior and the programs we conduct.

As I said earlier, for us there is no copping out. There is no other place for special educators to go in seeking solutions to many of the problems of our field.

NATIONAL ENERGY POLICY—PART IV

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. COUGHLIN. Mr. Speaker, the need to create a National Energy Policy is never more evident. To look at our current energy situation is to glimpse the face of anarachy.

Today, there is no coordination or long-range planning among power companies, fuel suppliers, environmentalists, governments, and citizens over such concerns as fuel sources and supply, economic and environmental considerations, plant siting, and the development of new and cleaner sources of energy. Everyone concerned even in part with this problem seems to be pursuing his own particular goals, which has resulted in the duplication of effort and the confusion of objectives.

In the House, for instance, the Government Operations, Interior and Insular Affairs, Interstate and Foreign Commerce, Judiciary, Merchant Marine and Fisheries, Public Works, and Science and Astronautics Committees have held hearings or are otherwise involved in examining aspects of a National Energy Policy. So, too, are the Select Committee on Small Business, the Joint Economic Committee and the Joint Committee on Atomic Energy.

In the Senate, the Banking, Housing, and Urban Affairs, Commerce, District of Columbia, Government Operations, Interior and Insular Affairs, Judiciary, Labor and Public Welfare, and Public Works Committees have all produced extensive documentation on the subject.

In the executive branch of the Government, the Interior Department, the Federal Power Commission, the Atomic Energy Commission, the Environmental Protection Agency, the Office of Emergency Preparedness, the Office of Science and Technology, the Domestic Affairs Council, and the Public Land Law Review Commission have all undertaken studies on, or claim jurisdiction over, the subject of a National Energy Policy.

Semi-independent bodies such as the National Academy of Science and the National Science Foundation are also deeply involved in studying this problem. So, too, are many universities, independent conservation groups and "think tank" organizations.

The amount of material available from all these sources is enormous. Much of what is still needed is in the process of being compiled. Now all this material must be brought together so that it can be used effectively to create a national energy policy.

In the interest of promoting the creation of such a policy, I am inserting into the RECORD a list of recent publications and articles on the subject. I make no claims to completeness, but I do say that the size of the list below reflects a need for action, not more delay in the form of another study.

The material follows:

A NATIONAL ENERGY POLICY

A. GENERAL

"A Review of Energy Issues and the 91st Congress," a report prepared by the Environmental Policy Division, Congressional Research Service, Library of Congress, for the Senate Committee on Interior and Insular Affairs, January 1971.

"The Economy, Energy, and the Environment," a background study prepared for the use of the Joint Economic Committee, by the Environmental Policy Division, Legislative Reference Service, Library of Congress, September 1970.

"Fuels and Energy," Hearings before the Subcommittee on Minerals, Materials, and Fuels, Senate Committee on Interior and Insular Affairs, 91st Congress, September 10–11, 1970.

"National Fuels and Energy Study (Draft of May 18, 1962)", Staff study to the Senate Committee on Interior and Insular Affairs, 87th Congress, 2d Session, Committee Print No. 3, 1962.

"Federal Power Commission Oversight," Hearings before the Subcommittee on Energy, Natural Resources, and the Environment, Senate Commerce Committee, 91st Congress, January 30, 1970.

"Governmental Intervention in the Market Mechanism," Hearings before the Subcommittee on Antitrust and Monopoly, Senate Judiciary Committee, March 11, 24–26, 1969; May 20–22, 27–29, 1969; July 30–31, 1969; March 3, 1970; March 26, 1970.

"Survey of Electric Power Problems," Office of Emergency Preparedness Report, May 1971.

The Interior Department is currently sponsoring a University of Texas study of the total energy situation, the report due in early 1972.

"A Review and Comparison of Selected United States Energy Forecasts," prepared for the Executive Office of the President, Office of Science and Technology, Energy Policy Staff, by Pacific Northwest Laboratories, of Battelle Memorial Institute, December 1969.

"An Examination of Fuel and Energy Information Sources," the Mitre Corporation, research report (2 volumes), April 1971.

"An Energy Problem Assessment," a three-part research project for the National Science Foundation, due in the autumn of 1971:

1. "Survey of Existing Energy Research Programs," Booz-Allen Applied Research, Inc.
2. "Design of a Program of Policy-Oriented Energy Studies," Resources for the Future, Inc.
3. "Energy Systems Analysis—Physical Science and Engineering," InterTechnology Corporation.

"The Growing Demand for Energy," several Rand Corporation research projects for the National Science Foundation, due 1971 and 1972.

"National Resources for U.S. Growth—a Look Ahead to the Year 2000," by Hans S. Landsberg (Johns Hopkins Press, Baltimore 1964), based on the Resources for the Future, Inc.'s study entitled "Resources in America's Future."

"U.S. Energy Policies: An Agenda for Research," Resources for the Future, Inc. Report, 1968.

"An Assessment of the National Energy Problem," a report by Jesse C. Denton, National Science Foundation, March 10, 1971.

"An Analysis of the Current Energy Problem," remarks of John N. Nassikas, Chairman Federal Power Commission, at the Electrical World Conference for Utility Executives, Shoreham Hotel, Washington, D.C., January 14, 1971.

"The Electric Power Industry in Crisis and Transition: The Need for a National Energy-Environment Policy," address by Carl E. Bagge, Commissioner, Federal Power Commission, before the 32nd annual meeting of the American Power Conference, 1970.

"Power Play," by Robert Sherrill, *Playboy* Magazine, May 1971.

"When Built-In Growth Strikes Back," by Clark Pace, *Exchange*, October 1969.

"Where Will You Be When the Lights Go Out—Again?", by John Wicklein, *Washington Monthly*, September 1969.

"A Peak Load of Trouble for the Utilities," by Jeremy Main, *Fortune*, November 1969.

"Electric Power Problems," by James G. Phillips, *Editorial Research Reports*, December 17, 1969.

"Energy for the World's Technology," *New Scientist*, November 13, 1969.

"Observations and Remarks on the United States Energy Policy," presented to the Energy Committee, Organization for Economic Cooperation and Development, by J. Cordell Moore, U.S. Department of the Interior, November 1966.

B. ENERGY AND THE ENVIRONMENT

1. General

"Environmental Effects of Producing Electric Power", Hearings before the Joint Committee on Atomic Energy, 91st Congress, 1st and 2nd Sessions, 1969–70.

"Selected Materials on Environmental Effects of Producing Electric Power", Joint Committee on Atomic Energy print, 91st Congress, 1st Session, 1969.

"Environmental Effects of Power Generation", Hearings before Joint Committee on Atomic Energy, 91st Congress, October 28–31, November 4,7, 1969.

"Environmental Effects of Electric Power Generation on Lake Michigan", Hearings before the Subcommittee on Energy, Natural Resources and the Environment, Senate Commerce Committee, 91st Congress, March 30, 1970.

"Intergovernment Coordination of Power Development and Environmental Protection", Hearings before the Subcommittee on Minerals, Materials and Fuels, Senate Committee on Government Operations, 91st Congress, February 3–4, March 3, April 29, 1970.

"Environmental Quality", Hearings before the Subcommittee on Science, Research and Development, House Committee on Science and Astronautics, on H.R. 7796, H.R. 13211, and H.R. 14506, 90th Congress, 1st Session, 1967.

"A National Policy for the Environment", a Congressional White Paper submitted to Congress under the auspices of the House Committee on Science and Astronautics and the Senate Committee on Interior and Insular Affairs, 90th Congress, 2nd Session, 1968.

"Joint Colloquium on a National Policy for the Environment", Hearings before the Senate Committee on Interior and Insular Affairs, 90th Congress, 2nd Session, 1968.

"National Environmental Policy", Hear-

ings before the Senate Committee on Interior and Insular Affairs, on S. 1075, S. 237 and S. 1752, 91st Congress, 1st Session, 1969.

"National Environmental Policy Act of 1969", Report of the Senate Interior and Insular Affairs Committee to accompany S. 1075, 91st Congress, 1st Session, 1969.

"National Environmental Policy Act of 1969", Report of the Senate Interior and Insular Affairs Committee to accompany S. 1075, 91st Congress, 1st Session, 1969.

"Electric Power and the Environment", a Report sponsored by the Energy Policy Staff of the Office of Science and Technology, August 1970.

"National Energy Needs and Environmental Quality", Cornell University research project for the National Science Foundation, due 1973.

"Environment . . . and What To Do About It", by Glenn T. Seaborg, *American Forecasts*, October 1969.

2. Air

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"Federal Air Pollution Research and Development, Interim Report on Sulfur Oxides Pollution Abatement R & D", 2nd Report by the House Committee on Government Operations, 91st Congress, 1st Session, 1969.

"Air Pollution Control Research into Fuels and Motor Vehicles", Hearings before the Subcommittee on Public Health and Welfare, House Committee on Interstate and Foreign Commerce, 91st Congress, 1st Session, on H.R. 12085, 1969.

"Problems of Air Pollution in the District of Columbia", Hearings before the Subcommittee on Business and Commerce and the Subcommittee on Public Health, Education and Welfare, and Safety, Senate Committee on the District of Columbia, 90th Congress, 1st Session, 1967.

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"Air Quality Criteria", Staff Report for the Subcommittee on Air and Water, Senate Committee on Public Works, 90th Congress, 2nd Session, 1968.

"Clean Air Act Amendments of 1969", Report of the Senate Committee on Public Works, to accompany S. 2276, 91st Congress, 1st Session, 1969.

3. Water

"Interior Department Water and Power Orientation Briefing", Hearings before the Subcommittee on Irrigation and Reclamation, House Committee on Interior and Insular Affairs, 92nd Congress, 1st Session, 1971.

"1966–68 Survey of Water Pollution Control and Abatement at Federal Installations", First Report by the House Committee on Government Operations, 91st Congress, 1969.

"Oil Pollution", Hearings before the House Committee on Merchant Marine and Fisheries, on H.R. 6495, 6609, 6794 and 7325, 91st Congress, 1st Session, 1969.

"Water Pollution—1967", Hearings before the House Committee on Public Works, 90th Congress, 1st Session, 1967.

"Federal Water Pollution Control Act Amendments, 1968", Hearings before the House Committee on Public Works, on H.R. 15906 and related bills, 90th Congress, 2nd Session, 1968.

"Federal Water Pollution Control Act Amendments, 1969", Hearings before the House Committee on Public Works, on H.R. 4148 and related bills, 91st Congress, 1st Session, 1969.

"Oil Spillage, Santa Barbara, California", Hearings before a Subcommittee on Flood Control and a Subcommittee on Rivers and Harbors, House Committee on Public Works, 91st Congress, 1st Session, 1969.

"Water Quality Improvement Act of 1969", Report from the House Committee on Public Works to accompany H.R. 4148, 91st Congress, 1st Session, 1969.

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"Water Pollution", Hearings before the Subcommittee on Air and Water Pollution, Senate Committee on Public Works, on S. 2525 and S. 3206, 90th Congress, 2nd Session, 1968.

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"Fish and Power Plants", by Albert C. Jensen, *Conservationist*, December–January 1969–1970.

"A New River", *Environment*, January–February 1970.

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"Regional and Local Land Use Planning", Vols. I–IV, Public Land Law Review Commission Reports PB–189 410–13, February 1970.

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6. Safety

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"Pipeline Safety, 1969", Hearings before the Subcommittee on Communications and Power, House Committee on Interstate and Foreign Commerce, 91st Congress, 1st Session, 1969.

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"Natural Gas Pipeline Safety Regulations", Hearings before the Senate Committee on Commerce, on S. 1166, 90th Congress, 1st Session, 1967.

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WELFARE REFORM: AN AMERICAN NECESSITY

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. BRASCO. Mr. Speaker, very recently, the House approved a major overhaul of the Nation's welfare system. For the first time, we would provide relief for taxpayers, ease the burden on local and State government, and provide aid to the families of our working poor. I voted in favor of this reform, even though the bill had some major shortcomings. My reason for the vote was that some reform is better than none at all.

This measure recognizes that welfare is out of hand. That it is a national, rather than a local, problem and concern. That federalization and nationalization of welfare is the ultimate answer. That a national standard should be set. All of these arguments and reasons were at least recognized by the measure. Some opponents claimed it was a guaranteed annual income. Others said the benefits provided were too low. Yet it is easy to see, from any fair analysis of the measure, that the twin goals of easing tax burdens and aiding the poor were partially attained.

It federalizes adult welfare programs for the elderly, blind, and disabled, providing $1,800 annually for a single person and $2,400 for a couple. It provides a 5-percent increase next year in social security payments, and in the future provides automatic benefit increases tied to rises in the cost of living.

It extends medicare benefits to about 1.5 million disabled persons, an act which has been long overdue.

It liberalizes the social security program for widows and persons who retire at age 62.

Most vital of all, it aims at reform of the aid to families with dependent children program, which has expanded more than 50 percent in 2 years, and now pays benefits to more than 10 million people. The bill has as one of its aims the reduction of the welfare load by combining a work requirement for able-bodied adults with incentive welfare payments to the working poor.

This family assistance plan guarantees a four-person family an annual federally paid income of $2,400, with working persons receiving graduated benefits until income reaches $4,320. About 8 million working poor families would get help in this manner.

A welfare mother with children age 3 or older would be required to accept work or training, provided day care is made available for her children. The bill also provides for paying the cost of day care for the children involved, creating 200,000 public service jobs and broadening the concept and activity of day care, which is long overdue.

For the first time, Washington would directly administer its share of the welfare program. Uniform national schedules of eligibility and benefits would be established. One result would be an upgrading of minimum benefits in at least 14 States, thus making it unnecessary for a poor family to move to a State with higher benefits, such as New York, in order to receive a higher minimum.

The bill would relieve States of some present welfare costs and any future cost increases over the next 5 years, which I consider vital. Our taxpayers simply cannot absorb higher costs.

States could effect much greater savings simply by eliminating their supplements to the Federal payments of $2,400 annually to a family of four.

Taken altogether, this measure is a step in the right direction. It gives us a foundation to build on. It establishes a crucial precedent for a Federal takeover of the welfare system, which is the only real answer.

Further, it will accomplish a series of positive social goals. Families will be kept together as a result of this. Elimination of the process of erosion of family units will be slowed, which is absolutely essential.

Day-care facilities will be expanded, which is perhaps one of the most overdue reforms in the Nation.

Migration to New York State and New York City should be appreciably slowed as another result.

I freely acknowledge that this measure is imperfect. It does not pretend to solve any or all of the problems that the welfare system now presents the Nation. Nevertheless, it is a promising start. We had to make a beginning, no matter what the arguments against it were. My decision was a difficult one, but in the end, I felt the bill merited support.

A GREAT VALEDICTORY BY CYNTHIA FRINK OF MANCHESTER, N.H.

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. WYMAN. Mr. Speaker, on the occasion of the commencement at Central High School in Manchester, N.H., last month, Miss Cynthia Frink of Manchester, delivered a great valedictory address entitled "America the Beautiful." Miss Frink's outstanding articulation of principles and commitment merits commendation and the thoughtful consideration of all Americans, young and old alike:

AMERICA THE BEAUTIFUL

This night is especially important to all of us—to you, our parents, who are seeing the culmination of four years of encouragement, sacrifice, and help, and to us students who have worked for the attainment of this goal, a reward for four years of effort. To you here we are eternally grateful.

It is our lot to be graduated into a world of unrest. Unrest in society, in government, in education. Unrest in our colleges and in our high schools. Many of my classmates have asked me, rather hopefully (I suspect) if I planned a radical speech for this evening. If radical means unfounded criticism of our way of life, I fear I must disappoint them for I am one of those who have confidence in our much maligned establishment and pride in its accomplishments.

Perhaps I am old-fashioned to tell you that I love America, believe in capitalism, and admire people who are willing to work; those are the essence of America. This country does not claim to be heaven or utopia, but it is the strongest, the biggest, the best. I believe in military strength, patriotism, saluting the flag, and the Star-Spangled Banner. I am proud that it is the aim of my country to provide jobs and wealth and opportunities for everyone.

I have been told that I must remember that I am speaking for the class as a whole. Maybe I am speaking for them; maybe I am not. Whether or not my views are their views, I think the time has come to defend America. I simply feel that on an evening such as this, a thought should be given to the goodness of America, to the freedom it provides, greater than anywhere else on

earth, even the liberty to attack that government that makes that freedom possible.

We are one nation under God, committed to freedom throughout the world. In two world wars, at untold cost in effort, money and blood, we repelled tyranny. I can see no reason to give up our superiority because a few people who have loud voices are afraid. The faint of heart must not be allowed to undermine what you and preceding generations have built.

You have now decided that at 18 we are old enough to vote. This vote is not a gift or reward. It is a privilege, fraught with grave and enormous responsibilities. We are not a smarter group of young men and young women, nor a more mature one. Such qualities cannot be attributed to a group, but rather remain on an individual basis. As the first generation to have this privilege, we must now prove worthy of your faith and justify the hope you have in us.

The United States has not been built by vandalism masquerading as demonstrations, by a tolerance for subversion, and weak words. The men and women who have come before us have carried on the tradition of liberty with responsibility because it is good and it has worked. Our generation must not destroy the combination of might and good will that makes America great.

The people who would have America a non-committed country strangled beneath fear of foreign opinion cannot understand the consequences. Those countries who a few short years ago lay prostrate from war, would be prostrate still but for the unlimited aid of America. We are truly man's hope. No country has stood more firmly than she, been just as she is just, has been generous as she has been generous, or is more deserving of the praise of her people than America.

The United States is a great country. My sincerest wish is that the Class of 1971 is wise enough and mature enough to appreciate it.

RESOLUTION ADOPTED BY AMERICANS OF LITHUANIAN DESCENT

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, at a recent meeting of American citizens of Lithuanian descent, held at St. Peter's Lithuanian Parish, in South Boston, Mass., a resolution was adopted to commemorate the 30th anniversary of the Lithuanian uprising against Soviet aggression and the mass deportations of June 14–20, 1941, during which the Soviets deported or massacred 35,000 innocent Lithuanian men, women, and children.

I share the feelings of the Lithuanian people, by enclosing the resolution in the RECORD, which sets forth the same:

RESOLUTION

We, the American citizens of Lithuanian descent, on June 12th, 1971, at St. Peter's Lithuanian parish, South Boston, Mass., do hereby commemorate the 30th anniversary of the Lithuanian uprising against Soviet aggression and the mass deportations of June 14–20, 1941, during which the Soviets deported or massacred 35,000 innocent Lithuanian men, women and children.

Therefore, we hereby have unanimously adopted the following Resolution:

Whereas, the 16th of February, 1971, marks the 53rd Anniversary of the restoration of independence to the more than 700 year old Lithuanian State, and

Whereas, on June 15, 1940, the Soviet Union forcibly occupied and illegally annexed the independent Republic of Lithuania, which fact had been officially confirmed by the findings of the Select Committee on Communist Aggression of the House of Representatives, 83rd Congress of the United States, and

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, the Soviet Union, through a program of deportations and resettlement of peoples, continue in its efforts to change the ethnic character of the population of Lithuania and the other Baltic States, thereby committing the offence of genocide, and

Whereas, the Soviet invaders are unable to suppress the aspirations of the Lithuanian people for freedom and the excercise of their human rights, as most recently demonstrated by the dramatic hyjacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, the heroic attempt of defection by Simas Kudirka and the unsuccessful attempt of escape to Sweden by Vytautas Simokaitis and his wife,

Now, therefore be it resolved, That we again demand that the Soviet Union shall withdraw its armed forces, administrative apparatus, and the imported Russian colonists from Lithuania, thus permitting the Lithuanian people to freely exercise their sovereign rights,

That we again express our gratitude to the United States Government for the firm and unwavering position of non-recognition of the Soviet occupation and annexation of Lithuania,

That we respectfully request President Nixon to direct the attention of world opinion at the United Nations and at other appropriate international forums on behalf of the restoration of sovereign rights to the Baltic peoples, which policy was recommended to the President of the United States by the House Concurrent Resolution 416 of the 89th Congress,

That we urgently request our Government to make all possible efforts to have Simas Kudirka returned to this country with his family, and that the death penalty imposed upon Vytautas Simokaitis by a Soviet tribunal be commuted, and

That copies of this Resolution be mailed to President Richard M. Nixon, Secretary of State William P. Rogers, to both Senators and all the Members of Congress from our State, Sen. J. W. Fulbright, the United States Ambassador to the United Nations, and to the Press.

CITIZEN POWER

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. ABOUREZK. Mr. Speaker, the problems of preserving and protecting our environment have properly become a matter of major national concern. Many worthwhile antipollution bills have been introduced. One, that I am introducing today, is aimed at tapping a uniquely powerful resource in the fight to save our environment. That resource is citizen power.

This bill, the Citizens Environmental Protection Act, would permit citizens to bring environmental protection suits against corporations, private parties, or even the Government itself when actions are judged to cause unreasonable pollution, impairment, or destruction of the air, water, land, or public trust of the United States.

This bill will alter current law in three vital ways. First, it will permit citizens to go into court to defend the public interest in a healthy environment, instead of leaving determination of what is in the public interest entirely up to the Government. Second, it will reverse the present inability of citizens to do anything to protect the environment against Government-sponsored pollution by allowing suit to be brought against Government agencies themselves. Finally, it permits the issuance of court orders prohibiting activities that would adversely affect the environment.

There is no excuse for permitting the Government to sit as judge and jury on all environmental matters while the outraged citizen stands helplessly by on the sideline. Under present law a citizen is powerless to do anything even when he feels that his Government is permitting the most flagrant abuse of the environment to go on, and even if that abuse is in direct violation of Federal law. My bill would give the citizen standing to sue on behalf of those who suffer from unchecked pollution.

It is a tragic irony that a government that theoretically represents the people cannot be brought into account by those people when they perceive that the Government itself is threatening the environment through acts of omission or commission. These citizens have no standing, thus when the Government refuses to properly enforce what few laws we do have to curb pollution, they can do nothing. The Government is simply presumed to be the protector of the public, and that is that. At a time when the Government itself is a major polluter, and when it has been shown over and over again that the Government agencies walk hand in hand with industrial polluters, I find it incomprehensible that this fantastic presumption that the Government always know best should be allowed to continue.

If we really mean it when we argue that we must have involved citizens, and when we say citizen power is the backbone of a democracy, then we must pass legislation that will in fact involve citizens in the issues of our day that matter. The battle to save the environment is a fight that matters to every citizen of South Dakota and the Nation. I can see no reason why they should have to sit by and watch that battle be fought by people who too often have only their selfish interests at heart. I want to see the antipollution battle opened to the people, and this bill would open it.

TACTICAL NUCLEAR WEAPONS FOR EUROPE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. SCHMITZ. Mr. Speaker, an article in Military Review magazine, the journal of the U.S. Army Command and General

Staff College at Fort Leavenworth, Kans., of July this year, brings to light the impasse which now faces the Western world concerning the defense of NATO.

The author of this piece, Gen. Heinz Trettner, formerly Deputy Assistant Chief of Staff, Logistics, North Atlantic Treaty Organization Headquarters, points out that when the U.S. defense doctrine of massive retaliation was overtaken by increased Soviet military might the high degree of security which unquestionable American nuclear superiority provide Europe vanished. As the Soviet Union vastly increased its nuclear capability, with no attempt on the part of the United States to maintain nuclear superiority, a level of strategic force relationships came into being in which a U.S. attack on the Soviet homeland in response to any Soviet attack on Western Europe became unbelievable.

As the credibility of U.S. retaliation against the Soviet Union itself, should it decide to militarily annex Western Europe, decreased, the insecurity of Western Europe increased.

The author analyzes the role of tactical nuclear weapons in this context as a deterrent to Soviet military aggression against Europe. The general concludes that—

Having these weapons (tactical nuclear) may deter the aggressor from being the first to use them, but they cannot serve as a real deterrent against all forms of aggression. A ruthless enemy cannot be deterred by fighting only the most forward wave of his forces; he can only be deterred by a threat to his own country.

The truth of this statement has been made manifest in Southeast Asia. The North Vietnamese Communists have sacrificed nearly 700,000 men of their armed expeditionary forces in an attempt to bring South Vietnam under their heel. As the United States continued to assure the North Vietnamese that we would not attempt to overthrow their Government they continued to send their fighting forces south.

The United States deterred, and continues to deter, itself in this case by renouncing the only objective which would have possibly deterred, or if not deterred, forcibly prevented the North Vietnamese Politburo from sending its armies marching all over Southeast Asia.

In the case of the Soviet Union at this point it is not simply a question of unparalleled mental obfuscation which would deter the United States from attacking the Soviet heartland in response to a Soviet attack on Europe, but rather a clear understanding of the disadvantageous strategic military force relationship which currently exists.

In either case we find ourselves unable to undertake decisive action against the material base from which the attack is being, or could be, launched.

By foreclosing this U.S. option as regards a possible Soviet attack on Western Europe through insufficient military preparedness measures, we may well be inviting the same type of attack on Western Europe as the North Vietnamese Communists have launched in Southeast Asia. A relatively secure enemy homeland deprives us of our greatest deterrent.

The article by General Trettner follows.

TACTICAL NUCLEAR WEAPONS FOR EUROPE

(By Gen. Heinz Trettner)

(NOTE.—This article was translated and condensed from the original, published in the Revue Militaire Generale (France) February 1971, under the title, "Atomare Gefechtsfeldwaffen fur Mitteleuropa?"

(General Trettner, while on active duty, served as Deputy Assistant Chief of Staff, Logistics, North Atlantic Treaty Organization Headquaters; Commander in Chief, 1st Corps; and Chief of Staff, Armed Forces of the German Federal Republic.)

The utilization of nuclear energy in the manufacture of weapons has changed political and military thinking. The first nuclear weapons were strategic weapons. Their employment—whose moral justification is still a matter of dispute—was so successful that it was natural to attempt to utilize nuclear energy in lower level conflicts. The only question was whether it was technologically feasible to reduce the size, weight, and effectiveness of the new weapons to a degree which would make them suitable for tactical operations.

Thus, development of nuclear weapons was opposite to that of conventional weapons. With conventional weapons, it was a matter of achieving ever greater destructive power. Nuclear weapons development efforts were aimed at reducing weight and containing the explosive power. If this could be achieved, it was thought that the need for manpower on the battlefield could be reduced. Perhaps the conventional arms race could be ended through the economical application of nuclear energy. In contrast to conventional weapons, a limited number of tactical nuclear weapons could end any military conflict successfully and rapidly.

The technological problem was solved at great cost, but with admirable speed. The United States had tactical nuclear weapons and the necessary delivery vehicles for its troops and allies as early as the 1950's.

NUCLEAR DISADVANTAGES

At that time, it would have been difficult to overestimate the value of these weapons. There was the prospect that these weapons would help keep in check the numerically superior conventional forces of the Soviet Union while strategic nuclear weapons threatened the homeland of the aggressor. This concept was clear and simple. It was based on the US monopoly of nuclear weapons which was fading away only gradually. Nuclear war was considered a unity. Vis-a-vis strategic weapons, tactical nuclear weapons had the advantage of greater aiming accuracy and a smaller radius of destruction. This allowed tactical operations on the territory of allies who were to be spared as much damage as possible.

Despite these developments, the new weapons could not be added to the conventional weapons arsenal. While heat, blast, and primary radiation could be controlled to the extent that their effects could be kept from the friendly forces by appropriate target analysis, the drift of fallout could not be precisely determined. The civilian population could receive only relatively inadequate protection by restricting the use of nuclear weapons in built-up areas.

These disadvantages of nuclear weapons considerably limited their practical utility. Even now, in war games, fallout is often either neglected as an incalculable factor or manipulated. This results in a false picture. In reality, the closer ground zero is to friendly forces, the more frequently the employment of nuclear weapons must be foregone so as not to endanger friendly forces. Tactical nuclear weapons are not yet "clean" enough.

POLITICAL WEAPONS

A much more important fact is that only the President of the United States can order the employment of these weapons. It is clear that the political implications of nuclear weapons outweigh the military considerations. They are primarily political weapons. The efforts made by the North Atlantic Treaty Organization toward adopting a decision-making process for the employment of nuclear weapons have not produced a satisfactory solution. Consultations are an inadequate substitute for a positive voice in nuclear matters within the alliance and distinctly illustrate the political nature of the new weapons.

Proceeding from the original assumption that nuclear war is not divisible into limited and general, the French view seems to be irrefutable. France contends that the employment of nuclear weapons is a matter of life and death of the nation concerned. Therefore, the decision to use nuclear weapons cannot be made by an outside power. Thus, the employment of nuclear weapons for the achievement of tactical or secondary objectives would be unthinkable. On the contrary, the release of, or the denial of the use of, tactical nuclear weapons would have to be dependent upon the whole political-strategic situation.

In the meantime the Soviets have reached parity in the field of nuclear armament. The US monopoly no longer exists, and, as a consequence, US military strategy has changed from massive retaliation to flexible response. It was with misgivings that the Europeans saw the doctrine change because the strategy of massive retaliation had afforded them a high degree of security. However, the Europeans had to reconcile themselves to the new realities of US strategy.

The principle that the West will not start a war under any circumstances is as valid as ever. But in the future, an aggression will not be met with the immediate destruction of the aggressor homeland, but with an "appropriate" response. The aggressor no longer has to reckon on certain ruin, only on the uncertainty of a prospective countermeasure. Inasmuch as the strategic potential of the Soviet Union has become largely invulnerable, and a second strike against the US mainland remains a possibility, an immediate nuclear strike launched by the West in response to an aggression is no longer probable. Against any other action, the Soviets are sufficiently armed.

Consequently, the insecurity of the West has increased. The weapon systems have changed roles: nuclear armament has become the shield and conventional armament the sword of the alliance. At the same time, the significance of tactical nucler weapons. Now, they are being considered as a means of fire support for conventional forces.

Edward Teller, the principal developer of the hydrogen bomb, held that war could easily be limited with respect to area and targets, but not in regard to weapons. He, therefore, recommended the employment of tactical nuclear weapons in limited war. According to his view, the aggressor, after a defeat on the battlefield, would no longer want to enlarge the conflict area. Teller wanted to halt the advance of the superior Soviet conventional forces with nuclear weapons in the combat area. In his way of thinking, the West, inferior in conventional armament, had no intention of expanding a conflict, and the Soviets, after a tactical nuclear rebuff, would have no desire to do so.

Other American scientists recommended slow, well-measured escalation mixed with political measures to avoid a general war.

Under the influence of these and other

theories, NATO doctrine changed, and the significance of conventional forces in Europe increased. These forces were expected to fight through the first phases of an armed conflict alone, without a strategic nuclear response. The logical conclusion would have been to increase conventional forces, but this was not done. Raising the nuclear threshold remained a mere declaration of intent.

INDEPENDENT ACTIONS

If total employment of the nuclear potential had to be avoided, the question of independent actions with tactical nuclear weapons became more important. For the United States, the risk involved in the employment of tactical nuclear weapons was relatively small because of the strategic balance between the United States and the Soviet Union. Separate employment of tactical weapons, therefore, became conceivable.

For the Europeans, however, it was a different matter. It was important for them to determine whether the inferiority in conventional troops in central Europe could actually be offset by separate employment of tactical nuclear weapons. The fact that the Soviets had also reached approximate parity in the field of tactical nuclear devices had to be considered.

Experts have not been able to agree as to whether the defender or the aggressor stands to gain from the use of tactical nuclear weapons. The aggressor can freely determine the time and place of the main effort, and he presents, almost exclusively, moving targets which are difficult to hit. The defender, on the other hand, does not need to leave his cover, and concentration of forces is not necessary. Because of the need for decisive findings, a scientific solution was sought by means of modern operational research methods.

The results of the independently conducted research clearly show that the separate employment of tactical nuclear weapons, even in large quantities, holds no advantage for the defender. True, he can inflict greater losses on the aggressor than he will suffer because the aggressor must temporarily concentrate his forces at crucial points. However, the over-all ratio of strength changes to the disadvantage of the defender. Locally, a delay of enemy attacks can be achieved, but it must be expected that the units of the front line will be rapidly consumed.

The defender does not gain any time; on the contrary, he faces the alternative of "all or nothing" much earlier than he would have had he continued to fight with conventional weapons only. Since the West has no conventional units for a second or third encounter, it will, after a few hours, have no forces which can withstand the attack of the second wave of forces brought forward by the aggressor.

Under the conditions in central Europe the employment of tactical nuclear weapons works to the advantage of the aggressor. This result was reached by assuming that both parties fight with approximately the same number of weapons of equal yield. This assumption is unrealistic. The Soviets do not have a large number of sophisticated, small, nuclear weapons, and no reason to keep the destruction on enemy territory to a minimum. If the enemy counters the employment of small-yield nuclear weapons by launching an attack with weapons of a greater caliber, the disadvantage to the defender becomes even greater.

POLITICAL CONSIDERATIONS

Political considerations must be added. In a highly developed area such as central Europe, the communications system is so dense that individual attacks can be halted only with a relatively great number of tactical nuclear weapons. True, the number of weapons necessary is available in Europe, but, if employed, they would devastate the densely populated area and inflict unacceptable losses on the population. A tactical nuclear defense of Europe would lead to its destruction.

The situation of the defender who must fight in his own country differs completely from that of the aggressor. In addition to the military losses incurred by nuclear combat, the defender must bear the unimaginable damages in the civil sector which easily could lead to the complete disintegration of all political and military order.

Certainly, one can disregard these considerations and place the highest priority on the combat mission by employing hundreds or even thousands of weapons. Such a course of action would be evidence of narrow militaristic thinking, and raise the question as to how such action could be morally justified. It is open to debate whether weapons intended to protect by destroying everything can be considered lawful weapons.

PSYCHOLOGICAL EFFECT

In nearly all war games and studies, another decisive factor is ignored because its weight has not been determined from experience—the psychological effect of nuclear explosions on man. Even if one is so optimistic as to believe that soldiers can be trained to move through battlefields devastated by nuclear weapons and execute their tactical missions, the same behavior cannot be expected from the unprotected civilian population. In a modern war, even the best soldier cannot function with a demoralized population and a devastated land behind him.

It may be argued that tactical nuclear weapons are primarily intended to serve as a deterrent, and that other arguments ignore the main problem. Tactical nuclear weapons are clearly needed so long as the enemy has them at his disposal. Having these weapons may deter the aggressor from being the first to use them, but they cannot serve as a real deterrent against all forms of aggression. A ruthless enemy cannot be deterred by fighting only the most forward wave of his forces; he can only be deterred by a threat to his own country. That tactical nuclear weapons favor the aggressor will also be apparent to him. This is not effective deterrence.

The Western partners of NATO, depending on the situation of their national interests, look upon these problems differently. French units stationed in West Germany will be armed with tactical nuclear weapons sometime in the 1970's. If the Free Western World is considered a unity, and if the equality of its sovereign nations is taken seriously, the diverse views on tactical nuclear weapons employment must be resolved.

Helmut Schmidt, the present Defense Minister of West Germany, has demanded a veto right for any nation from whose or on whose soil nuclear weapons are to be fired. This demand is the least that must be granted among equal partners of an alliance.

The necessity of such unusual arrangements suggests that something is wrong with the entire concept. One inevitably comes to the conclusion that today's tactical nuclear weapons break open the framework of tactical operations. Their separate employment on the battlefield is damaging to the Europeans without being useful to the Americans. It appears that the idea of applying this concept under central European conditions is wrong.

THE MIDDLE EAST AND THE SINO-SOVIET STRUGGLE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. PUCINSKI. Mr. Speaker, recently, the Soviet Union and Egypt concluded a treaty, the long-range significance about which we can only speculate.

The Soviet-Egyptian pact is unprecedented in that it is the first pact of its kind that Moscow has entered into with a country that is non-Communist and outside of the Soviet orbit.

Obviously, the Russians do not make treaties for their health but always for an ulterior motive. The goal is to get the Suez Canal opened, which is the last link in Soviet strategy which can tie the Soviet Far East effectively to the Soviet heartland.

At great expense, the Soviet Union has been acquiring port privileges and facilities all around Asia from the Black Sea to Vladivostok, which is a replica of Britain's former sea route to India. The Red Chinese, in the meantime, have been trying to outflank the Russians by land.

The Soviet-Egyptian pact, then, transcends the Israeli-Arab conflict. We can no longer say that if the Israelis, or even the Arabs, would do this or that there would be peace in the Middle East.

The important fact is that the Russians have a firm toehold in the Middle East with the Soviet-Eyptian pact, and we can expect the Russians to rapidly subvert Egypt in her thrust to completely control the vital link missing in her eastern strategy—the Suez Canal.

If the Russians gain control of the Suez Canal in an area that is a cross roads, they would be able to outflank Europe as well as Asia, and follow through with major moves in the Far East.

The Red Chinese have been as busy as the Russians in counter moves. Both powers face each other hostilely on their long border. Both seek to dominate the world.

We must ask ourselves just what strategy we have in trying to prevent either of the Communist powers from gaining dominance. Is our strategy merely to have each power checkmate each other? Are there any other alternatives? Is it in the interest of the free world to have the Suez Canal opened? More questions are raised than answered.

We can only look with deep concern at the recent moves by our State Department toward Red China in general, and the U.S.S.R. in the Middle East in particular, and speculate if all this ping-pong diplomacy is in our interest.

I should like to place in the RECORD today some outstanding articles on this situation. Several are from the excellent British publication, Intelligence Digest; a policy statement concerning the Soviet-Egyptian pact from the Israeli Embassy; an article from the American Security Council's June 7 Washington Report; and a scholarly article by Yin Ching-yao, research fellow of the Institute of International Relations in Taiwan, on Peiping's foreign policy and tactics:

[From the Intelligence Digest, June 1971]

INTELLIGENCE POINTERS

If the Suez Canal is re-opened within a reasonably short time it will not be as a result of successful diplomacy by Mr. Rogers, U.S. Secretary of State. It will be because the Russians want it. They want it for strategic reasons fully explained in the report "Suez: Focus of World Strategy" published in the September, 1970, issue of *Intelligence Digest*.

Nearly everyone seems to overlook this factor. Not so, however, the Pentagon. This

Service has good reason to believe that the Pentagon's advice to President Nixon is against the reopening of the Canal. This conflicts sharply with the State Department's advice.

The Russians appear to have developed a process for reducing fuel oil to a jelly-like substance of about one-seventh the volume of the original substance. This can be deposited on the sea bed and recovered and reconstituted at need.

In the March, 1971, issue of *Intelligence Digest* we published a report that there are a number of Russian marker buoys outside territorial waters in the Mediterranean and off the coast of South Africa in the Atlantic. We now understand that there are a number of these buoys in the Indian Ocean also.

At the time of our March report it seemed probable that these were to mark rendezvous points for naval supply ships. We now believe that their purpose is to mark jellied oil fuel deposits.

This is a very important development in naval logistics and is causing the American naval authorities some concern.

In Turkey, the sinister figure of Mullah Mustapha Barzani has reappeared. This Iraqi Kurdish leader is moving to set up an independent Kurdish state in Turkey.

Mullah Mustapha is a dangerous man who has been making trouble in the Middle East for over a quarter of a century. A fairly full account of his origin and former activities was published in the January, 1959, issue of *Intelligence Digest*.

It has for a long time been one of Russia's contingency plans to foment a Kurdish revolt in Turkey. The immediate objective is no doubt to put pressure on the Turkish Government.

Spanish-Soviet talks have been going on in secret for some time. Spain has suffered constant rebuffs from the western powers to her desire to join NATO and the Common Market. If Moscow now agrees to restore the Spanish gold deposited in the Soviet Union during the Spanish Civil War it cannot be excluded that an agreement between the two countries may be reached which would seriously affect the present strategic balance of power in the Mediterranean.

Changes in the Politburo disclosed at the recent 24th Congress of the Soviet Communist Party show a strengthening of military influence inside the Party. Kosygin has been relegated from fourth to fifth place in the order of precedence. Podgorny, Polyansky, Suslov and Shelepin have also been relegated. Suslov has also gone down from third to ninth place in the Party Secretariat.

The personal power of Marshal Grechko has tremendously increased of late. So has that of Yuri Andropov, chief of the KGB.

Brezhnev has certainly eliminated some of his potential political rivals; but his apparent position of strength depends upon his ability to manipulate the military (Grechko) and the security services (Andropov).

A new attempt at a dialogue with China is in the offing.

[From the Intelligence Digest, September 1970]

SUEZ: FOCUS OF WORLD STRATEGY

The following highly important report is reproduced, by permission, from the American Security Council's *Washington Report*.

It is becoming apparent that the Kremlin is intent upon re-opening the Suez Canal. This is the reason why the USSR has begun delivering amphibious equipment to Egypt, why SAM sites have been deployed along the west bank of the Canal, and why a propaganda campaign is under way to make Israel give up the Sinai Peninsula as a preliminary to serious negotiations.

Why are the Soviets centering their current strategy on this obsolescent waterway? The need to compress the present travel time of 38 days from the Black Sea to Vietnam together with Arab pressure are usually regarded as the prime reasons. It isn't that innocuous. The Sino-Soviet conflict is the overriding and still widely overlooked motivation.

THE SINO-SOVIET SPLIT

It has become fashionable to say that the Sino-Soviet conflict has abated since last year. True, no major border incidents have recently occurred—or have been reported. True, Peking has at long last decided to nominate a new ambassador to Moscow, so that full diplomatic relations are about to be resumed.

But it is no less true that the gigantic Soviet military deployment against China has remained in place and continues to grow in strength, while Maoist China is still preparing for the clash.

The *New York Times* reported at the end of July that Soviet troop deployment along the Chinese border had reached the level of about 60 divisions and that hundreds of a new 500-mile mobile nuclear missile, codenamed "Scaleboard", have been deployed in the area. This is the first known deployment of this missile. The Soviets, according to the *Times* article, have also deployed a tactical (30-mile range) nuclear missile, code-named "Frog".

The USSR does not have much time to lose because, as each day goes by, China's missile capacity is coming closer. Even without missiles, the Chinese bomber force of TU-16s (Badgers) is stronger than the French *force de frappe* and about as strong as Britain's four-submarine nuclear deterrent force.

If the Chinese IL–28 bombers are added (equivalent to the B–47), China's nuclear delivery force exceeds that of France and Britain combined. China's MIG–21s, which have a speed of nearly Mach 2, possess range adequate to deliver nuclear weapons to key cities in the Soviet Far East and in central Asia. There are not many, but enough of them to do considerable damage.

CHINESE MISSILES

Short-range missiles have probably been available for some time and, whether or not we call them tactical, they can hurt. MRBMs, some of them mobile, could be ready soon. A significant force of 1,000 or 1,500-mile missiles may be available by 1973, perhaps even a few ICBMs.

The Chinese missile programme may be delayed again, but there are several large launch pads at the Shuangchengtse long-range test site, and the Chinese missile industry, which is of considerable size, is working at top speed.

By contrast, it will take at least one year to repair the Suez Canal and it will require more time, perhaps a major international crisis, before the repair work can even be started.

The Sino-Soviet conflict is neither a mere ideological quarrel nor just a border dispute.

The ideological cleavage seems unbridgeable and China's territorial claims exceed one million square miles. Yet the conflict is predominantly rooted in a fundamental difficulty that cannot be compromised: the USSR is weakest at its Pacific flank, where Japan and China are rising as dynamic superpowers.

If the USSR does not succeed in overcoming its extraordinary vulnerability by strengthening its eastern territories in a major way, those possessions will ultimately become untenable and the Soviet empire *as a whole* will be at risk.

THE SOVIET OPTIONS

In theory, there are two peaceful methods by which the Soviet Far East can be strengthened. Either the area may be rapidly populated and industrialised or the industrial complex of Manchuria may be put under Soviet control, for example through some sort of condominium with China.

Neither solution can work. The USSR does not have 30 to 40 million people to settle north of the Amur, and China, whether Maoist or post-Maoist, will not share its sovereignty.

The military solution is to take Manchuria (and the northern regions) and weaken China through partition and unilateral nuclear disarmament.

The choice is therefore between the conquest of North China and a crash programme to build up the eastern USSR. It isn't much of a choice, but that's the menu.

The land communications of European USSR and West Siberia with the Soviet Far East are insufficient and cannot sustain a massive industrial build-up either in the Transbaikal-Amur region or in Manchuria.

If Manchuria is to be occupied, logistic requirements will be formidable. If Moscow decides to crash develop the eastern territories, requirements will be still larger.

A mixed strategy would not offer any real advantages. All requirements would be for indefinitely long periods. On the basis of current logistic capabilities, none of these strategies is practical. The alternative is to allow Maoist China to outflank the USSR in the east, and that it hardly acceptable to Moscow.

A VITAL LINK

The Panama Canal was built to link the Pacific coast of the U.S. to the eastern industrial and shipping centers and to ensure a dominant American power position in both the Atlantic and the Pacific. In the period of World Wars I and II, it was the single most important strategic resource of the United States.

In the current constellation, the Suez Canal must be viewed as the *only* potentially available link which can tie the Soviet Far East effectively to the Soviet heartland. This linking up is a matter of highest urgency, because if the Soviets do not secure the Suez Canal they cannot adopt *any* effective eastern strategy.

One implication is that the Soviets may not be content with having Egypt repossess the Canal. Instead, they may be anxious to assume control themselves, probably in a concealed fashion. Another implication is that the "useless" Sanai desert is at this juncture the most valuable piece of land anywhere on the globe.

THE SOVIET SEA ROUTE

The Soviets have been working methodically to acquire port privileges and facilities all around Asia from the Black Sea to Vladivostok.

In various ways, they are establishing themselves at Latakia, Syria; Port Said, Alexandria and Ras Banas, Egypt; Hodeida, Yemen; Aden, South Yemen; Berbera, Somalia; Port Louis, Mauritius; Basra, Iraq; Vizagapatam and Port Blair, Andaman Islands, both in India; Singapore; and, hopefully, Hong Kong.

This sea route which the Soviets are building at huge expense is a replica of Britain's former sea route to India. The Soviets are *not* building a route around Africa.

But so long as the Suez Canal is closed, the Asian sea route remains quite useless. The Suez Canal is the main missing link.

The Chinese are countering the Soviet manoeuvre designed to outflank them by the sea by attempting to outflank the Soviet by land. The scenario is right out of the classic treatises by Admiral Mahan and Sir Halford Mackinder.

More particularly, the Maoists aim to break through to control points in south-east Asia, the Indian Ocean, and the Arabian Sea.

Thus, they are building a road from Kashgar, Sinkiang, to Gilgit, Pakistan, and they are working on their alliance with Pakistan to reach the Indian Ocean. The Chinese are engaged in intensive road-building activities in Tibet and the Himalaya

states, and they are fostering subversion in Bengal and north-east India. One purpose is to keep the Soviets out of India.

CHINA LOOKS SOUTHWARD

They are also building roads leading into Burma and Laos, and toward Thailand, and they are fomenting subversion in those three countries and in Malaysia. The operation supplements the North Vietnamese aggression in Indo-China.

The objective, besides knocking out South Vietnam, Thailand, Burma, and Malaysia, is to get to Singapore and ultimately into Indonesia (and Taiwan).

Chou En-lai, fifteen years ago, wanted to build a strategic triangle linking Peking with Delhi and Jakarta. The ideal still is to control east-west communications, and for this purpose to get to the coast and into the Malay Archipelago.

In the Arabian Sea area, the Maoists have been able to establish considerable influence in Southern Yemen, which includes the key port of Aden. Southern Arabia is full of Maoist guerrillas who seem to regard Muscat and Oman as their most promising early target.

The *coup d'etat* in Muscat and Oman may also be a forerunner of things to come in the Middle East and should strengthen the Maoist drive for increased influence through this strategically located Sheikdom.

This may change if the British decide not to depart from the Gulf.

THE ARAB GUERRILLAS

The attempt to overthrow King Hussein and establish Jordan as a Fedayin state was largely undertaken through the Maoist Palestine Liberation Front.

This front, commanded by George Habache, a Christian Arab, consists of 2,000–6,000 men and reportedly receives from Peking $10,000 a month plus family allowances.

The Maoist rebellion was subdued—barely—but the PLF is stronger than before and the Maoists are heavily infiltrating the dozen or so other guerrilla organisations. Yasser Arafat, the leader of *Al Fatah*, has remained in Nasser's and Moscow's camp, but he recently visited China.

THE OIL FACTOR

The reopening of the Suez Canal by the Soviets would allow them to block the not unpromising Maoist manoeuvres in the Middle East. As a bonus, the Soviets may be able to lay their hands on much Middle Eastern oil and thus gain additional leverage *vis-a-vis* Japan and Europe.

They also may obtain hard currency income of some $500 million. The Canal earned about $200 million, and the Arab oil-producing states are paying subsidies to Egypt and Jordan amounting to $350 million annually.

If the USSR breaks through at Suez, it would be able to outflank Europe as well as Asia, and it would follow through with major moves in the Far East.

It is, therefore, a grievous mistake to construe the war in the Middle East merely as a contest between Israel and the Arabs, to disregard the strategic interdependence between Europe, the Middle East, south Asia, southeast Asia, and the Far East, and to ignore the overpowering influence of the Sino-Soviet conflict.

In this situation, the U.S. national interest is to prevent nuclear war in the Far East lest South Korea and Japan be badly hurt by fall-out and lest our world-wide alliances collapse, to see to it that the *status quo* between China and the USSR remains unchanged; and not to interfere if the USSR allocates major resources to its eastern territories.

The Soviets are working up towards a decisive operation at Suez. If we had an effective strategy, we would be able to turn the tables in favour of American security.

POLICY BACKGROUND: THE SOVIET-EGYPTIAN PACT

(Embassy of Israel, Washington, D.C., June 3, 1971)

1. The Soviet-Egyptian treaty of Friendship and Cooperation signed in Cairo on May 27, 1971 is the first pact of its kind that Moscow has entered into with a country that is both non-communist and that lies far afield from the Soviet border. In substance and scope it is radically different from the Moscow agreements with such non-communist states as Finland, Iran, Afghanistan and Turkey whose territories are contiguous with the Soviet frontiers. These treaties are essentially limited to the demands of Russian national security and are construed to ensure that the neighbor territories shall not be used as bases for attack against the Soviet Union proper. What makes the treaty with Egypt so unprecedented and far-reaching is its resemblance to the treaties governing the relationships between Russia and the Warsaw Pact states. A comparison of the language and pattern of the Egyptian treaty with, for example, the treaty between the USSR and Czechoslovakia of May 1970, shows a sufficiently striking similarity to infer that the document signed in Cairo was at least drafted in Moscow by Soviet policy planners. There are, to be sure, differences between the Warsaw pact treaties and the Egyptian accord. But on the purely political level, they share a common quality and philosophy of a long-term relationship with the Soviet Union—in the case of Egypt 15 years—that embraces virtually every facet of national life: economic, military, diplomatic, social, cultural and ideological (see attached text).

THE CONSULTATION AND MILITARY CLAUSES

2. For the Soviet Union the treaty with Egypt represents an important landmark. Its terms do not merely formalize an existing status-quo of Russian assistance and cooperation; they grant Moscow the legality of presence and a say in the affairs of Egypt for the next 15 years (Article 11). Of particular significance is Article 7, the "consulting" clause. By it Egypt undertakes *"to concert"* its international policies with the Soviet Union and *"to regularly consult . . . at different levels on all important questions affecting the interests of both states."* This goes further even than the wording of the Soviet treaty with Czechoslovakia which is less specific and which avoids the use of the term "concert" and the principle of "regular" consultations. Article 7 is perhaps the most indicative clause of the whole treaty with respect to the degree of the commitment Egypt has made to the Soviet Union on the political level.

On the military level, Article 8 spells out the Soviet long-term commitment to *"continue to develop cooperation in the military field . . . with a view to strengthening (Egypt's) capacity to eliminate the consequences of the aggression as well as its ability to stand up to aggression in general"* (meaning military aid in the event of any future hostilities with another party, not necessarily related to the Israel-Egyptian conflict).

TREATY TRANSCENDS ISRAEL-ARAB CONFLICT

3. Article 7 (regular consultation), Article 8 (military aid unrelated to the conflict with Israel) and Article 11 (15 years duration), all indicate that the pact is not merely an instrument dictated by the needs of Egypt's conflict with Israel and the Soviet involvement in it. Egypt and the Soviet Union have agreed, as a matter of principle, to regulate their future relations and to concert their future policies under all circumstances, no matter how the Israel-Arab dispute may develop. It is in this respect that the treaty is a milestone for Soviet policy in the Middle East. It gives Moscow what it has long sought, namely the political consolidation of its presence in the Middle East by winning a long-term legal title to intervene in the affairs of the region's dominant Arab state, Egypt, irrespective of who controls the reins of government in Cairo and in a manner that transcends the Israel-Arab conflict.

4. The duration and substance of the treaty are themselves evidence, if such were needed, that the continued Soviet presence in Egypt is not simply a function of the tensions generated by the Israel-Arab conflict nor is it predicated upon the conflict. Hence, the absurdity of the suggestion that were Israel but to risk making unilateral concessions this would inevitably bring about a slackening of the Soviet grip over Egypt and an Egyptian movement away from the USSR towards the West. The facts of politics and power in the Middle East since 1967 are themselves a refutation of this dangerous simplification.

The Soviet Union's massive investment in Egypt and the political course it has pursued transcend the conflict with Israel and have throughout been predicated, in the first instance, upon its own power interests. Egypt is of crucial importance to the USSR strategy in the Middle East because it is the advance base for the initiation of future power moves as the opportunities arise.

SOVIET STRATEGY AND THE PEACE PROCESS

5. Israel's caution in insisting upon testing the intentions of the other side—among other things through a detailed negotiation—has throughout been influenced by this recognition of Soviet strategy and by the decisive role the Soviet Union is seeking to play in dictating that kind of a political solution which would serve Russia's own policies and interests. What it seeks through its own involvement in the political-military process is the maintenance of conditions for its own prestige and power by supporting Egypt and the other Arab countries in their effort to achieve a settlement on their terms: total Israeli withdrawal; mass Arab influx into Israel; sealed borders; an international force; international guarantees.

THE BALANCE OF POWER

6. Any progress towards an interim or total settlement between Israel and Egypt is wholly conditional upon the continued maintenance of the cease-fire situation. This, in turn, is dependent upon the maintenance of the balance of power on two levels:

(a) The preservation of Israel's defensive credibility in face of the commitment, undertaken by the Soviet Union in the treaty, to extend the supply of weapons to Egypt for an indefinite period. This aspect of the treaty was particularly hailed by Sadat in his address to the Egyptian People's Assembly on June 2, a few days after the accord was signed. He described the Soviet arms undertaking as a "new element". "We wanted this treaty," he said, "because it added new guarantees to our struggle (against Israel) that previously were unstipulated." It would be disastrous to minimise the implications of this Soviet guarantee in terms of the local arms balance, and the consequences that would result from a shift in it.

(b) Of equal importance to the maintenance of the arms balance as a factor in preventing the renewal of hostilities is the necessity to ensure a political-deterrent posture of such credibility that would prevent any miscalculation on the part of the Soviet Union, leading it to believe that it might enjoy a greater freedom of military action than it has had until now.

THE SOVIET-EGYPTIAN TREATY OF FRIENDSHIP AND COOPERATION, MAY 27, 1971

The Union of Soviet Socialist Republics and the United Arab Republic,

Being firmly convinced that the further development of friendship and all-around

cooperation between the Union of Soviet Socialist Republics and the United Arab Republic meets the interests of the peoples of both states and helps strengthen world peace.

Being inspired by the ideals of struggle against imperialism and colonialism, and for the freedom, independence, and social progress of the peoples,

Being determined to wage persistently the struggle for stronger international peace and security in accordance with the invariable course of their peaceable foreign policy,

Reaffirming their allegiance to the aims and principles of the United Nations Charter,

Being driven by a desire to consolidate and strengthen the traditional relations of sincere friendship between the two states and peoples through concluding a treaty of friendship and cooperation and thus creating a basis for their further development,

Agreed on the following:

ARTICLE 1

The high contracting parties solemnly declare that unbreakable friendship will always exist between the two countries and their peoples. They will continue to develop and strengthen the existing relations of friendship and all-around cooperation between them in the political, economic, scientific, technological, cultural and other fields on the basis of the principles of respect for the sovereignty, territorial integrity, noninterference in the internal affairs of each other, equality and mutual benefit.

ARTICLE 2

The Union of Soviet Socialist Republics as a socialist state and the United Arab Republic, which has set itself the aim of reconstructing society along socialist lines, will cooperate closely and in all fields in ensuring conditions for preserving and further developing the social and economic gains of their peoples.

ARTICLE 3

Being guided by a desire to contribute in every way toward maintaining international peace and the security of the peoples, the Union of Soviet Socialist Republics and the United Arab Republic will continue with all determination to make efforts toward achieving and ensuring a lasting and fair peace in the Middle East in accordance with the aims and principles of the United Nations Charter.

In pursuing a peace-loving foreign policy, the high contracting parties will come out for peace, relaxation of international tension, achievement of general and complete disarmament and prohibition of nuclear and other types of weapons of mass destruction.

ARTICLE 4

Being guided by the ideals of freedom and equality of all the peoples, the high contracting parties condemn imperialism and colonialism in all their forms and manifestations. They will continue to come out against imperialism, for the full and final elimination of colonialism in pursuance of the U.N. declaration on the granting of independence to all colonial countries and peoples, and wage unswervingly the struggle against racialism and apartheid.

ARTICLE 5

The high contracting parties will continue to expand and deepen all-around cooperation and exchange of experience in the economic and scientific-technological fields—industry, agriculture, water conservancy, irrigation, development of natural resources, development of power engineering, the training of national personnel and other fields of economy.

The two sides will expand trade and sea shipping between the two states on the basis of the principles of mutual benefit and most-favored nation treatment.

ARTICLE 6

The high contracting parties will further promote cooperation between them in the fields of science, arts, literature, education, health services, the press, radio, television, cinema, tourism, physical culture and other fields.

The two sides will promote wider cooperation and direct connections between political and public organizations of working people, enterprises, cultural and scientific institutions for the purpose of a deeper mutual acquaintance with the life, work and achievements of the peoples of the two countries.

ARTICLE 7

Being deeply interested in ensuring peace and the security of the peoples, and attaching great importance to concertedness of their actions in the international area in the struggle for peace, the high contracting parties will, for this purpose, regularly consult each other at different levels on all important questions affecting the interests of both states.

In the event of development of situations creating, in the opinion of both sides, a danger to peace or violation of peace, they will contact each other without delay in order to concert their positions with a view to removing the threat that has arisen or reestablishing peace.

ARTICLE 8

In the interests of strengthening the defense capacity of the United Arab Republic, the high contracting parties will continue to develop cooperation in the military field on the basis of appropriate agreements between them. Such cooperation will provide specifically for assistance in the training of the U.A.R. military personnel, in mastering the armaments and equipment supplied to the United Arab Republic with a view to strengthening its capacity to eliminate the consequences of aggression as well as increasing its ability to stand up to aggression in general.

ARTICLE 9

Proceeding from the aims and principles of this treaty.

Each of the high contracting parties states that it will not enter into alliances and will not take part in any groupings of states, in actions or measures directed against the other high contracting party.

ARTICLE 10

Each of the high contracting parties declares that its commitments under the existing international treaties are not in contradiction with the provisions of this treaty and it undertakes not to enter into any international agreements incompatible with it.

ARTICLE 11

The present treaty will be operative within 15 years since the day it enters into force.

If neither of the high contracting parties declares a year before the expiry of this term its desire to terminate the treaty, it will remain in force for the next five years and so henceforth until one of the high contracting parties makes a year before the expiry of the current five-year period a written warning on its intention to terminate it.

ARTICLE 12

The present treaty is subject to ratification and shall come into force on the day of exchange of ratification instruments, which will take place in Moscow in the nearest future.

The present treaty is done in two copies, each in Russian and Arabic, with both texts being equally authentic.

Done in the city of Cairo on May 27, 1971, which corresponds to 3 Rabia as Sani, 1391, Hejira.

For the Union of Soviet Socialist Republics, N. Podgorny.

For the United Arab Republic, Anwar Sadat.

SOURCE—Tass, the Soviet Press agency.

[From the Washington Report, June 7, 1971]

NO PEACE IN SIGHT FOR THE MIDDLE EAST

(By Frank J. Johnson)

The Middle East continues to be the world's most dangerous and insoluble trouble spot. No one should be misled by the "hopeful" tone adopted by Secretary of State Rogers following his recent tour of the area. A peaceful solution to the crisis is still extremely unlikely. The objective conditions necessary for a settlement do not exist. They cannot be created by any amount of diplomatic maneuvering. A resumption of the Arab-Israeli war, sooner or later, is regarded by the most competent Washington analysts as almost inevitable.

The foregoing assessment is gloomy and unpleasant, but it is the only one justified by the facts.

To be sure, neither Israel nor her chief protagonist—Egypt—*wants* war. Each would much prefer to achieve her objectives peacefully. But their respective objectives are quite irreconcilable. Neither side can accept the terms of the other without what it considers to be an intolerable sacrifice of national interest: for Israel the abandonment of geographically secure borders; for Egypt, Jordan and Syria the permanent loss of territory to Israeli conquest. And for the Arab world generally, the acceptance of Israeli control over all of Jerusalem.

The very strong military positions which are now enjoyed by both sides makes renewed war appear to each of them to be a lesser evil than submission, or even than major compromise.

SOVIET MILITARY INTERVENTION

The enormous Soviet military intervention on the side of Egypt has transformed the general situation in the last 15 months. True, there has been no significant change in Egypt's offensive capability to mount a successful crossing of the Suez Canal. This is still near zero. Such an offensive would require direct and massive Soviet participation and there is no sign as yet that Moscow intends such a move in the near future. But the Soviets have, by their vast military presence, including 16,000 personnel, guaranteed Egypt against the possibility of another total defeat. The commanding military position enjoyed by Israel after the Six Day War is gone. No longer are Cairo and Alexandria at the mercy of another lightning air attack or the threat of Israeli occupation, which was also feasible back in 1967. Besides the very effective surface to air missile system which they have supplied to Egypt, there is no reason now to suppose that Soviet pilots, flying the latest model Soviet aircraft, will not fight actively anywhere in the skies over Egypt if necessary.

ISRAEL'S POSITION

Israel's position, however, is still very strong. Diplomatically, the U.S. strives for impartiality, but militarily it continues to be our policy to give Israel whatever we think she needs to maintain the balance of power in the Middle East. There is no indication that we will use our position as arms supplier to Israel as a lever to force her to return the captive territories to the Arabs—as the Arabs wish us to do. Besides being politically difficult, there is simply no indication that such a tactic would work.

It would not work because Israel has made her own judgment as to where her security lies. This judgment is not likely to be altered by any amount of outside argumentation or pressure. Her rationale is that her 100 million Arab neighbors cannot be trusted to really forgive and forget the rule of 2.2 million Jews in a Palestine which they

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regard as rightfully theirs; that no matter what conciliatory words present Arab leaders might utter, or even what they might put on paper, they cannot take the place of a secure geographic buffer against attack into the Israeli heartland; and that no matter what international guarantees of her borders might be offered her, these cannot take the place of Israel's own independent ability to defend herself.

The Israeli attitude is heavily weighted by the Jewish experience in Nazi Germany. Hitler, it turned out, really meant what he said about the Jews in *Mein Kampf*. Israel therefore refuses to assume that extremist Arab propaganda vowing her extermination is merely so much hot air.

In the very unlikely event that the US were to threaten an arms cutoff if Israel did not retreat from the territories captured in 1967, Israel's answer almost certainly would be flat defiance. Israel would stand fast on the present cease fire line on the basis of her present strength and wait for a new administration in Washington, to reinforce if necessary.

In a desperate attempt to find some way out of the impasse, U.S. diplomacy, led by Secertary Rogers, is pushing the so-called "interim solution". This would involve a partial Israeli withdrawal from the Suez Canal and the reopening of the waterway to navigation. Egyptian President Sadat has agreed to this idea provided that it is linked to the broader question of a timetable for full Israeli withdrawal from all territories captured in 1967, and provided that Egyptian military forces are permitted to reoccupy the East bank of the Canal. Rogers' grounds for optimism appear to revolve around the fact that the Israelis, in order not to send him away empty-handed, gave vague indications that they might permit some kind of Egyptian military "presence" on the East bank. Israel, it was explained, would remain "flexible" on this and other details of an Israeli withdrawal, but only on condition that Egypt first agrees in principle to Israeli terms for reopening of Suez. There is not even a hint that Israel will give up her key positions in the Sinai, including the Bar-Lev defense line just back of the Canal.

FUTURE SCENARIO

This positions throws the ball into Cairo's court. Egyptian national pride and diplomatic strategy cannot accept such conditions. Egypt is squarely faced with the proposition that peace can be bought only at the cost of the loss of much, if not all, of the Sinai. With the new support given to her by her powerful Soviet ally, Egypt is most likely to pay the price.

Therefore, the probable scenario for the future involves a resumption, by Egypt, of the war of attrition against Israel whenever her patience wears out and frustration becomes unbearable. This possibility is heightened by the fact that Sadat, having just survived an attempted coup, may want to create an image for himself of more fervent nationalism, as well as redirecting any lingering internecine animosities against the "common" external enemy—Israel. Such resumption would involve artillery barrages, commando type raids, and air battles along the Canal in which Soviet pilots will periodically participate. Russia will use this siege warfare against Israel as a continuing cover and excuse to build up her military position in the Middle East and to establish permanent air and naval bases along the Mediterranean and Red Seas.

Neither are the Palestine guerrillas likely to remain as inactive as they are now, following their heavy defeat in Jordan last fall. The Fedayeen are reorganizing, this time under Algerian tutelage. Algerian President Boumedienne expects the collapse of the American peace initiative and is sending the guerrillas arms and political advice.

When and if Russia concludes that U.S. counteraction is no longer to be feared—either because of political vacillation, military incapability, or both—then the Soviets will most likely provide at least enough muscle to force Israel out of the Sinai, permitting the reopening of the Canal on Soviet-Arab terms. Quite conceivably it would be used by the Soviet Fleet as an entranceway to the Indian Ocean, while a similar use would be denied to the U.S. Sixth Fleet.

SOME HANDICAPS TO SOVIET-EGYPTIAN UNITY

There are some signs however that all is not yet entirely smooth sailing for the Soviets in their deal with the Arabs. An article in Izvestia of 28 April 1971 by Prof. H. Ulyanovsky—an obvious follow-up expansion of one of the themes in the 24th Party Congress, included as follows:

"Lack of understanding and distrust between the two progressive forces—the communists and the national democrats—have not been overcome, and in some countries the national democrats in power are even displaying the aspiration to carry out repressive measures against left wing forces.

". . . the national revolutionary democrats and the communists are faced with realizing increasingly that their invincible strength lies in unity. . . .

"In the majority of the Arab countries . . . the national democrats and the communists constitute the two most prestigious political forces, standing firmly on positions of militant anti-imperialism . . . there always have been and still are differences of opinion between them, but at the present stage of the revolution these differences are not and cannot be of primary importance."

There may still be some Arab leaders astute enough to wonder just how the Soviets intend to resolve those differences in the *next stage* of the revolution, when these become of "primary importance."

U.S. INFLUENCE RECEDING

Such an outlook can hardly be more grim from the standpoint of either Israel or the United States. Yet there seems little that we, as a nation, are willing to do about it. It is the inevitable concomitant of the tremendous shift in the world's balance of military and political power that has taken place in the world in the past five years.

As members of President Nixon's Blue Ribbon Defense Panel stated in their Supplemental Statement on the Shifting Balance of Military Power, "Since World War II a degree of world order has been maintained almost solely by the dominance of U.S. strategic military strength . . . this American-preserved world order is now disintegrating. We no longer have the power to preserve it. Nor do we appear to have the will, as a new neo-isolationist fever dims the perception of our people . . . . there is every reason to believe that the Soviet Union envisions the new era as one which it will dominate, employing its military power and the threat of its use to promote and attain its own imperialist objectives.

The trauma of the Vietnam experience, in which the U.S. failed to use its full military power for victory when the American public would have backed such a policy, has damaged, perhaps fatally, the American will to act. It has resulted in deep political divisions, in a widespread feeling of defeatism and antimilitarism, and in a growing neo-isolationism.

The total U.S. image emerging in the world is that of a power so obsessed with peace (the President has most unwisely forecast a generation of it) and its domestic difficulties that it will no longer enforce its rights or protect its interests (witness the supine acquiescence to the seizure of our fishing boats by Ecuador). The Soviet ambassador has openly warned our highest officials that Russia will not be bluffed in the Middle East. Neither, for example, does she intend to be bluffed in Cuba. The continuing presence of Soviet submarine tenders in and around the Cuban port of Cienfuegos has made a mockery of the U.S. warnings not to make it into a nuclear submarine base.

Many moderate Arabs argue, quite sincerely, that times have changed, that the serious Arab leaders are reconciled to Israel's existence, and that in any case Israel can count on the protection of the United States if she is seriously threatened.

Most Israelis do not agree (ex-Premier David Ben-Gurion is a conspicuous exception). They refuse to mortgage their security to decisions which would be made by a United States as troubled and disunited as it is today.

Where, they might ask, was the United States in 1967 when President Nasser announced his intention (though he never carried it out) to blockade the Straits of Tiran? The U.S. had guaranteed to Israel freedom of navigation in the Straits in 1957. But when the crunch came and Israel demanded to know our position, she got only evasive answers. She then took matters into her own hands.

Where was the United States in 1969 when its friend, King Idris of Libya called for help against the coup which deposed him? We did nothing and permitted an oil rich nation to fall into the hands of anti-Western extremists who can be counted on to support the idea of war, not peace, with Israel.

What did the United States do, last year, when Russia at last achieved the ambitions of the Tsars by establishing her own military forces in Egypt? When Presidential Adviser Henry Kissinger suggested in a background briefing last July that the U.S. would have to roll back the Soviet presence, the leaked story was hooted down by a phalanx of State Department doves, and he was forced to retract. Those who had once confidently suggested that Russia would never fly her planes in combat over Suez because there was no radar control for them on the ground found themselves confounded when Russia moved in her own ground control forces.

It should not be surprising that Israel still elects to depend upon herself and on geography, rather than upon the pledges of the United States, no matter how sincere we might be at the time they are given. In the present climate, the U.S. simply cannot be considered to be a dependable ally.

ISRAEL ULTIMATELY VULNERABLE

In the end, though, Israel probably cannot be saved by geography. It is effective, if at all, only against the Arabs. If the Soviets choose to throw their full weight into the conflict on the Arab side, Israel cannot stand alone. She is still utterly dependent upon the U.S. counterweight to deter the U.S.S.R. from coming openly to the help of the Arabs in a full offensive. In the last analysis, Israel's security *is* mortgaged to the U.S. deterrent.

Once that deterrent is lost, as it will be if present trends in the U.S.-Soviet military balance continue, Israel's hope for survival depends mainly on the usefulness of her existence to Soviet purposes, and thus on Russia's unwillingness to allow the Arabs to carry on a war of total extermination against her. This is a dubious hope, at best.

Those Americans who have been all in favor of precipitate withdrawal from Vietnam, and yet would have us go all out in defense of Israel, will soon find that they cannot have it both ways. We cannot wear two faces—one soft in Asia, the other hard in the Middle East. The damage has been done. The steady decline of U.S. power and influence which is now occuring throughout the world threatens to become a rout. We will soon enough be thinking only of our own survival when Soviet ultimata, backed up by overwhelming strategic military superiority, rain down upon our ears.

Meanwhile, Israel, that Spartan state which will not go away to suit anybody's conveni-

ence, has so far triumphed over its adversaries because it has put its trust only in itself. It is one of the world's most terrible tragedies that its continued existence can only be at the expense of what 100 million Arabs regard as one of history's greatest injustices. The irresistible force continues to collide with the immovable object.

[From the Intelligence Digest, June 1971]

THE PEKING-WASHINGTON FLIRTATION: MOSCOW'S REACTIONS

Soviet concern over the sudden new trend in relations between Peking and Washington was to be expected. What is unexpected, however, is that all Moscow's abuse about it is directed at China. President Nixon's response is accepted as natural and consistent. It is only the Chinese leaders who are being accused of a *volte-face*.

Washington is not accused of any shift in policy. So far as Moscow is concerned it is as wickedly imperialistic as ever.

TAKEN BY SURPRISE

Moscow also draws attention to some very recent Chinese calls to all countries and peoples to boycott America as "the world's gendarme and leading oppressor nation" and contrasts this with Chou En-lai's unexpected reference to "a rebirth of Sino-American relations."

Why, Moscow asks, are the leaders in Peking now so urgently seeking to establish contacts "with the very same American imperialists who they have so loudly denounced?"

Although Soviet propaganda has for a long time been talking about alleged Sino-American collusion, Peking's sudden gestures toward Washington seem to have taken Moscow completely by surprise.

As usual, the stock Soviet reaction to anything Moscow does not understand is that of abuse. The phrases are flowing freely: "Peking's hypocritical policy is well known to the world"; ". . . this act of treachery towards the national liberation movements"; ". . . this sudden willingness to work arm in arm with the principal enemy of all the peoples of the world"; and so on.

SERIOUSLY WORRIED

However, no amount of abuse can conceal the fact that the Soviet leaders are seriously worried. It slips out in such phrases as "this political event will have a profound impact" and "the United States and China are on the verge of making a fundamental change in the international situation".

One Russian commentator has gone so far as to describe Peking's alleged overtures to Washington as "catalytic" in their potential consequences for the whole international order.

ALLEGED SECRET EXCHANGES

But it is a military commentator who insists that he has the most important disclosure to make. He claims that secret exchanges took place between Washington and Peking some weeks ago during the last American-supported South Vietnamese excursion into Laos. In these, it is alleged, Washington informed Peking that in no circumstances need China fear a threat to her interests arising from the operations then in progress.

According to this commentator, Peking responded by informing Washington that China had no intention of interfering with America's freedom of action in south-east Asia since the main Chinese armed forces were concentrated in the north, on the borders with the Soviet Union, and that they would remain there.

These secret exchanges allegedly established the atmosphere of secret goodwill from which the rest has now flowed. However, the commentator makes no effort to substantiate his "disclosure".

[From Issues & Studies, April 1971]

PEIPING'S FOREIGN POLICY AND TACTICS

(By Yin Ching-yao)

Recently there has been a popular belief that Peiping's foreign policy has become moderate with the ending of the Cultural Revolution. This is a double mistake.

On domestic affairs, the 1971 joint New Year's Day editorial of the *People's Daily*, the *Liberation Army Daily*, and *Red Flag* said: "This year (1971) will witness the deepening of the struggle-criticism-transformation movement of the Great Proletarian Cultural Revolution." How, then, can one say that the Cultural Revolution has "ended"? On foreign affairs, the editorial had this to say: "We will persistently fulfill our proletarian internationalist obligations, firmly support the revolutionary struggles of the people of all countries and learn from them, and together with them we will fight to the finish to defeat the U.S. aggressors and all their running dogs and oppose modern revisionism with Soviet revisionism at its center and the reactionaries of all countries." Do these words smack of any degree of "moderation" in comparison with previous Communist statements?

The Red Guard movement has ended, but not the Cultural Revolution. This point, however, will not be discussed in this paper. Those who are of the opinion that the Chinese Communists' foreign policy has become less militant err in mixing up policy with tactics. It is this question with which this paper is concerned.

I. FOREIGN POLICY AND FOREIGN TACTICS

First of all, we must make a distinction between two concepts: policy and tactics.

What is a country's "foreign policy"?

The introduction to the Chinese-language *A History of Modern International Relations*, published in 1958 in Peiping on the basis of the lectures delivered by a Russian professor, L. N. Kutakov, at the Peking College of International Relations, states: "The function of a country's foreign policy is the strategic function in its foreign relations."[1] Here Kutakov interprets the word "strategy" in the way as Stalin in *Foundations of Leninism* and "Concerning the Question of the Strategy and Tactics of the Russian Communists." In the views of both Kutakov and Stalin, strategy is deployment of strength; it performs a function during a certain historical period and therefore it cannot be changed during this period.

The foreign activities we have been seeing every day are an expression of tactics toward foreign countries. Kutakov says that diplomacy is part of the tactics of foreign relations.[2] His definition of tactics is the same as that of Stalin. In other words, tactics are forms of struggle and organization; they are ways and means of fighting. Viewed from this angle, tactics are and should be subject to change.

What then is the relationship between tactics and foreign policy? Stalin says: "Tactics are a part of strategy, subordinated to and serving it."[3] Kutakov holds that diplomacy is a tactic, subordinated to and serving foreign policy.[4] The Chinese Communists maintain that the relationship between diplomacy and foreign policy can be compared with that of the implementation of a program and the program itself. In a certain sense, the former is the tool of the latter.[5] Stalin says: Generally speaking, tactical successes prepare for strategic successes."[6] Kutakov says that socialist diplomacy is characterized by mobility and flexibility, but it is always based on principle.[7] The Chinese Communists say: "The proletarian party must be flexible as well as highly principled, and on occasion it must make such compromises as are necessary in the interests of the revolution. But it must never abandon principled policies and the goal of revolution on the pretext of flexibility and of necessary compromises."[8]

If there are changes in Peiping's foreign activities, they can be viewed only as tactical variations. Tactics, in the eyes of the Chinese Communists, are characterized by flexibility and mobility. They will never barter away "principle" in any negotiation; nor will they abandon the goal of world revolution.

II. CURRENT FOREIGN POLICY

The Communists divide the world into three groups: (1) the growing world socialist system, (2) the fast disintegrating colonial system, and (3) the declining world capitalist system. This is the traditional Communist concept which was further elaborated in the "Statement" of the World Communist Conference held in Moscow in November 1960.

The Communists maintain that there are four "contradictions" within the three systems: "the contradiction between the socialist camp and the imperialist camp; the contradiction between the proletariat and the bourgeoisie in the capitalist countries; the contradiction between the oppressed nations and imperialism; and the contradictions among imperialist countries and among monopoly capitalist groups."[9] This idea originates in Stalin's views expressed in *Foundations of Leninism* and other related papers. Peiping's foreign policy is designed to exploit the four contradictions within the three systems in order to achieve the objective of communizing the world. Thus, the general line of the foreign policy of the socialist countries should have the following contents: "to develop relations of friendship, mutual assistance and cooperation among the countries in the socialist camp in accordance with the principle of proletarian internationalism; to strive for peaceful coexistence on the basis of the Five Principles with countries having different social systems and oppose the imperialist policies of aggression and war; and to support and assist the revolutionary struggles of all the oppressed peoples and nations."[10] This general line may be summarized as uniting the socialist countries, splitting and paralyzing capitalist countries and aligning with colonial countries (now called "young nations" by the Soviets, and generalized as "Asian, African and Latin American areas" by the Chinese Communists) to form an international anti-imperialist united front and, through exploiting the various contradictions to launch attacks on the free world on all sides.

Between the establishment of their regime in 1949 and the Czechoslovakian incident in 1968 the Chinese Communists had already practiced the policy of opposing Soviet "revisionism" externally and opposing Liu Shao-chi's "three reconciliations and one reduction" internally; however, they did not make open, official and systematic revisions in their foreign policy. In the wake of the Soviet invasion of Czechoslovakia on August 20, 1968, the *People's Daily* published an article entitled "The Total Bankruptcy of Modern Soviet Revisionism", accusing the Soviets of having degenerated into "social-imperialism." On September 17, 1968 Mao Tse-tung, Lin Piao and Chou En-lai cabled the leadership of the Albanian Workers' Party in support of Albania's decision to withdraw from the Warsaw Pact Organization. The telegram claimed that a new historical era had begun in the struggle against "U.S. imperialism" and "Soviet revisionism." This was a milestone in Peiping's foreign policy.

What are the changes in Peiping's foreign policy before and after the Czechoslovakian incident? We must point out here that the basic principle remains unchanged; the revisions occurred in tactics.

As early as June 30, 1961 Liu Shao-chi, in a

Footnotes at end of article.

speech on the 40th anniversary of the founding of the Chinese Communist Party (CCP), talked about the general line of Peiping's foreign policy, which was in essence what has already been mentioned in this article. In his speech, Liu emphasized that it was necessary to "develop relations of friendship, mutual assistance and cooperation with the Soviet Union and among all socialist fraternal nations." However, in his "Political Report" to the CCP Ninth Congress on April 1, 1969, Lin Piao called for developing "relations of friendship, mutual assistance and cooperation with socialist countries on the principle of proletarian internationalism." (Note the omission of the Soviet Union and the word "fraternal.") He stressed "revolutionary struggle" rather than "peaceful coexistence."

In discussing the so-called "four contradictions" he mentioned "the contradictions between the oppressed nations on the one hand and imperialism and social-imperialism on the other," the "contradictions between imperialism and social-imperialist countries and among the imperialist countries," and the "contradictions between socialist countries on the one hand and imperialism and social-imperialism on the other." Thus, apparently, the Maoists intended to instigate class struggle within "imperialist" and "social-imperialist" countries, and to whip up an international liberation movement against "imperialism" and "social-imperialism".

In the past, the Chinese Communists (Liu Shao-Chi, for example) liked to talk about the "general line" of their foreign policy. However, in his "Political Report," Lin Piao mentioned only "foreign policy," not "general line." This is because the Maoists now have another "general line", namely, "to overthrow imperialism headed by the United States, modern revisionism with the Soviet revisionist renegade clique as its center and the reactionaries of all countries." This is the "three-anti" line mentioned in the press communique of the 12th Plenary Session of the CCP Eighth Central Committee held in October 1968 and also in the "General Program" of the CCP Constitution adopted by the CCP Ninth Congress in April 1969. It has become the general line and the general orientation of Peiping's foreign policy in this new historical period. Under its guidance, the Chinese Communists will "uphold proletarian internationalism . . . and firmly unite with the genuine Marxist-Leninist parties and the groups the world over." [11]

This alignment apparently excludes "modern revisionism with the Soviet revisionist renegade clique as its center." In view of the fact that they now have more enemies and less friends, the Maoists have no choice but resort to using the enemy to check the enemy and to using the future enemy to fight the present enemy. This is why they have both to stick to their principle even more firmly and to seek even greater flexibility and mobility in their tactical maneuvers.

III. THE PRESENT TACTICS

The 1960s saw the gradual intensification of the conflict between the Chinese and Russian Communists. From December 1963 to February 1964 Chou En-lai made a tour of 13 Afro-Asian nations [12] in preparation for the convening of the Second Afro-Asian Conference with no "white participants" (referring to Russian delegates). In its editorial on January 21, 1964, the *People's Daily* urged all "anti-US imperialism" forces to unite.

The article described the countries in Asia, Africa and Latin America which had either gained independence or were striving to gain independence as the "first middle area," and the those capitalist countries in western Europe, Oceania, and Canada as the "second middle area." The Chinese Communists were prepared to engage in united front work in these two areas in order to rally support for their anti-US and anti-Soviet campaign. In the "second middle area," Peiping made no gains aside from winning recognition from France. In the "first middle area" it hoped to force other countries to follow in its footsteps in opposing the United States, "Soviet revisionism," the United Nations and non-alignment.

The result was that the Peiping-engineered coup d'etat in Indonesia failed in September 30, 1965, and the indefinite postponement of the Second Afro-Asian Conference. The publication of Yao Wenyuan's "On the New Historical Drama *Hai Jui Dismissed from Office*" in the Shanghai *Wen Hui Pao* on November 10, 1965, kicked off the Cultural Revolution, and the appearance in both the *People's Daily* and *Red Flag* on November 11 of the article entitled "Repudiate the So-Called 'United Action' of the New Leadership of C.P.S.U." set the stage for the "three-anti" line. (The "three-anti" line was officially put forth in the communique of the 12th Plenary Session of the CCP Eighth Central Committee.)

Later, the Red Guard movement brought about a further deterioration in Peiping's relations with foreign countries. Some countries even decided to sever diplomatic relations with mainland China. Beginning from December 1966 all Chinese Communist "ambassadors" except Huang Hua, "ambassador" to the United Arab Republic, were called back to mainland China to take part in the Cultural Revolution. As a consequence, Peiping was in a state of international isolation. This situation, even the Chinese Communists themselves realized, could not last long.

In August 1968 Soviet troops invaded Czechoslovakia, which not only cast a shadow over Moscow's foreign relations but also posed a military threat to mainland China. In November of the same year, Mr. Richard Nixon, a Republican, was elected to the U.S. Presidency, indicating possible changes in the foreign policy of the United States. On November 26, 1968 the Chinese Communist "Foreign Ministry" issued a statement to sound out the United States on the resumption of the Warsaw talks. In this statement, the Communists harped on the old tune concerning the "Five Principles of Peaceful Coexistence."

This was an indication on the part of the Communists that they might change the course of their foreign tactics. In his inaugural address on January 20, 1969 President Nixon maintained that the era of confrontation has ended and an era of negotiation had begun. On March 2, 1969 the armed clashes between the Chinese and Russian Communists took place on Chenpao Island. At the same time there were also skirmishes in Sinkiang which lasted until August of that year.

In order to avoid getting involved in a real war with the Soviets and to turn the military confrontation into a political one, the Maoists found it necessary to step up their foreign activities. Thus, following the CCP Ninth Congress, beginning from May 15, 1969, a number of "ambassadors" were sent abroad. Up to the writing of this paper, a total of 36 incumbent and new "ambassadors" were busily working in their respective countries. All these Communist diplomats, after supposedly undergoing ideological transformation during the Cultural Revolution, were assigned the mission of carrying out the "three-anti" policy in various countries.

In order to fulfill this task, they will seek to align with the "majority" to strike the "minority" and to seek both "quantitative" and "qualitative" changes in the deployment of strength. However, in tactics or techniques, they will look for greater mobility and flexibility instead of playing the role of "rebels" and nothing else.

From October 1969 the Peiping-Moscow border talks at the ministerial level were begun. The talks have now lasted for 16 months with no progress. On the other hand, on January 20 and February 20, 1970, Peiping and Washington held their 135th and 136th meetings in Warsaw. In the wake of American troops entering Cambodia in early May, the Maoists on May 18 notified that the 137th meeting originally scheduled for May 20 was canceled. However, the Communists left the door open for further contacts.[13] Hence, at present, to both the United States and the Soviet Union, Peiping is employing "dual tactics" to counter "dual talk" tactics, talks to deal with talks and engages in a "tit for tat" struggle.[14]

On February 18, 1970 in a message to Congress, President Nixon pointed out that international affairs could no longer be determined by the big powers; the United States could no longer act alone as the leader of the free world; she must share responsibilities with other free countries. In Europe he pinned hope on West Germany; in Asia he believed that the success of his new concept depended on America's "partnership" with Japan.

The Soviets are still feeling the impact of the Czech incident. Their willingness to hold border talks with Peiping on the one hand and to participate with the Americans in the strategic arms limitation talks in Helsinki and Vienna on the other is a tactical expression of the principle of "peaceful coexistence." However, it is also a result of domestic and international pressure.

In short, at a time when diplomacy is being employed to avoid war while there are other problems to be solved, the Chinese Communists naturally intend to be flexible as possible in their tactical maneuvers with foreign countries. Therefore, the tactics of "peaceful coexistence" have also been revived. (For example, it was stressed by Peiping in the communiques issued upon establishing diplomatic relations with Canada, Italy, Equatorial Guinea, Ethiopia, Chile and Nigeria.) The Chinese Communists have declare that the "Five Principles of Peaceful Coexistence" should be applicable to all countries regardless of their social systems.[15] On the other hand, since early 1970 the Peiping Communists have shouted slogans against "superpowers," particularly after the Third Conference of Non-Aligned Countries held in Lusaka, Zambia in September 1970.

The Chinese Communists expressed not only indifference but almost jealousy toward the First and Second Conferences of Non-Aligned Countries, because, as Mao has put it, "Sitting on the fence will not do, nor is there a third road." [16] Thereafter, the international situation developed from war into cold war and from confrontation to negotiations. Thus, the non-aligned countries or the third force lost their position as mediators between the United States and the Soviet Union and as a bridge between the East and the West. They can no longer expect to reap economic benefits from the two countries as they used to.

Hence, their dissatisfaction became concentrated on: (1) remnants of colonialism and racial discrimination; (2) the widening of the economic gap between underdeveloped and advanced countries, and (3) international politics revolving around the superpowers. These grievances were fully aired at the Third Conference of Non-Aligned Countries. The meeting adopted declarations on peace, independence, development, cooperation and democratization of international relations, and on non-alignment and economic development. It also adopted 14 resolutions, including ones related to Southeast Asia, the Middle East, racial discrimination and racial segregation and colonization. The meeting took a deep interest in the "universality" of the United Nations in an at-

Footnotes at end of article.

tempt to get the Peiping regime admitted to the world body.

As a result, the Maoists were equally interested in the meeting. They began to woo non-aligned middle and small countries and take an even stronger position against the superpowers. The 1971 New Year's Day joint editorial of the three Communist publications cited at the beginning of this article openly proclaimed: At no time will China ever behave like a superpower, neither today nor in the future. A superpower wants to be superior to others and, proceeding from the position of strength, to lord it over others. The Chinese people stand for equality among all nations, big or small.[17]

In this era of negotiations involving complicated diplomacy, the Maoists must guard against a U.S.-Soviet alliance. The recent developments in non-aligned countries also provide a good opportunity for Peiping's united front work. Therefore, the current tactics of Peiping foreign relations consist of uniting with middle and small countries against superpowers and against hegemony.

IV. IMPLEMENTATION OF CURRENT TACTICS

The Maoists are at present varying the slogans, attitudes and methods used in their tactical maneuvers according to time, place and target. However, behind all these is the unchangeable "three-anti" line.

The Chinese Communists divide the Communist bloc or the so-called "new socialist system" into two groups—the "modern revisionists" centered around the "Soviet renegade clique" and the "genuine Marxist-Leninists." Since the Chenpao Island incident, they have put forward 13 "theories" to stress the essential nature of the "new tsars" in Soviet Russia.

In eastern Europe, Peiping has already resumed its relations with Yugoslavia at the "ambassadorial" level. It has for a long time ceased to attack Yugoslavia for its "modern revisionist" policy. Instead, it stresses the equal right to sovereignty of all nations, large or small, developed or developing, no matter whether they have different systems or other kinds of differences; all such nations are opposed to imperialism and all forms of hegemony.[18]

To the Rumanians, the Maoists emphasize national independence and their opposition to foreign interference. Aside from strengthening diplomatic and military relations, they have shipped huge amounts of materials to flood-stricken areas for rehabilitation purposes and extended long-term, no-interest loans to the Yugoslav government. Rumania and Yugoslavia, for their part, opposed to the Soviet invasion of Czechoslovakia and at the same time are afraid of a Soviet invasion themselves. This may explain their decision to move closer to the Peiping Communists.

Another Communist country in eastern Europe, Albania, remains the vanguard of the anti-Soviet drive. This is no wonder, as the Maoists have invested a large amount of political, economic and military capital in the country. Recently, at the urging of the Maoists, Yugoslavia and Albania decided to exchange ambassadors.[19] The appearance of an anti-Soviet bloc in the Balkans will be beneficial to the Peiping regime. Peiping has also stepped up its trade and diplomatic relations with other eastern European countries. Except in the cases of Czechoslovakia and Bulgaria, "ambassadors" have been assigned on a mutual basis. (The Bulgarian "ambassador" arrived in Peiping on December 5, 1970.) The Maoists provided an extensive coverage of the uprising of Polish workers that took place in December 1970, charging that the Polish "revisionists" had carried out a "brutal" suppression of the "just" and "revolutionary" struggle and asserting that the Soviets had massed troops for an invasion. They took the stepping down of Wladyslaw Gomulka, as "an important sign that the colonial rule of Soviet revisionist social-imperialism in East Europe has reached a crisis and that modern revisionism has been further bankrupted."[20]

A *New China News Agency* dispatch asseted that the incident had greatly shaken the "colonial rule" the Soviets for a long time imposed upon Poland and certain other eastern European countries.[21] This kind of propaganda naturally would elicit unfavorable reaction from the ruling class in Poland and some eastern European countries. However, the incident was also a useful weapon for an effective anti-Soviet campaign by the Chinese Communists.

Peiping has already used anti-U.S. and anti-Japanese slogans as well as military and economic aid to organize Communist parties in Asia into a Red united front. However, North Vietnam still maintains its neutrality between Peiping and Moscow, and North Korea has so far refused to abandon its policy of independence and sovereignty. Peiping has maintained commercial contacts with Outer Mongolia but there is no exchange of "ambassadors."

The Maoists also divide the Western countries into two groups—the United States and the "second middle area." The former is the target for attack and isolation while the latter may be considered as temporary allies. Taking advantage of the nostalgia of the French for their glorious past, and of the impact on France of the non-aggression pact between Bonn and Moscow, the Maoists have vigorously promoted the theme of opposing the superpowers with the French government. After establishing diplomatic ties with Canada, which had been talking a lot about the "Pacific era" and was eager to get away from American influence, Peiping said in a statement: "Canada is a big country on the continent of America. The White Book on foreign policy issued by the Canadian government last June reflects its desire and will to pursue an independent policy."[22] This is an action apparently designed to incite anti-American sentiments. The supposedly middle-of-the-road, but actually Left, policy taken by the Italian government led to the establishment of relations with Peiping.

Another Chinese Communist weapon used against the West is trade. The Maoist have announced that they have completed their Third Five-Year Plan. However, the various production targets of this plan were not revealed in advance nor were the statistics concerning the implemenation of the program disclosed afterwards. The Fourth Five-Year Plan, according to Communist authorities, starts from 1971; its contents have not yet been disclosed. Edgar Snow, the long-time fellow-traveler of the Chinese Communists, was made to say that mainland China had enjoyed nine consecutive years of bumper harvests.[23] The figures given by Snow are exaggerated and the statement was completely unfounded and irresponsible (as it was an official announcement of the Chinese Communists). This kind of deception is designed to lure Western countries into believing that mainland China under Communist rule is a potential market for them, so that they will wish to make contacts with it.

On July 10, 1964 Mao Tse-tung received a Japanese delegation of Socialist Party members. In his talk, Mao clearly included Japan in the "second middle area." In his "Political Report" to the CCP Ninth Congress, Lin Piao listed Japan as part of the "heartland" of capitalism. At present, the Maoists are trying hard to prevent Japan turning from an economic power into a political power, which would happen if Japan took up a share of international responsibilities and thus expanded its influence in Asia. As a result, they have been accusing Japan of acting as an agent for American policy in Asia, acting as a policeman in Asia, and reviving militarism. In doing so, they have attempted to stir up an anti-Japanese movement in Asia. This is why we have launched far more bitter attacks on, and engaged in far more intensive subversion in Japan than West Germany. As a matter of fact, Peiping has already been regarding Japan as one of the superpowers and hence a major target of opposition.[24]

With regard to Afro-Asian and Latin American countries, the Maoists regard Indo-China, the Middle East and the troubled areas in Latin America as places where local guerrilla activities and internal opposition forces should be supported. They have told these countries that a weak country can beat a strong country and a small nation can defeat a big nation, and that revolution is the current trend of the world, thus encouraging them to persist in protracted "people's wars"[25] and to step up "people's revolutionary struggles."

In relation to other countries in this area, the Communists have stressed the theme of "opposing big powers" and have charged that one or two superpowers have attempted to divide the world and control human destiny.[26] Peiping maintains that only after obtaining economic independence can political independence be meaningful.[27] The Chinese Communists stress that when they give aid it is only to help recipient countries to attain the goal of economic "self-reliance."[28] The communiques issued upon establishing relations with Equatorial Guinea, Ethiopia and Nigeria differed from those issued upon the establishment of diplomatic relations with Canada and Italy.

In the latter case, aside from stressing the principle of "peaceful coexistence," the communiques proclaimed support for the struggle against "imperialism, colonialism and neo-colonialism." The communique issued when relations were established between Peiping and Nigeria declared in particular that the Chinese Communists would support all African nations and support the struggle of all African peoples for national independence, sovereignty and territorial integrity. Thus, in this area, Peiping's tactics of "peaceful coexistence" consist in organizing a united front against "imperialism" (including "social-imperialism") and against superpowers.[29]

The Chinese Communists' tactics of rallying middle-sized and small countries against the superpowers will prove effective in the United Nations where each country, big or small, has one vote. However, on February 1, 1953 the U.N. General Assembly adopted a resolution denouncing Peiping as an aggressor. In the 1960s many newly emerging nations became U.N. members, but Peiping was still barred from the world body. This is because it adopted a hostile attitude toward the United Nations.

In January 1965 Indonesia announced its decision to withdraw from the United Nations. The editorial of the *People's Daily* on January 10 of the same year voiced support for Indonesia's move and at the same time claimed that it would "thoroughly reform the United Nations" and establish another "revolutionary United Nations." Now that the sentiment of appeasement prevails in the international arena and the so-called non-aligned countries are enthusiastic about it, the Peiping Communists, have made repeated hints that they are interested in U.N. membership, hoping thereby to facilitate the alliance of small and middle-sized countries against the superpowers. They hope to wrest "control" of the world body from the hands of the United States and the Soviet Union and turn it into another place for the practice of "three-anti" struggle.

The above is a discussion of Peiping's tactics in relation to the so-called three systems. Although these tactics differ according to the target, there is still a basic unity. As the Chinese Communists themselves have put it the three aspects of the "general line"

Footnotes at end of article.

of their foreign policy "are interrelated and indivisible, and not a single one can be omitted." [30]

For example, regarding the establishment of diplomatic relations with Canada, in addition to stressing its international impact, they pointed out, through the *People's News* published by the Mao Tse-tung Thought Study Society (a pro-Peiping Japanese organization) that the event had dealt a heavy blow to "U.S. imperialism and its lackeys as well as to Soviet revisionist social-imperialism and its followers." The "Sino-Japanese Friendship Association (Orthodox)" issued a statement also saying that this event had dealt a heavy blow to "U.S. imperialism and Japanese militarism." [31] Since the Maoists have been providing assistance for the construction of a railway from Tanzania to Zambia, Zambia has taken steps to nationalize a copper mine together with its Western-invested company. Tanzania has asked the Chinese Communists to take over the training of its troops from the Soviet Union and Canada.

At present, Communist technicians are surveying a new highway within the boundaries of Somalia, located in the delta on the Gulf of Aden. This highway, like the Tanzania-Zambia Railway, will have a strategic value, thus enabling the Communists to derive both military and political benefits from it. In providing aid to Nepal, the Maoists hope to persuade the Himalayan kingdom to take an anti-Indian stand. Peiping has also been making unusually friendly gestures toward Pakistan. Agha Muhammad Yahya Khan, president of Pakistan, was invited to visit mainland China last November.

The joint communiques issued at the conclusion of the Pakistani president's visit stressed that the "further strengthening and development of the friendly relations and cooperation between China and Pakistan . . . would be conducive to the Afro-Asian people's cause of unity against imperialism." Continuing, the communique said: "Warmly praising the determination and courage that the people of Pakistan have consistently displayed in safeguarding their national integrity, the Chinese people reiterate their firm support to the people of Pakistan in their struggle for the defense of national independence and against all forms of outside aggression or foreign interference and to the Kashmiri people in their just struggle for their right of self-determination."

Meanwhile, an NCNA dispatch praised the Pakistani government and its people for opposing the "black market goods" of an "Asian collective security system" peddled by a "first-class superpower" under the slogan of promoting "regional economic cooperation." [32]

Peiping's current foreign tactics, in whatever form they appear, are designed to achieve the objectives of the "three-anti" line; this is the task of its foreign policy.

V. THE LIMITATIONS OF PEIPING'S TACTICS

What the Chinese Communists intend to do is one thing, what they have actually achieved is another. Now let us take a look at the results of the implementation of Peiping's current foreign policy and tactics.

It is true that at present there are quite a few countries opposed to the Soviet Union. However, the Chinese Communists do not have many real friends either. Only Albania can be considered as their staunch ally. Yugoslavia is still maintaining close contacts with the Soviet Union. In May 1970 Rumania refused to join the "International Investment Bank" under the Soviet initiated "Council for Mutual Economic Assistance." However, it changed its mind and became a member of the bank on January 12, 1971.

Other member countries of the council, including Outer Mongolia, also are dependent on Soviet Russia economically. How can such Communist countries as North Korea, which begins its Six-Year Plan in 1971, and North Vietnam, which is currently sustaining a costly war, dare to turn their backs on Moscow? Soviet aid to Cuba, which averages one million U.S. dollars per day, has had a significant influence on the Caribbean island nation.

The Maoists maintain that the countries in the "second middle area" have two characteristics: these countries are being exploited and suppressed by their own ruling classes and at the same time feeling the pressure from the United States. They are trying their best to get away from the "control" of the United States and on this point their goal is common to that of socialist countries and their peoples.[33] In order to oppose the United States (and/or the Soviet Union) and to adopt the method of using the majority to overwhelm the minority, the Chinese Communists must first engage in united front work in the "second middle area." [34]

However, this does not mean they will spare those countries in the "second middle area" which are to be "buried" after the "U.S. imperialism" is eliminated. Will the Maoists change their strategy for the sake of tactics? Will they abandon their ultimate goal of world conquest for the sake of the means? No. They will never do that. All Communist countries utilise foreign relations to engage in subversive activities, particularly the Chinese Communists.

France is one of the countries which has diplomatic relations with Peiping. However, during the "May storm" in 1968 in Paris, the Maoists actively supported radical Leftists and accused France of being a "dying imperialist country." At the time when efforts were being made to improve relations between Peiping and London, the Maoists did not hesitate to exaggerate the extent of the strike in Britain and bitterly attacked Britain in an article in the *People's Daily* entitled "What Does the Conference of British Commonwealth Prime Ministers Show?" [35] They also charged that Britain gave secret support to the coup d'etat in Uganda.[36] All these Communist demonstrations were not just propaganda. Likewise, the establishment of diplomatic relations between Peiping and Ottawa will not prevent the Maoists from supporting the "Quebec Liberation Organization" nor will they cease to instigate Communist riots in Italy even after Rome extends its recognition to mainland China.

Western countries are most interested in discussing trade problems with mainland China. Thus, trade is the biggest weapon in the foreign relations of the Chinese Communists For example, Peiping forced Canada to extend diplomatic recognition by reducing wheat imports from Canada. Now it has been using the same tactic to blackmail Australia by delaying the signing of the Australia contract, while increasing its purchase from Canada. In dealing with western European countries and Japan, Peiping also uses trade for political purposes. The Japanese estimated that the total amount of Peiping's foreign trade in 1970 would not exceed US$4,000 million. Conisdering that mainland China has about 750 million people, such a low amount of foreign trade is certainly disappointing and does not provide a promising market. Many Western countries have already expressed their disappointment. The Australian government has made it clear that it will not change its attitude toward Peiping for the sake of commercial transactions.

In Afro-Asian and Latin American areas, the Maoists have selected certain countries to serve as examples of their assistance. This policy has had some effect. Even so, with such a weak economic foundation, which has gone through the devastating experience of the Cultural Revolution, Peiping can hardly expect to compete with the "superpowers" in foreign aid programs. At present, the foreign aid is paid by installment, and not in cash, but in supplies of materials and in the salaries of technicians and in the wages of workers. Peiping publicizes the theme of "economic independence" and urges countries in those areas to achieve economic "self-sufficient" in order to gain "economic independence."

However, the Chinese Communists themselves do not provide a good illustration of success through "self-sufficiency." [37] All Afro-Asian and Latin American countries which have taken the "socialist road" have, without exception, experienced setbacks or failure. Such are the limitations of Peiping's tactics in the economic aspect. Moreover, Peiping aided countries like Pakistan, Ceylon and some African nations also receive aid from Moscow. Some of them are even recipients of U.S. aid at the same time. Uganda, which signed a technical and economical pact with the Maoists in September 1970 changed its attitude toward mainland China folowing a successful coup d'etat on January 25, 1971.

Since Peiping's assistance is always accompanied by subversive activities, the recipient countries and their neighbors tend to become alarmed about it. A *Central News Agency* dispatch from Madrid on February 16, 1971 reported that all intelligent African leaders have become extremely concerned about Peiping's infiltration in their countries.

Mao has declared: "The danger of a new world war still exists, . . . But revolution is the main trend in the world today." [38] At this moment, Mao is attempting to avoid war through preparing for war. He is giving support to violent and armed revolutions in other parts of the world so that his agents will face his enemy and shed blood for him. Believing that "political power grows out of the barrel of a gun," Mao divides "people's war" into three stages: strategic defensive, strategic stalemate and strategic offensive. Once he feels that he has sufficient strength, he will not hesitate to launch a destructive war in order to realize his goal of world conquest.

However, at present, he maintains that all nuclear tests and war preparedness on mainland China are only for defensive purposes.[39] Peiping's present tactics are marked by divisive activities and an attempt to substitute a peace offensive for war as a way to win superiority through "quantitative changes." Communist activities in Indo-China cannot continue without Peiping's support; however, neither the Vietnamese nor the Laotian Communists one-sidedly lean to the Maoists. Arafat, the supreme leader of the Palestine guerrilas, has set up an office in Peiping, but he is in no way controlled by Peiping, although he receives aid from mainland China.

Since January 1971 there have been reports from Cairo that the guerrila leaders have changed their attitude and are supporting the efforts to find a peaceful solution to Middle East problems made by Arab countries. An AP dispatch from Beirut on February 15, 1971, reported that the Russian ambassador to Jordan had attended a meeting of the PLO Central Committee in Amman.

A DPA dispatch on February 15, 1971 reported that the PLO Central Committee had met in Beirut, asking for opinions from guerrilla units under its command on the question of establishing a Palestine country in the area west of the Jordan River now being occupied by Israel. Although this problem has not yet been solved, apparently the pro-Peiping faction within the guerrillas constitutes a minority and will be pressured from above. Arafat does not want to be under the baton of the Chinese Communists.

The facts cited above are not intended to show that Peiping's flexible and astute for-

Footnotes at end of article.

eign tactics are valueless. They do demonstrate, however, that the Maoists do not always get what they want despite the shrewdness of their tactics. What really worry us are the illusions entertained by some people in the free world. More often than not, they tend to forget to make an objective and systematic study of the documents, materials, facts and figures released by and concerning the Chinese Communists. Peiping's attempt to align the middle-sized and small nations to counter the "superpowers" may succeed as they anticipate, if the indecision and ambiguous attitude of some big nations compels these middle-sized and small countries to fall into the Maoist trap.

VI. CONCLUSION

Once again this year (1971), people are eagerly attempting to discover the future moves of the Chinese Communists from the New Year's Day editorial in the *People's Daily, Liberation Army Daily,* and *Red Flag.* The following quoted passages concern foreign affairs:

"The people of all nationalities in China have ushered in a militant 1971 in the midst of a new upsurge of socialist revolution . . . and a new upsurge of the world people's struggle against U.S. imperialism and social-imperialism." I.e., the Maoists will not hesitate to encourage other people to become "militant" in the midst of this "new upsurge."

"The further sharpening of the basic contradictions in the contemporary world and the aggression against, and oppression and control of the people of various countries by U.S. imperialism and social-imperialism are impelling hundreds of millions of people to rise in revolution. As we have seen, the revolutionary struggles of the people of various countries against foreign aggression are merging with their revolutionary struggles against domestic reactionaries; . . ." The kind of "struggle" mentioned here is exactly what is needed by the Maoists in their "three-anti" struggle for exploiting various "basic contradictions."

"The national liberation movements in Asia, Africa and Latin America are coordinating with the revolutionary mass movements in Europe, North America and Oceania; . . ." As we see it, should all countries in the "second middle area" become Communist nations, it would still be impossible to prevent the Maoists from organizing "revoluntionary mass movements" within these countries.

The editorial took note of the fact that "The Latin American countries, which U.S. imperialism treats as its backyard, are fighting unyieldingly to defend their sovereignty and ocean rights." At the same time, it talked about the "downfall of Gomulka, who went the same way as Khrushchev and Novotny." It also warned that "Social-imperialism's colonial rule in East Europe is in a deep crisis." It stressed that: "Worker and student movements and struggles of the oppressed nations have been rising one after another, sweeping the entire capitalist world." The Maoists are bound to render simultaneous support to these "movements" and "struggles."

Most important, the article pointed out that: "Many medium-sized and small nations have risen against the power politics of the two superpowers, U.S. imperialism and social-imperialism; this has become an irresistible trend of history." This is the main form of struggle currently waged by Peiping in its foreign relations.

Hence, the Chinese Communists "firmly stand on the side of the proletariat and the oppressed people and nations the world over." They vowed that they will never act like a superpower; instead, they will, together with the "revolutionary peoples of all countries," struggle to the finish for the cause of the "three-anti" line.

During his meeting with diplomatic personnel from three West African countries, Chou En-lai strongly condemned Portuguese colonialism for the invasion of Guinea.[40] Li Hsien-lien at a reception hosted by the charge d'affaires of the Cuban "embassy" reaffirmed the conviction that Peiping and Cuba have a common goal—to oppose "U.S. imperialism." [41] At a dinner party welcoming the delegation from the United Arab Republic, Kuo Mo-jo stressed that the Chinese Communists will always be "your faithful friends in your anti-imperialist struggle." [42]

Ever since the United States resumed the bombing of North Vietnam and supported Vietnamese troops entering Laos, Peiping has made frequent statements, couched in much stronger language than at the time when the United States decided to send troops into Cambodia. Its activities in support of Communist rebellion in Indo-China have also become more vigorous.

In concluding, we think we can say this: we have failed to find any sign in the documents and facts that the Maoists will be more "friendly" and less militant toward the free world. Our impression is totally different, or, rather, exactly the opposite. As to whether the Maoists can implement their tactics the way they wish to, part of the answer depends upon the reactions from and steps taken by various quarters.

FOOTNOTES

[1] L. N. Kutakov, *A History of Modern International Relations,* Chinese edition published by World Knowledge Publishing Co., Peiping, 1958, p. 4.

[2] Ibid., p. 2.

[3] J. V. Stalin, "Concerning the Question of the Strategy and Tactics of the Russian Communists," *Works,* 1921–1923, English edition (Foreign Language Publishing House, Moscow, 1953), Vol. 5, p. 169.

[4] Kutakov, *op. cit.,* p. 4.

[5] *A Dictionary of New Terms,* (Chunming Publishing Co., Shanghai, 1953), p. 77. The dictionary defines foreign policy as a country's policy toward foreign countries.

[6] Stalin, "The Political Strategy and Tactics of the Russian Communists," *op. cit.,* p. 67.

[7] Kutakov, p. 7.

[8] "A Proposal Concerning the General Line of the International Communist Movement," *People's Daily,* June 17, 1963. For an English translation, see *Peking Review,* No. 25, 1963, p. 12.

[9] *Peking Review, op. cit.,* p. 7.

[10] Ibid., pp. 15–16.

[11] See "General Program," CCP Constitution adopted by CCP Ninth Congress.

[12] Asian countries are Ceylon and Pakistan; African countries are: United Arab Republic, Algeria, Morocco, Somalia, Tunisia, Ghana, Mali, Guinea, Sudan and Ethiopia.

[13] Peiping's notice said only that the original meeting date was "no longer suitable." "As to when the meeting will be held in the future, it will be decided upon later through consultation by the liaison personnel of two sides."

[14] "A Comment on the Statement of the Communist Party of America," *People's Daily,* March 8, 1963.

[15] Speech made by Chiao Kuan-hua, Peiping's "vice minister" of foreign affairs, at a cocktail party hosted by the Yugoslav "embassy" in Peiping on November 27, 1970.

[16] Mao Tse-tung, "On People's Democratic Dictatorship," *Selected Works* (Foreign Language, Peking, 1961), Vol. IV, p. 415.

[17] The 13 "theories" include those of "limited sovereignty," "socialist big family," "justified aggression," and "economic unity."

[18] Speech by Yugoslav "ambassador" to Peiping at a cocktail party on November 27, 1970.

[19] A dispatch filed by the Agence France Presse from Belgrade on January 5, 1971. Yugoslavia and Albania were locked in a feud over the question of Stalin. In 1958 the two sides exchanged charges d'affaires. Since the Czech incident in 1968 the relations between the two countries have gradually improved.

[20] "Revolutionary Storm of the Polish People," *People's Daily,* December 22, 1970.

[21] NCNA dispatch from Peiping on December 21, 1970.

[22] "Welcome the Establishment of Diplomatic Relations Between China and Canada," editorial, *People's Daily,* October 14, 1970.

[23] Edgar Snow, a pro-Communist American journalist, and author of *Red Star Over China,* in a telegram sent from Peiping to Milan on February 3, 1971, mentioned some production figures which he said had been disclosed to him by Chou En-lai. For the last ten years, the Chinese Communists have not revealed any production figures. The figures revealed by Snow greatly exceed even the most optimistic estimates made by the free world.

[24] According to an Agence France Presse dispatch from Peiping on October 25, 1970, an NCNA correspondent wrote a long article pointing out that the Japanese are not satisfied with their pre-war imperialist status. They are now trying to join the club of "superpowers" consisting of "U.S. imperialism" and "Soviet revisionism."

[25] Mao Tse-tung, "People of the World, Unite and Defeat the U.S. Aggressors and Their Running Dogs," *Peking Review* (special issue, May 23, 1970), p. 9.

[26] This point was stressed by both Lin Piao and Chou En-lai in their speeches during the "National Day" celebrations on October 1, 1970. However, earlier on July 14, 1970 Chou in an interview with French correspondents already pointed out that the time when big countries can dominate the world had already passed and could never return.

[27] Speech by Ceylonese minister of trade at a reception on January 15, 1971, in honor of Pai Hsiang-kuo, Peiping's "minister" of foreign trade, who led a trade delegation to visit Ceylon.

[28] See the "Joint Communique Between the People's Republic of China and the Islamic Republic of Pakistan," November 14, 1970.

[29] The Chinese Communists opposed the application of principle of "peaceful coexistence" to the relations between the "oppressed people and the oppressing people," between "the oppressed country and the oppressing country," and between "the oppressed class and the oppressing class." (See "A Proposal Concerning the General Line of the International Communist Movement," *op. cit.*) Even while chanting the slogan of "peaceful coexistence," the Communists never forget to stress the necessity to oppose the "aggressive policy and war policy of imperialism." Actually, this is a united front tactic against "imperialism."

[30] *Peking Review, op cit.,* p. 16.

[31] Two dispatches filed by NCNA from Tokyo on October 24, 1970.

[32] NCNA dispatch from Peiping, November 9, 1970, the Pakistani president arrived in mainland China on November 10 and stayed there until November 14.

[33] "All Anti-U.S. Imperialism Forces in the World Unite!" editorial, *People's Daily,* January 21, 1964.

[34] An AP dispatch from London on December 9, 1970 disclosed that during the previous year at least five Soviet trade officials, three Polish foreign officials and several unidentified Communist delegates were ordered by the British government to leave Britain.

[35] "What Does the Conference of British Commonwealth Prime Ministers Show," *People's Daily,* February 2, 1971.

[36] See NCNA report from Peiping on February 2, 1971, concerning the coup in Uganda.

[37] A CNA dispatch from Hongkong on January 30, 1971 cited some figures from an article by Harvard economics professor concerning the economic situation on mainland

during the past 10 years. He said that even the highest estimate would put development rate of Peiping's agricultural and industrial production from 1957 to 1967 at an yearly rate of only 3 to 3.5 per cent, while the economic growth of the most of other Asian countries has already reached the rate of 7 to 9 per cent.

[38] See note 25.

[39] See news reports and statements issued by Peiping following its nuclear tests as well as the editorial of the *People's Daily*, August 1, 1970.

[40] NCNA dispatch from Peiping on December 5, 1970. The diplomatic personnel were "ambassadors" from Mauritaria and Mali and the charge d'affaires from Guinea.

[41] NCNA dispatch from Peiping on January 2, 1971.

[42] NCNA dispatch from Peiping, January 27, 1971.

CONGRESSMAN PAUL McCLOSKEY'S TESTIMONY BEFORE THE SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. RIEGLE. Mr. Speaker, yesterday, our colleague from California (Mr. McCLOSKEY) testified before the Subcommittee on Asian and Pacific Affairs of the House Committee on Foreign Affairs. His testimony related to the need for Congress to be fully informed, and described a series of incidents where the executive branch over the years, had withheld information from the Congress or deliberately deceived the Congress. While reasonable minds may differ as to the course this Nation should now pursue with respect to terminating our involvement in Vietnam, I believe all of us can agree on the need for Congress to demand that it be fully informed on all aspects of the situation in Southeast Asia.

For this reason, I am inserting in the RECORD Mr. McCloskey's testimony in full:

STATEMENT OF PAUL N. McCLOSKEY, JR., BEFORE THE SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS, HOUSE COMMITTEE ON FOREIGN AFFAIRS, JUNE 29, 1971

Mr. Chairman and Members of the Subcommittee: I had hoped originally to testify before you today with respect to the Viet Nam Disengagement Act of 1971, urging the benefits of an end to our involvement in and over Indochina by December 31, 1971, conditional solely upon the safe return of our prisoners of war. Arguments favoring this view already have been made by a number of our colleagues, however, and accordingly, I would like to limit my testimony today to an issue which is equally important, the obligation of the House to be fully informed by the Executive Branch on the great issues of foreign affairs, and particularly the intervention by the United States in the affairs of foreign nations, either by covert CIA-operated action as in Laos or military intervention as in Viet Nam.

There is reasonable disagreement in the House over what our course of action in Southeast Asia should be. There should be no disagreement, however, on our need to know, and our right to know, all of the facts which may bear on our ultimate decision.

It is true that Congress is not suited to negotiation and day-to-day decision making in intelligence and military operations. We do hold, however, the sole constitutional power, and I might add, constitutional *responsibility*, for providing for the common defense, declaring war, funding the standing army, but for a period not to exceed two years; we in the House of Representatives who face our constituents every *two* years, not four or six, must initiate the revenue measures necessary to support the nation's expenditures for war and foreign operations of every kind.

All of these provisions were clearly intended by the framers of the Constitution to give Congress the controlling decisions in matters of war and peace. We make the laws; the President as Commander-in-Chief only executes those laws.

If Congress is to make wise decisions, however, we must be fully informed. We cannot authorize a war without complete information; we should not permit a war to continue without complete information.

The recent excerpts from the Pentagon documents published in the *New York Times* and other newspapers bring home to us most forcefully that we have *not* met our constitutional obligations to keep fully informed. Who amongst the Members of the House were aware, for example, that country team members in Viet Nam aided and encouraged the overthrow of Premier Diem in 1963?

Who amongst our Members knew the true facts of U.S. military and covert activity in and over Laos, and in the coastal waters of North Viet Nam prior to the Tonkin Gulf incidents of early August, 1964? Or that during October, 1964, prior to the re-election of President Johnson over Senator Goldwater, that

"Two of the teams (of U.S./South Vietnamese agents operating inside North Viet Nam) carried out successful actions during October. One demolished a bridge, the other ambushed a North Vietnamese patrol."

(This quote was taken from a State Department memo, dated November 7, 1964, for Assistant Secretary of State Bundy, and is noted at page H5107 of the Congressional Record of June 14, 1971).

If these facts *had* been known to the Congress, would it have affected subsequent votes on appropriations for Viet Nam, or the approval of escalation of the war implicit in the House appropriations process?

What would have been the House's reaction, for example, had we been fully informed in March, 1965, *before* U.S. troops were sent to Viet Nam, that our true goals in Viet Nam were those described by Assistant Secretary of Defense McNaughton in a memo to Secretary McNamara in March, 1965:

"70%—To avoid a humiliating U.S. defeat (to our reputation as a guarantor).

"20%—To keep SVN (and then adjacent) territory from Chinese hands.

"10%—To permit the people of SVN to enjoy a better, freer way of life."

At the time that memorandum was written in March of 1965, I was on active duty with the Marine Corps at Camp Pendleton, California. We were then engaged in "Operation Silver Lance," a counter-insurgency exercise designed to test concepts of U.S. contingency plans in the event U.S. troops were committed to Viet Nam. At that time, and for some years afterward, I was under the impression that our aims in Southeast Asia were *primarily* to protect the South Vietnamese enjoyment of a better, freer way of life. Nearly all official U.S. government announcements stressed this honorable goal. Yesterday's *Washington Post* carried an excerpt from a State Department document entitled: "An explanation of the War in Viet Nam for Primary School Children."

"So we decided to help the South Vietnamese people—That way we hoped to keep the war in Viet-Nam from becoming a big war . . . we have done well and the soldiers from the North are not winning anymore . . . if the Communists go back home to the North and leave the South alone, the war will end . . . if we take all of our soldiers out of South Viet-Nam before the peace is made or before we are sure that the South Vietnamese can take care of themselves, we would be breaking our promise to them."

What promise? Has the Congress ever made a promise to the South Vietnamese? And other than our constitutional processes, which is the only way the SEATO treaty provides for military assistance, can anyone *but* the Congress promise military assistance?

Would this Nation have sent 50,000 men to their deaths had we been advised that our goals were 70% the protection of America's reputation as a guarantor? Would we have wanted to *become* a guarantor had the choice been offered to the Congress?

Running throughout the Pentagon papers which only yesterday were finally transmitted to the Congress, is the recurring reference to what information could be leaked to the Congress to obtain support, or prevent opposition to plans and programs the Executive conceived to be in the Nation's best interests.

Running throughout the papers also is the thinly-concealed assumption that Congress need *not* be consulted or informed with regard to the great issues of "providing for the common defense, declaring war or funding the standing army."

And yet, it seems to me that we in Congress must confess that this executive branch attitude has been permitted to grow and flourish since World War II, as much by congressional acquiescence and abdication of the demand for full information as by arrogant denial of information to us by the executive branch.

I suggest that we have *permitted* this growing inbalance of knowledge between the executive and legislative branches by our acceptance of the denial of information in response to our reasonable requests.

We have had provision for Resolutions of Inquiries in the House rules since the inception of the Republic. The procedure was first used in George Washington's time; it was most recently used over 20 years ago.

In Title 5, Section 2954 of the U.S. Code, we have a statutory provision:

"An Executive agency, on request of the Committee on Government Operations of the House of Representatives, or of any seven members thereof, or on request of the Committee on Government Operations of the Senate, or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee."

And yet, consider one recent response of the Administration to a fairly routine request for a government report allegedly adverse to the SST. A seven-member subcommittee of the House Government Operation Committee requested a copy of this report. The reply from Presidential Councillor John Ehrlichman, is set forth in full as follows:

"Hon. HENRY S. REUSS,
"House of Representatives,
"Washington, D.C.

"DEAR MR. REUSS: This is in response to the letter of May 25, 1970, signed by you and six other members of the House Committee on Government Operations which, making reference to section 2954, title 5, United States Code, requests a copy of a report on the SST prepared in 1969 by a committee headed by Dr. Richard L. Garwin. As I advised you on May 20, 1970, the report constitutes an internal governmental memorandum of a confidential nature which cannot be released.

"The language of the statutory provision on which your request is based unquestionably is rather broad. The legislative history of section 2 of the act of May 29, 1928, 45 Stat. 996, from which that provision is de-

rived, however, indicates that its legislative purpose is narrow and that it does not support your request. See in this connection Kramer & Marcuse, *Executive Privilege—A Study of the Period 1953–1960*, Part II, 29 George Washington Law Review 827, 881–883.

"The purpose of the 1928 act was to discontinue the submission to Congress of a large number of obsolete and useless reports, and to enable Congress to obtain the information contained in the discontinued reports if this should become necessary. See S. Rept. 1320, 70th Cong., 1st Sess., p. 4, and H. Rept. 1757, 70th Cong., 1st Sess., p. 6. 5 U.S.C. 2954 is thus designed to serve as a means for obtaining information theretofore embodied in annual routine reports to Congress submitted by the several agencies, rather than to compel the release of internal executive branch information such as the Garwin report.

"I therefore regret that I cannot comply with your request.

"Sincerely yours,

"JOHN D. EHRLICHMAN,
"Assistant to the President for Domestic Affairs."

The report in question was not made available to the Congress until December, 1970, *after* both the House and Senate had voted to continue SST appropriations. Even then, the report was released only after a different House subcommittee had forced the issue by holding hearings on Administration refusal to comply with the public information requirements of the National Environmental Policy Act.

I cite the foregoing examples to show the patterns of conduct and attitudes which have developed in the executive branch with respect to the release of information to the Congress. This Administration, as has been the case with prior administrations, is desirous of obtaining congressional and public support for executive branch policies and programs. It does not have the right, however, to conceal information from us which is relevant to the law-making process. We in the Congress do not have the right, under *our* constitutional obligations to allow this concealment.

Under the Constitution, Article I, Section 5, we are required to keep "a Journal of our proceedings, and from time to time publish the same, excepting such parts as may, in our judgment require secrecy." We are fully as capable of preserving secrets as is the executive branch, and the need for secrecy in the interest of national security is no excuse for our failure to demand all information from the executive branch which is relevant to our own immense responsibilities in matters of war and peace and foreign affairs.

At this point, I would like to speak in support of the three Resolutions of Inquiry H. Res. 492, H. Res. 492 and H. Res. 495, presently before your full committee for action. A fourth Resolution, seeking the 47 volume Defense Department Viet Nam Task Force study, "U.S.-Viet Nam Relationships, 1945–1967," is now moot in view of the delivery of the study to the House yesterday.

The three remaining resolutions refer to three areas of decision presently before the Congress:

(1) Authorization and funding of the continuing U.S. efforts under the direction of the U.S. Ambassador in Laos (H. Res. 492).

(2) Authorization and funding of the "Vietnamization" program in Viet Nam, the target aspect of which, in 1971, is the Phoenix program (H. Res. 493).

(3) Authorization and funding for the aerial bombardment in Northern Laos, an area unconnected with the protection of American lives in South Viet Nam (H. Res. 495).

In all three of these areas, the Executive branch has been less than candid in advising Congress of the truth of our involvement and actions in the past, or of the nature of the programs planned for the future.

I will detail these charges separately.

I. THE U.S. COUNTRY TEAM OPERATIONS IN LAOS

We are not formally at war in Laos, and yet we have dropped more bombs there than in Nazi Germany in World War II. The U.S. Ambassador has control over all air strikes, and both B–52s and defoliation have been used in northern Laos where no American lives are at stake save for C.I.A. agents who are assisting forces of one Laotian faction against another.

Under the Gulf of Tonkin Resolution of August 10, 1964, the President was granted authority "to prevent . . . aggression" in Southeast Asia, not just Viet Nam. This authority was repealed by Congress, effective January 12, 1971, and the President has had no authority since that time to wage war in Northern Laos. His inherent authority as Commander-in-Chief to protect lives of U.S. personnel in South Viet Nam may extend to bombing operations along the Ho Chi Minh Trail in Southeastern Laos, presumably the President's sole authority to bomb elsewhere rests in the discretion and control of the Congress.

I can find no public record of *any* House hearings on our C.I.A. and military operations in Laos, *either before or after the repeal of the Gulf of Tonkin Resolution.*

What is going on in Laos?

With reference to H. Res. 492 and 495, what has the Executive Branch been willing to tell us?

During the Congressional recess in April, Jerry Waldie and I went to Laos at private expense to try to learn what we could about U.S. involvement there.

The newspapers described Thai battalions as having been ferried to Northern Laos in U.S. planes to fight in defense of Long Thieng. Upon our request to go to Long Thieng, the U.S. Ambassador, T. McMurtrie Godley flatly refused. Premier Souvanna Phouma, in Ambassador Godley's presence, told us "There are no Thai troops in Laos."

One of the documents published in the recent New York Times article (See Page H 5107, Congressional Record of June 14, 1971) quotes a State Department memo of November 7, 1964:

"Thai involvement. Hanoi claims to have shot down a T–28 over DRV territory on August 18, and to have captured the Thai pilot flying the plane. *Although the information the North Vietnamese have used in this case seems to be accurate,* it is not clear the pilot is alive and can be presented to the ICC, *The possibility cannot be excluded, however, nor that other Thai pilots might be captured by the PL* (Pathet Lao)." (Emphasis added)

Is it not appropriate that the Congress be advised by the Administration as to Thai and other foreign armed forces operations in Laos? Can we justify to our constituents a failure to demand such advice?

With respect to CIA operations in Laos, it appears that everyone in the Orient knows more about them than does the U.S. Congress.

A number of articles have appeared in the press on this subject over a period of many years. In summary, the public which reads current publications may know more about CIA involvement in Laos than do we who authorize the CIA effort and appropriate the funds to support it.

With respect to U.S. armed forces operations in Laos, it was not until March 7, 1970, that President Nixon advised either Congress or the American people of the precise nature of our activities in Laos. Even then he was mistaken in at least one particular. "No American stationed in Laos has ever been killed in ground combat operations"—a report of The Library of Congress Legislative Reference Service on June 1, 1970 (DS552, 70–108 F "The United States and Laos") states: "At the time of President Nixon's Statement, 27 Americans stationed in Laos had been killed by communist troops or listed as missing in Laos since 1962."

II. BOMBING IN NORTHERN LAOS

As to bombing in Northern Laos, again the newspapers have reported to the public more than this Administration has been willing to tell the Congress. On March 14, 1970, the Christian Science Monitor published an article by Daniel Southerland, which included the following commentary:

AIR POWER REDIRECTED

The correspondent visited four refugee camps and talked with refugees from six different locations in and around the Plain of Jars.

After questioning a large number of them, it was possible to get a picture of the devastation unleashed by American fighter bombers in northeastern Laos over the past two years, and it is not a pretty one.

After the United States halted its bombing of North Vietnam on Nov. 1, 1968, it stepped up as much as 10-fold its bombing raids—support which started on a minor scale in mid-1964—against Pathet Lao-occupied northeastern Laos. The number of bombing sorties by United States Air Force and Navy jets rose to as many as 300 a day.

This bombing campaign, code-named Barrel Roll, is separate from the other, more-publicized campaign. The latter, code-named Steel Tiger, is directed against the Ho Chi Minh Trail in southern Laos.

The refugees said about 9 out of 10 of the bombing strikes flown over the past two years in the Plain of Jars were carried out by American jets and the rest by propeller-driven Royal Lao Air Force T–28s.

In most areas of the plain, the bombings forced the people to move out of their homes and into trenches, caves, and bunkers where they lived for the most part of two years.

* * * * *

In the Plain of Jars area, the bombing destroyed the main towns of Xien Khouang, Khang Khay, and Pmongsavan. The refugees said the bombs flattened many villages in and around the Plain and heavily damaged others. They said no villages they know of escaped the bombing.

The refugees said they were sometimes forced to leave their villages and bunkers to do porterage—carrying rice and ammunition—for the Pathet Lao and North Vietnamese. But they added that in many bombing raids there were no Pathet Lao or North Vietnamese troops near their villages.

* * * * *

Some refugees said they moved four or five times, each time farther away from their villages, to escape the bombing. But the bombs always followed them. Even at night the bombers came, and finally, even the rice fields were bombed.

"There wasn't a night we went to sleep that we thought we'd live to see the morning," said one refugee. "And there wasn't a morning when we got up and thought we'd live to see the night."

"It was terrible living in those holes in the ground," said another. "We never saw the sun. Our hair was falling out."

"My wife and three children were killed," said a man in his thirties. "There were no troops (Pathet Lao or North Vietnamese) anywhere near our village."

All this raises some basic questions about the bombings in northeastern Laos. What has been its purpose?

It is impossible to get the United States Government side of the picture in any detail because American officials refuse to discuss except in the vaguest generalities the activity in Laos.

PILOTS PLEDGED TO SECRECY

The pilots who fly the raids from air bases in Thailand and South Vietnam and from carriers in the Gulf of Tonkin are under instructions not to discuss the details of their missions.

When Congressman Waldie and I attempted to inquire about the bombing in Northern Laos, the following chain of events occurred.

From perusing official U.S. documents prior to our arrival in Laos, we had learned that some 3,500 villages once existed in the northern and eastern portions of Laos which have been contested or under Pathet Lao control since 1962.

Of the 1,000,000 or so people who once lived in these villages, generally ranging from a population of 40 or 50 to several hundred, an estimated 700,000 had become refugees in the 9 years following the Geneva Accords of 1962.

We were further advised that in 1969 and 1970 we had dropped nearly 1 million tons of bombs in Laos, nearly twice the total dropped in 1967 and 1968 before President Johnson was succeeded by President Nixon.

We first visited the headquarters of the 13th Air Force in Thailand, and then went on to Vientiane. We were assured by both the Commanding General of the 13th Air Force, Major General Evans, and by Ambassador Godley in Vientiane that we are not and have not bombed villages and that to their knowledge any villages that had been hit were hit by mistake. Ambassador Sullivan had testified before the Senate Refugee Subcommittee a year ago, indicating that only eight villages had been hit by mistake in the four and a half years he had served in Laos, terminating in March of 1969. Both Ambassador Godley and General Evans stated that all targets in Laos had to be approved by the Ambassador, or by U.S.-Lao aerial fire control teams in 0–1's.

On the evening of April 13, at a dinner at the home of Ambassador Godley, we were told by various ranking Country Team officials, in the presence of both the Ambassador and Deputy Chief of Mission Monteagle Stearnes that (1) we had not bombed villages except by occasional mistake, (2) no surveys of refugee attitudes had been made because of lack of staff, (3) bombing was certainly no more than one of the factors, and certainly not a major factor in causing refugees to leave their homes, and (4) neither the U.S. nor Royal Lao government had forced refugees to leave their homes; they left voluntarily.

The dinner party lasted over five hours, and we were repeatedly assured of the validity of the foregoing four points. I think it is fair to say that Congressman Waldie and I went to bed that evening believing that we had been told the truth by sincere and dedicated men and that the rural villages of Laos had not been subject to deliberate U.S. bombing.

On the following morning, April 14, however, I found reference in my notes to a specific refugee study made by the political section of the Embassy in July, 1970. A young political officer at the Embassy confirmed that a summary of refugee opinions *did* exist. He went with me to the office of Deputy Chief of Mission Stearnes whom I asked to show me the document in question. Mr. Stearnes picked a sheaf of paper off his desk, leafing through them, and finally handed them to me at my request. This report was entitled: "Xieng Khouang Province Refugees in Vientiane Plain," and dated July 10, 1970. The report summarizes the responses of over 200 refugees, from 96 separate villages in the Plain of Jars area, with respect to the bombing of their homes. Quoting from pages 5 and 6 of the report:

"75% of 190 respondents said their homes had been damaged by the bombing."

"76% said the attacks took place in 1969."

"The bombing is clearly the most compelling reason for moving."

Both the facts stated and the conclusions in this report, addressed personally to Mr. Stearnes by the U. S. Information Service on July 10, 1970, are of course in square contradiction to the testimony furnished the Senate Refugee Subcommittee last year, as well as inconsistent with the facts and opinions expressed so positively to us the previous evening.

It is clear that Mr. Stearnes deliberately intended to give Congressman Waldie and myself a less than complete picture of refugee attitudes and bombing while we were in Laos. The Embassy prepared and gave to us, prior to the April 13 dinner discussions, what purported to be rather a careful "briefing book" on refugees. Three of the eight sections in the book were specifically titled as relating to Xieng Khouang Province. The refugee survey report of July 10, 1970, is entitled "Xieng Khouang Province Refugees in Vientiane Plain" and we accidentally learned from Mr. Albert on April 16 that Mr. Stearnes had called Mr. Albert into his office on the afternoon of the 13th, (just *prior* to the dinner) and asked him if he was the one who had prepared the report in question. Bearing in mind that this report, and a shorter report of similar survey of refugees in a more northerly camp, were the *only* such reports in the Embassy's possession on the impact of bombing on refugees, it is hard to escape the conclusion that the Embassy did not want inquiring Congressmen to learn anything about widespread bombing in 1969, directed and controlled by the U. S. Ambassador. The omission of this report from the so-called "briefing book" was clearly deliberate.

After finally obtaining possession of the reports in question at approximately 3:00 p.m. on the afternoon of April 14, we were able on the morning of April 15, to visit one of the refugee camps. Ban Na Nga, located about 40 kilometers north of Vientiane. We were accompanied by four interpreters, including two, Reverend Roffe and Father Menger, who had been personally recommended by the Ambassador as "unbiased."

We talked to 16 separate individuals and various groups of refugees who had come to the camp from at least seven separate villages in Tasseng Kat, one of the administrative sectors of Xieng Khouang Province.

The refugees were unanimous in describing the destruction of every single home in each of the seven villages where they had lived. They described both T–28 and jet aircraft, as well as the use of CBU cluster bombs and white phosphorous; in all but one of the villages, the refugees had seen people killed by the airstrikes, the most numerous being the village of Ba Phone Savanh, a village of 35 homes where nine were killed and 14 wounded.

We personally observed and talked with a number of people bearing scars from CBU pellets of white phosphorous. In talking to the refugees, Congressman Waldie initially used Father Menger as an interpreter for the first five individuals interviewed. I used Rev. Roffe and a Chinese interpreter named Wong. After several hours, we compared notes and found that we were receiving identical information from the refugees, save in one respect. The refugees interviewed by Congressman Waldie said, as interpreted by Father Menger, that Pathet-Lao soldiers were living in the villages at the time of the air strikes. The refugees with whom I talked, interpreted by Rev. Roffe and Mr. Wong, stated that the Pathet-Lao were situated some distance away from the village, with the closest soldiers being at least 500 meters away and generally as far as two or three kilometers away.

We decided to exchange interpreters, although I retained Mr. Wong to monitor Father Menger's interpretations as we were advised by several local people accompanying us that Father Menger had a reputation for inaccuracy.

Thereafter, all persons interviewed agreed that Pathet-Lao soldiers had *not* been living in their villages. Most important, Congressman Waldie re-interviewed one of the men who had first stated, according to Father Menger, that the Pathet-Lao lived in his village. This time the refugee was unequivocal in stating that no Pathet-Lao lived in his village and that his earlier comments had been misinterpreted.

The refugees commonly described the killing of their water buffalo, and the fact that they had to live in holes or caves, farming only at night when the bombing became so intensive in 1969. In only one of the seven villages had a refugee seen any visiting Pathet-Lao soldiers killed by the bombing of his village; the soldiers were described as visiting the villages only occasionally or as passing through on the road.

At one interview, the Chief of Tasseng Kat, the administrative area where these villages had been located, volunteered the information that his Tasseng had been evacuated from the Plain of Jars in early 1970 because they were *ordered* to leave by the Province Governor. U.S. planes provided the airlift capability.

The Air Force briefings from General Evans and his staff conclusively demonstrated both the immense accuracy of targeting and bombing, and also the voluminous and comprehensive aerial reconnaissance photography which precedes and follows bombing strikes. It is clear that the Air Force is only following orders, and that all targets are cleared and approved by the State Department.

With reference to the foregoing facts, it is clear that the Embassy officials, on the night of April 13 deliberately misled Congressman Waldie and myself in four particulars:

1. Although they denied it. non-accidental bombing *had* taken place in Northern Laos during 1969.

2. At least 76% of 96 small villages had been hit by such bombing.

3. Reports had been made and were in the possession of the Embassy, showing that bombing was clearly the most compelling reason for the refugees leaving their homes.

4. Some of the refugees had moved because of the direct orders of the Royal Laotian government, not voluntarily; transportation was furnished by U. S. aircraft.

It is clear that cluster bombs and white phosphorous were used against the civilian population of the country with whom the United States had not declared war. The bombing was done under the direction and control of the State Department, not the United States Air Force. Both the extent of the bombing and its impact on the civilian population of Laos was deliberately concealed by the State Department between the period July 10, 1970 when the refugee report was completed, and April 13, 1971, when the report was reluctantly handed to me by the Deputy Chief of Mission Stearnes in Vientiane.

III. THE DEFENSE DEPARTMENT'S REFUSAL TO RELEASE PHOTOGRAPHS OR FURNISH LISTS OF LAOTIAN VILLAGES BOMBED

On April 13 and 15, I was privileged to meet with Major General Evans, Commander 13th Air Force, and on April 16 with Major General Hardin, Vice Commander, 7th Air Force. General Evans confirmed to me that the rules of engagement in Laos required that no bombing take place within 500 meters of an "active village," an active village being defined as one hut.

At the April 13 meeting, I circled eight villages in Northern Laos at random and asked for aerial photographs of such villages. General Evans said he would be glad to

have such photographs located and enlarged. On April 15, General Evans advised me that his staff had located only two of the villages in question, and showed me two photographs blown up to approximately 24" square. It was clear from the photographs, and General Evans confirmed, that these two villages were no longer in existence in the circled areas indicated.

I asked General Evans for the photographs and he replied that he would first like to get permission for their release from his superior, General Clay, Commander 7th Air Force, in Saigon. He stated he was going to Saigon the following morning and request permission from General Clay for their release to me prior to my scheduled departure from Saigon at 1700 the following day, April 16.

In the early afternoon of April 16, I called at 7th Air Force Headquarters at Saigon and was referred to Major General Hardin, who advised me that General Clay had decided to refuse release of the pictures to me, and that I should request the pictures and any other Air Force data and information from the Air Force Liaison office in Washington.

I did this by letter to Major General John C. Giraudo, Office of Legislative Liaison at the Pentagon on April 19, 1971. On April 20, I submitted a list of 196 villages to the Pentagon, requesting recent photographs thereof.

By an earlier letter of March 17, 1971, to General Giraudo, I had requested a list of the villages in Northern Laos which had been hit by U.S. bombs since such bombing commenced.

I received no responsive reply to these requests, save for the delivery of 12 photographs of Laotian villages which were not included in the list of villages for which photographs were requested.

How many of the 3,500 villages behind Pathet Lao lines have been destroyed by American bombing is a matter which is still open to question. This question can be determined quite easily, however, if the Defense Department will produce current photographs of these areas from its comprehensive files. The failure to produce these photographs, under ordinary rules of evidentiary law, can only be deemed to properly raise the inference that the villages have indeed been destroyed, contrary to the statements we received from State Department officials. Nevertheless, a few days ago, I received from the Department of Defense the following letter:

[In reply refer to: I-7342/71]

JUNE 11, 1971.

Hon. PAUL N. MCCLOSKEY, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. MCCLOSKEY: Mr. Johnson has asked me to reply to your letter of 19 May 1971.

I have reflected on your various requests for photographs of villages in Laos. Your understandably humane interest in the effect of the war on the civilian population in Laos is shared by the many in the Defense Department who over the years have wrestled with this problem. I hope our basic agreement on motives is not obscured by the differences we may have over issues of management.

With regard to management, we have explained repeatedly that we have established restrictions up to the limits of the safety of our pilots in order to minimize the effects of the war on civilian populations. Ambassador Sullivan, along with knowledgeable and competent witnesses from State, AID, and Defense, has discussed the refugee situation thoroughly with cognizant bodies in the Congress. As you know, we are convinced that the overwhelming cause of refugees in Laos is the offensive military activity of the North Vietnamese Army. Finally, when civilians have been caught up unavoidably in the web of warfare, we have given strong support through AID to ameliorative programs.

It is neither feasible nor useful to go beyond these steps to furnish extended photography of Laos. Much of Laos is inhabited by itinerant groups who establish their villages temporarily and then move on. The abandoned villages, in various stages of decrepitude, dot the countryside. Those which have suffered military damage may be indistinguishable from those ravaged by the weather; those which have suffered identifiable military damage may have been struck by the enemy rather than by US bombs; finally, even if it appears from current photography that US bombs might have damaged a village, we come back to our assertion that only valid military targets come under attack as an unavoidable consequence of enemy activity, an assertion which you implicity are challenging.

In sum, I cannot see that the cause of the civilians in Laos will be advanced by our further exchange of photographs. The public record is as complete regarding our efforts to minimize the effect of the war on Laotian civilians as we can make it without disclosing information which the enemy would certainly use further to endanger the lives of our pilots. Let me assure you that we are resisting a ruthless and aggressive enemy as humanely as the circumstances permit.

Sincerely,

DENNIS J. DOOLIN,
Deputy Assistant Secretary.

To me this letter represents almost a classic example of executive branch attitude toward the Congress. In the Deputy Assistant Secretary's opinion, it is not "useful" to furnish photographs to an inquiring Congress.

Yet as early as 1964, the importance of photography of Laos was deemed of paramount importance to the Defense Department. The Joint Chiefs of Staff memo to Secretary McNamara of January 22, 1964, discussing "bolder actions" in Southeast Asia (Cong. Record of June 14, 1971, Page 19567) mentions the need to:

"d. Overfly Laos and Cambodia to whatever extent is necessary for acquisition of operational intelligence."

A cablegram from Admiral Sharp to the JCS on August 17, 1964, (Cong. Record, June 14, 1971, page 19573) said:

"Continuous and effective pressure should be applied to the Communists in both the PDJ (Plain of Jars) and panhandle. Consequently concur in continued RECCE of DRV, panhandle and PDJ."

On November 7, 1964, a State Department Memo, apparently from Deputy Assistant Secretary Marshall Green to Assistant Secretary Bundy included the comment:

"We have also recently told MACV that we have a high priority requirement for night photo recce of key motorable routes in Laos. At present about 2 nights recce flights are flown along Route 7 areas within a two-week span."

If photographs are so useful to the conduct of a war under the control and direction of the U.S. Ambassador in Laos, surely they might be useful to the Congress which determines whether or not to authorize and fund that war.

IV. THE PHOENIX PROGRAM

In our visit to Viet Nam in April, Congressman Waldie and I learned that the "Phoenix" or "Phung Hoang" program is the first priority effort in the 1971 pacification plan.

We were told that the Phoenix program is an American constructed concept for the neutralizing of Viet Cong infrastructure (VCI), the shadow Viet Cong government of mayors, police chiefs, tax collectors and rice gatherers. "Neutralizing" occurs through killing, capturing, rallying, sentencing by military courts or sentencing by Province Security Councils to the so-called "An-Tri" administrative detention.

The program was apparently commenced in 1967 with the specific purpose of eliminating the V.C.I. through assassination, ambush, and capture. The P.R.U. teams (Province Reconnaissance Units), Navy SEAL teams and C.I.A. personnel and employees were apparently the original means of eliminating suspected V.C.I., but more recently the major effort has shifted to the Vietnamese police and armed forces, assisted by C.I.A. and CORDS advisors.

This year, 1971, the Phoenix program has been made the priority program of pacification, and we are in the process of financing a 50% increase in the Vietnamese National Police, partly in order to expedite this program.

Neutralization goals for 1971 were said to be 1200 per month, or 14,400 during the year, of whom at least ½ were to be sentenced to confinement of at least one year.

American personnel advise the Phoenix program at every stage-identification and opening of dossiers on V.C.I. suspects, gathering of intelligence from military operations, informers and police investigation, arrest and detention of suspects, including through U.S. military operations, interrogation of suspects, and finally, the sentencing of suspects by Province Security Committees.

In the first two months of 1971, we were advised by U.S. briefing officers in Saigon that the program is proceeding very successfully; 4502 VCI had been neutralized, nearly twice the assigned quota. Of these, 1629 had been killed, 1527 rallied, and 1346 sentenced. With an estimated 60,000 VCI in existence at the beginning of the year, this rate of neutralization, if continued, would wipe out nearly half the remaining VCI by the end of the year. Equally important, the war of terror was clearly being won by the government, since the VC, in the same two months had been able to neutralize only 2749 South Vietnamese through killing, abduction or wounding.

The comparative figures for January and February, 1971, which were given to us were as follows:

	VC terror	U.S./SVN Phoenix "neutralization"
Killed	699	1,629
Abducted/rallied	722	1,527
Wounded	1,328	
Sentenced		1,346
Total	2,749	4,502

Thus, we were winning the terror-counterterror battle by almost 2 to 1.

We were pleased to learn also that Americans are not authorized to participate in assassinations, and that Americans who found the police-type activities of the program personally repugnant could apply for reassignment without prejudice. These provisions are found in Directive Number 525–36 from MACV headquarters, dated 18 May, 1970, a copy of which is appended to this statement as Exhibit 1.

We were likewise pleased to find that the U.S. Government recognized a legal obligation under the 1949 Geneva Convention to extend protection to the Vietnamese civilians apprehended under the Phoenix program, and a further responsibility to work with the government of South Viet Nam to see that all such civilians were treated in accordance with that convention.

A copy of the letter of our Ambassador of the U.S. Mission to International Organizations, Mr. Idar Rimestad, dated December 7, 1970, containing the assurance that we and the South Vietnamese "are working together to ensure fulfillment of their reponsibilities" (under Article 3 of the 1949 Geneva Convention) is appended as Exhibit 2 hereto.

We were not so pleased, however, to learn that the United States is *not* working together with the Vietnamese to provide reasonable protection to persons accused of being VCI.

Specifically, Article 3 of the 1949 Geneva Conventions, prohibits "the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, *affording all the judicial guarantees which are recognized as indispensable by civilized people.*" (Emphasis added.)

A copy of Article 3 is appended as Exhibit 3 to this statement.

Under the Phoenix program, the "regularly constituted court" is the Province Security Council, usually made up of 7 individuals, 6 of whom represent either the military or the police, and who can convict:

"Where evidence for trial is lacking but it is apparent that the suspect is a threat to the national security."

Confinement by such sentence is limited to two years, but can be extended at the sole discretion of the province chief, usually a Lieutenant Colonel in the South Vietnamese army.

The rules of evidence and description of the program are set forth in excerpts from one U.S. pamphlet on Phoenix which are appended as Exhibit 4 to this statement.

It might be well questioned whether the Phoenix program affords "all the judicial guarantees which are recognized as indispensable by civilized peoples." Certainly we do not afford the VCI suspects the guarantees of our own system. A suspect has no right to counsel, to confront and examine his accusers, to see the evidence against him, or even to appear or testify on his own behalf. He can effectively be sentenced to life imprisonment on hearsay evidence given by secret informers, under a test of proof which expressly concedes it would be insufficient to convict upon trial.

This is an almost incredible perversion of American concepts and traditions of justice, but the worst aspect of all is the interrogation process.

Upon apprehension of a suspect, upon information deemed too flimsy to even meet the "apparent threat to the national security" test, the suspect can be turned over to the tender mercies of the South Vietnamese interrogators at the Province Interrogation Center (PIC). The interrogators have until 46 days from his arrest to obtain a confession or other evidence sufficient to establish the "apparent threat" rule. No Americans sit in on these interrogations, which are conducted in isolation cells with the prisoner blindfolded and a single Vietnamese interrogator present.

It is apparently common knowledge in Viet Nam that torture and brutality are commonplace in Vietnamese interrogations. Two American officers told us that they had seen rubber hoses in the possession of Vietnamese interrogators.

When I asked one American pacification officer if the 46 day period of interrogation was not unreasonable, he replied "we've never had to interrogate anyone for 46 days—they've all broken and confessed in 30 days."

After visiting the P.I.C. in Binh Dinh province, I could better understand why. It was constructed inside an abandoned school. False walls had been constructed so as to leave the observer with the impression that the school building was empty and abandoned. Along a central corridor were 24 5' x 7' cells on one side, with only a small 12'' slit at the top to admit air. On the other side of the corridor were slightly larger interrogation cells. A 10' wall surrounded the building, with a steel gate that hid the view from outside except when it was briefly opened to admit our automobile, and then immediately closed.

Americans generally followed a hands-off policy towards these PIC's—in several provinces we were told that Americans never went near them. One officer told us he thought the C.I.A. ran the local PIC, and on inqury we learned that the PIC's were not in the CORDS chain-of-command at all, but were advised solely by the C.I.A. With PIC's in 44 provinces, and less than 25 C.I.A. advisors in the program, it is fairly clear that the interrogations are conducted with little U.S. supervision that might "ensure fulfillment" of our responsibilities under the Geneva Conventions.

Congressman Waldie was shown a Phoenix document called SOP–3 which was then taken back by the briefing officer involved.

SOP–3 contained the following comments:

(Intelligence about fellow citizens) is not only of immediate value, but also will be needed in the future in any *postwar* political struggle with the Viet Cong. (Emphasis added.)

(In describing whether a man should report his neighbor) Those who act suspiciously: (a) the hesitation or fearful attitude of a dishonest person; (b) contact with those whom we suspect; (c) regular secret colloquies of a certain group of people in the area.

The possibilities of this type of program for the repression of political opposition and dissent are obvious. Fear of such repression was expressed to us by several Vietnamese and the whole record of repression, torture, corruption, seizure of newspapers and arrest of political opponents under the present Saigon regime is very disquieting.

At the very least, I think Congress should insist of full disclosure by the Administration of the English and Vietnamese documents which describe and concern this first-priority pacification program of 1971.

Thank you for the opportunity to testify today.

EXHIBIT I: HEADQUARTERS, UNITED STATES MILITARY ASSISTANCE COMMAND, VIETNAM
APO SAN FRANCISCO, CALIF.,
May 18, 1970.

[Directive Number 525–36]

MILITARY OPERATIONS: PHOENIX (PHUNG HOANG) OPERATIONS

1. *Purpose.* This directive establishes policy and responsibilities for all US personnel participating in, or supporting in any way, Phoenix (Phung Hoang) operations.

2. *Applicability.* This directive is applicable to all MACV staff agencies and subordinate commands.

3. *Policy:*

(a) The Phoenix Program is one of advice, support, and assistance to the Government of Vietnam (GVN) Phung Hoang Program, aimed at reducing the influence and effectiveness of the Viet Cong Infrastructure (VCI) in the Republic of Vietnam (RVN). The VCI is an inherent part of the war effort being waged against the GVN by the Viet Cong (VC) and their North Vietnamese allies. The unlawful status of members of the VCI (as defined in the "Green Book" and in GVN official decrees) is well established in GVN law and is in full accord with the laws of land warfare followed by the US Army.

(b) Operations against the VCI include: the collection of intelligence indentifying these members, inducing them to abandon their allegiance to the VC and rally to the government, capturing or arresting them in order to bring them before province security committees for lawful sentencing, and as a final resort the use of military or police force against them if no other way of preventing them from carrying on their unlawful activities is possible. Our training emphasizes the desirability of obtaining these target individuals alive and of using intelligent and lawful methods of interrogation to obtain the truth of what they know about other aspects of the VCI. US personnel are under the same legal and moral constraints with respect to operations of a Phoenix character as they are with respect to regular military operations against enemy units in the field. Thus, they are specifically unauthorized to engage in assassinations or other violations of the rules of land warfare, but they are entitled to use such reasonable military force as is necessary to obtain the goals of rallying, capturing, or eliminating the VCI in the RVN.

(c) If US personnel come in contact with activities conducted by Vietnamese which do not meet the standards of land warfare, they are:

(1) Not to participate further in the activity.

(2) Expected to make their objections to this kind of behavior known to the Vietnamese conducting them.

(3) Expected to report the circumstances to the next higher US authority for decision as to action to be taken with the GVN.

(d) There are individuals who find normal police work or even military operations repugnant to them personally, despite the overall legality and morality of these activities. Arrangements exist whereby individuals having this feeling about military affairs can, according to law, receive specialized assignments or even exemption from military service. There is no similar legislation with respect to police type activities of the US military, but if an individual finds the police type activities of the Phoenix Program repugnant to him, on his application, he can be reassigned from the program without prejudice.

4. *Responsibilities.* Subordinate US commanders are to insure that the policies outlined above are strictly adhered to.

5. *Reports.* This directive requires no report.

For the Commander:

W. G. DOLVIN,
Major General, USA, Chief of Staff.
LOUIS J. PROST,
Colonel, USA, Adjutant General.

U.S. MISSION TO INTERNATIONAL ORGANIZATIONS,
Geneva, Switzerland, December 7, 1970.

MR. MARCEL NAVILLE,
President, International Committee of the Red Cross, Geneva, Switzerland.

DEAR MR. NAVILLE: Thank you for your letter of August 31, 1970 containing further observations on the application of the Fourth Geneva Convention of 1949 (Civilians) to Vietnamese civilians captured by United States forces in the Republic of Viet-Nam. On behalf of my Government, I would like to present the following comments.

With respect to Article 45 of the Convention and to the quotation from Pictet's commentary to which we referred in our letter of January 20, we appreciate your observation that the quotation applied directly to repatriation of protected persons after the cessation of hostilities. However, we believe that a transfer at any time of a protected person to the power of which he is a national should be sufficient to terminate his status as a protected person. In our view, the Convention was not designed to give "protected person" status to individuals vis-a-vis their own government.

We note that the Convention provides in Article 4 that "nationals of a co-belligerent state shall not be regarded as protected persons while the state of which they are nationals has normal diplomatic representation in the state in whose hands they are." That provision would seem to cast considerable doubt on the entitlement of South Vietnamese civilians captured by U. S. forces to protection as "protected persons" even while they are in the custody of the U. S. forces. In any event, we see no necessity to resolve these difficulties, for we note the

view stated in your letter of August 31 that in view of the special situation of these persons in Viet-Nam the humanitarian requirements of Article 3, rather than the Convention as a whole, express the minimum applicable standards. In this connection, in our letter of January 20, 1970, we stated "The United States Government recognizes that South Vietnamese civilians captured by it and turned over to the Republic of Viet-Nam are entitled to humanitarian treatment as described in Article 3 of the Fourth Geneva Convention of August 12, 1949 (Civilians). We are informed by the Government of Viet-Nam that they share this view."

With respect to South Vietnamese civilians captured by U. S. forces and transferred by them to the authorities of the Republic of Viet-Nam, the United States Government recognizes that it has a residual responsibility to work with the Government of the Republic of Viet-Nam to see that all such civilians are treated in accordance with the requirements of Article 3 of the Convention. The United States and the Government of the Republic of Viet-Nam are working together to ensure fulfillment of their responsibilities.

With respect to the question of ICRC visits to Vietnamese prison facilities, the United States Government has in the past made known to the Government of the Republic of Viet-Nam its view that it would be helpful for your delegates to be able to visit such facilities in the same manner they are able to visit prisoner of war camps. We have noted the announcement by the Office of the Prime Minister of the Republic of Viet-Nam on July 10, 1970, stated: "The Government of the Republic of Viet-Nam solemnly affirms once again that its policy is to give humane and decent treatment to all prisoners, whether military or civilian, and to strictly observe the international agreements on prisoners, such as the Geneva Conventions (as has already been shown in the past). The Government of the Republic of Viet-Nam is always prepared to assist qualified international institutions which may wish to make on-the-spot visits to its correctional institutions and prison camps."

Sincerely yours,

IDAR RIMESTAD,
Ambassador.

EXHIBIT III

GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF AUGUST 12, 1949

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of establishing a Convention for the Protection of Civilian Persons in Time of War, have agreed as follows:

PART I

General provisions

Article 1

The High Contracting Parties undertake to respect and to ensure repect for the present Convention in all circumstances.

Article 2

In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Article 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply as a minimum, the following provisions.

(I) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) taking of hostages;

(c) outrages upon personal dignity, in particular humiliating and degrading treatment;

(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples;

(e) the wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Article 4

Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

The provisions of Part II are, however, wider in application, as defined in Article 13.

Persons protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, or by the Geneva Convention for the Amelioration of the Condition of Wounded. Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, or by the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, shall not be considered as protected persons within the meaning of the present Convention.

Article 5

Where, in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled, to claim such rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State.

Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

In each case, such person shall nevertheless be treated with humanity, and in cases of trial, shall not be deprived of the right of fair and regular trial prescribed by the present Convention. They shall also be granted the full rights and privileges of a protected person under the present Convention at the earliest date consistent with the security of the State or Occupying Power, as the case may be.

Article 6

The present Convention shall apply from the outset of any conflict or occupation mentioned in Article 2.

In the territory of Parties to the conflict, the application of the present Convention shall cease on the general close of military operations.

In the case of occupied territory, the application of the present Convention shall cease one year after the general close of military operations; however, the Occupying Power shall be bound, for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of the following Articles of the present Convention: 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 143.

Protected persons whose release, repatriation or re-establishment may take place after such dates shall meanwhile continue to benefit by the present Convention.

Article 7

In addition to the agreements expressly provided for in Articles 11, 14, 15, 17, 36, 108, 109, 132, 133 and 149, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of protected persons, as defined by present Convention, nor restrict the rights which it confers upon them.

Protected persons shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

EXHIBIT IV

AN ANALYSIS OF PROVINCE SECURITY COMMITTEES

BACKGROUND

Province Security Committees (PSC) were created in 1957 to provide the GVN with an administrative method of settling the status of political detainees considered threats to the national security. Their purpose is political; their method is administrative detention of those persons reasonably believed to endanger the national security, but against whom sufficient evidence for a trial is lacking.

COMPOSITION

The minimum composition of a PSC is:

Province Chief (PC), Chairman.
Judge/Prosecutor, Deputy Chairman.
Sector Commander (presently same as PC), Member.
Chief of Internal Security, Briefing Officer.
Council Member, Member.
Police Chief, Member.
MSS Chief, Member.
Phung Hoang Committee Member, Member.

It is not unusual to find committees with membership as high as thirteen. Such committees include representatives of all agen-

cies concerned with Phung Huang. In some provinces all districts are represented on the PSC.

MEETINGS

GVN MOI Circular #2212 requires each PSC to meet weekly, or more often if necessary. In practice, the norm to be used is the existence of a backlog awaiting disposition. If cases are being heard within 30 days, there is no need to insist on weekly meetings. Conversely, if weekly meetings result in a continued backlog, more frequent meetings are in order.

PROCEDURE

Suspect detainees may appear before the committee but *do not have the right to demand such appearance.* Due to the administrative nature and political mission of the PSC, procedures are far less exacting than those of the courts. All members of the PSC may examine the detainee dossiers before the hearings and request clarification of any questionable area. *The local judge acts as advisor to the committee.* During an administrative screening he assures that the cases are proper for presentation and all administrative formalities have been adhered to. *The Chief of Internal Security acts as Briefing Officer and is responsible for recommending the type and duration of detention.* He is the person most involved in determining adequate detention. Along with the PSB Chief, he has received special training at a two-day seminar in Saigon on the sentencing procedures of GVN MOI Circulars No. 757 and 2212. Although the Chief of Internal Security is probably the official most responsible for the type of sentences given by the PSC, he remains an unknown force within the committee. He is lacking an American counterpart and has little to do with Phung Hoang outside the PSC. In many cases there is an urgent need to educate those Briefing Officers to the urgency of complying with the guidance provided in 757 and 2212. The Chief of Internal Security should not be an unknown factor in VCI sentencing. *It is the obligation of the Phoenix Coordinator to advise his counterpart of this situation, and with his counterpart, determine what the Chief of Internal Security considers to be necessary to have a dossier which is sufficient for him to recommend maximum "an-tri" detention.*

COURSES OF ACTION AVAILABLE TO THE PROVINCE SECURITY COMMITTEE RELEASE

Naturally, the committee may release suspects found to be innocent. This criteria would also apply to all those suspects whose dossiers do not indicate that the individual is *"probably"* a threat to the national security. In other words, the PSC does not "reasonably believe" that the suspect is a threat to the national security.

RECOMMEND TRIAL BY MILITARY COURT

If there is clear evidence of a violation of the national security laws, or if the suspect was apprehended in the act of committing an offense against the national security, the case must be forwarded to the appropriate Military Court. This Court will try and sentence the suspect. This particular function of the PSC is similar to that of a Grand Jury.

DETENTION

Where evidence for trial is lacking, but it is apparent that the suspect is a threat to the national security, the committee may impose administrative ("an Tri") detention. This is a type of preventative detention, to protect the state from a known threat to its security. There is the additional provision of *continual extension of two year terms if the individual remains a threat to the national security.* "An Tri" detention is nonjudicial and administrative in nature. A violation of the national security laws need not be proven; *all that must be demonstrated is that a reasonable belief exists that the suspect threatens the national security. Once "an tri" detention is imposed there are no judicial remedies.* The duration and place of detention are governed by GVN administrative regulations.

SUMMARY

The PSC has three courses of action available: (1) it may release the innocent, (2) act as a type of grand jury in forwarding violators of the national security laws to a Military Court, or (3) impose administrative detention upon those individuals whom the PSC reasonably believe to threaten the security of the nation.

BASIS OF DETERMINATION

The purpose of the PSC is to protect the State from those persons threatening its existence. Thus its power goes beyond that of the courts into the area of emergency political detention necessitated by the need of the State to survive. There is no defined burden of proof, as utilized by courts, because the committees are not engaged with violators of law. The committee is concerned with those cases which, due to a lack of evidence, cannot be prosecuted under existing judicial standards. Rather than a judicial determination, these cases call for an administrative determination. The decision of the committee is based on a prosecution dossier. There is no rigid rule regarding the amount of evidence necessary for detention, and the criteria may vary significantly from province to province. Each committee determines the existing threat to national security based on conditions within the particular province, and the function of the detainee within the VCI. This process, because it is administrative and political in nature, reflects the political "facts-of-life" in the province. It is encumbent upon each Phoenix Coordinator to determine these local variances and tailor his advice accordingly. The PSC does not need evidence of the type required by a court; on the other hand, a dossier which contains nothing but an interrogation report cannot be expected to convince the committee that a maximum detention is warranted. What is necessary is sufficient intelligence to reasonably indicate that the suspect is a threat to national security. Thus the test applied by the PSC is not one of proven guilt. This is the distinguishing factor between the PSC and a Military Court. The court is concerned with guilt beyond a reasonable doubt, or the existence of a proven violation of national security, whereas the PSC is concerned with preventing danger to the State by a suspect who appears to threaten the national security. The Military Court is punitive; the committee is preventative in nature.

Comparison

Province Security Committee	Military court
Administrative body	Judicial body.
Founded in the right of the State to survive	Founded in law.
Political hearing	Trial by law.
Threats to security	Violations of law.
Protective detention ("an tri")	Sentence.
Maximum two-year renewable sentence	Maximum death.
Reasonable belief of threat.	Guilt beyond a reasonable doubt.

OBSERVATIONS

1. The PSC's are, by definition, political tools, and are governed from province to province by the political "facts-of-life".

2. PSC existence is extra-constitutional and non-judicial, based upon the right of a State to survive.

3. These committees, although in possession of power to administratively detain anyone reasonably believed to threaten the national security, have acted with remarkable restraint.

4. The nature of these committees, and their strictly political function, dictate a "hands-off" policy by all US personnel and agencies.

5. US advisors, specifically PHOENIX Coordination, should direct their efforts to insure that their counterparts provide the PSC with the necessary evidence for the committee to reach an informed decision. This evidence should be in accordance with the minimum considered necessary for detention by the Chief of Internal Security. Additional emphasis should be placed upon providing the committee the type dossier specified by GVN MOI Circular No. 2212 and Phung Hoang SOP 3. If all available intelligence is in the dossier, an informed, intelligent, and equitable decision can be rendered.

6. The varying quality of dossiers presented to the committee has caused an imbalance in proof, resulting in reliance upon the interrogation report to the exclusion of the Phung Hoang dossier. In far too many cases, the quality of the dossiers provided to PSC's can only be described as poor and incomplete. It is advisable for both PHOENIX Coordinators and their counterparts to screen the dossiers before they leave the PIOCC; if this is accomplished regularly, a comparison can be made between the amount of evidence presented to the committee, and the relative decisions reached by the committee. Thus, by reviewing the decision of the PSC, in conjunction with the dossiers presented to the PSC, the PHOENIX Coordinator and his counterpart can determine what type of dossier the committee considers to be sufficient for detention.

7. Guidance had been provided to the PSC's in GCN MOI Circulars No. 757 and 2212. Utilization of this guidance, coupled with an understanding of the political realities of the province, will provide the coordinator with an understanding of dossier deficiencies. The critical official to satisfy is the Chief of Internal Security, the second most influential member (after the Province Chief) of the PSC. The Chief of Internal Security is the central figure in determining what burden of proof the committee adheres to, as it is his recommendation which usually determines the duration of detention. It is essential to determine what minimum content a dossier must contain to conform to his standards.

RESULTS OF QUESTIONNAIRE SURVEY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. CARNEY. Mr. Speaker, earlier this year, I sent out approximately 140,000 questionnaires to the people of the 19th Ohio Congressional District, which includes parts of Mahoning and Trumbull Counties and the cities of Youngstown, Warren, and Niles. I asked their opinion on some of the major issues facing our country. The response was tremendous. Over 19,500 questionnaires—almost 14 percent—were returned to me—many of them filled out by both husband and wife.

For the information of my colleagues in the Congress and the President, I insert the results of the survey in the RECORD at this time:

QUESTIONNAIRE RESULTS

[In percent]

	Yes	No	Undecided
1. Do you think the Nixon administration is meeting the basic needs of the country such as housing, health care, education, jobs and stable prices?			
Men	20	73	7
Women	20	72	8
Total	20	73	7
2. Do you favor a plan to reform welfare by providing a minimum income for every American family with children accompanied by reasonable work incentives?			
Men	65	28	7
Women	56	31	13
Total	61	29	10
3. Do you favor direct popular election of the President and Vice President?			
Men	80	18	2
Women	89	10	1
Total	84	14	2
4. Do you favor abolishing the draft and establishing an all volunteer army?			
Men	45	47	8
Women	48	39	13
Total	47	43	10
5. Do you favor continuing the Federal subsidy for the SST (supersonic transport) plane?			
Men	25	66	9
Women	14	72	14
Total	19	69	12
6. Do you favor a Federal law requiring the registration of all firearms and strict penalties for the illegal sale, possession or us of firearms?			
Men	65	34	1
Women	71	23	6
Total	68	29	3
7. Do you favor the Federal Government establishing wage, price and interest controls to combat inflation?			
Men	65	28	7
Women	63	20	17
Total	64	24	12
8. Do you favor an amendment to the U.S. Constitution permitting 18-year-olds to vote in State and local elections?			
Men	44	49	7
Women	46	42	12
Total	45	45	10
9. Do you favor stricter Federal laws to control pollution even if it means spending more of the taxpayer's money for this purpose?			
Men	78	13	8
Women	72	16	12
Total	75	15	10
10. Do you favor establishing a national health insurance program that would cover all the medical expenses of every American?			
Men	61	36	3
Women	45	44	11
Total	53	40	7
11. Do you favor increasing social security benefits including an automatic cost-of-living increase?			
Men	79	17	4
Women	82	14	4
Total	80	16	4
12. Do you favor increasing the amount of money a person on social security may earn and still keep his social security benefits?			
Men	72	20	1
Women	80	16	3
Total	79	19	2
13. Do you think Congress is responding to the basic needs of the country, such as housing, health care, education, jobs, and stable prices?			
Men	14	84	2
Women	12	80	8
Total	13	82	5

	Men	Women	Total
14. What policy do you support on the Vietnam war?			
Nixon policy of gradual withdrawal	25	18	22
Withdrawal of all U.S. troops by the end of 1971	53	56	55
Escalate the war and seek a military victory	16	13	14
Undecided	6	13	9
15. What is your position on the present level of defense spending?			
Too little	13	6	4
About right	20	14	17
Too much	54	63	59
Undecided	13	17	15
16. What is your position on the amount of nonmilitary, economic aid the United States gives to foreign countries?			
Too little	6	1	3
About right	17	6	12
Too much	74	85	79
Undecided	3	8	6

17. What do you think our Nation's priorities should be? (Rank the highest priority as No. 1 and the lowest priority as No. 12.)

1. End the Vietnam war.
2. Reduce unemployment.
3. Control inflation.
4. Control crime.
5. Control drug abuse.
6. Control pollution.
7. Reduce Federal Government spending.
8. Eliminate poverty and slums.
9. Halt the nuclear arms race.
10. Improve consumer protection.
11. Improve mass transportation.
12. Explore outer space.

ACTION NOW

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert in the RECORD an excellent editorial appearing in the Sierra Club Bulletin of February 1971, entitled "Action Now," discussing the status of the draft environmental impact statement required by section 102 (2)(C) of Public Law 91–190, the National Environmental Policy Act and defects in that report which I believe merit the careful consideration of all interested citizens:

ACTION NOW

Alaska contains our nation's greatest remaining scenic, wilderness and wildlife resources; it also offers our last best opportunity for far-sighted, comprehensive land planning. This planning must be completed before any irrevocable commitment is made for significant parts of Alaska—particularly in the Arctic. However, because of the newfound petroleum fields of the North Slope, economic values threaten to ride roughshod over all other values, human, social, cultural, wilderness, wildlife, and scenic.

In mid-January the Interior Department released an environmental impact statement recommending that a right-of-way across federal lands in Alaska be granted for construction of an 800-mile pipeline to carry North Slope oil to the south coast seaport of Valdez. The Sierra Club believes this "is a project-serving document tailored to the existence in Alaska of a multi-million dollar stockpile of 48-inch in diameter pipe, fabricated for oil companies, rather than to the ecological needs of the area."

The Sierra Club has analyzed the impact statement and finds it is replete with deficiencies:

The report does not provide adequate safeguards against environmental damage. Admitting that as much as 48 percent of the hot-oil pipeline may have to be above ground because of unsolved permafrost problems, the report offers no design specifications for a raised line. The report catalogues the damage to tundra, the danger to wildlife and the threat to spawning beds in the 350 streams and rivers to be crossed by the pipeline. But it offers no firms safeguards, nor does it deal with the feasibility of recovering spilled oil in the Arctic.

The report ignores certain adverse impacts. The report does not consider the Valdez-West Coast segment of the system for transporting North Slope oil and its environmental impact on Puget Sound and the California coast. The report omits any discussion of the effect new human activity north of the Yukon River will have on land classification proposals. Scant attention is given to the impact of extracting an estimated 80 billion yards of sand, gravel, and crushed rock from uplands and stream beds. The discussion of seismic hazards is grossly incomplete.

The report fails to give adequate consideration to alternatives. The report is predicated on justifying the 800-mile North Slope-Valdez pipeline as the only solution. It does not adequately investigate the feasibility of an all-land route through Canada, nor of a cold-oil line, nor does it discuss the case for an oil reserve, which the Club believes is the best immediate solution.

The rationale for immediate development is weak. The report lists its own high oil consumption projections and national security as justifying the need for immediate development of North Slope reserves. Some economists think the projections are too high, and, in any event, will only frustrate the quest for clean air. National security is hardly enhanced by exhausting our domestic reserves, and many suspect the oil is really destined for Japan.

While a decision on the pipeline had been expected by mid-April, Interior Secretary Morton has now announced that action will be delayed until the fall to allow time for further studies. Conservationists are urging President Nixon to direct Secretary Morton to announce that a proper sequence of steps will be followed by federal authorities before any additional permits are granted:

(1) The Bureau of Land Management, which now has temporary jurisdiction, must be given permanent authority over federal lands in Alaska and sufficient funding to develop a comprehensive plan for land use in Alaska.

(2) This master plan must identify and protect fragile and unique natural areas in Alaska, such as wildlife refuges, wilderness, and parks.

(3) The plan should then identify areas which ultimately should be open to economic development. Complete research on techniques for environmental protection must then be carried out for each type of economic development, including oil.

(4) Once these steps have been taken, then rational judgments can be made about where and when appropriate leases and permits for development can be granted.

Planning in any other sequence will force us to make choices and accept risks without knowing what we are doing. Write today to President Richard M. Nixon, the White House, Washington, D.C., 20002, and to Secretary Rogers C. B. Morton, Department of the Interior, Interior Building, Washington, D.C., 20240.

BIG BUS BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. SCHWENGEL. Mr. Speaker, the story carried in Tuesday night's Evening Star with respect to ICC laxity on bus safety is shocking, but certainly not surprising in view of the ICC's past record in this area. It is further evidence of the highhanded and calloused manner in which the bus industry treats the question of the safety of the Nation's motorists, and its own passengers.

Despite this lack of interest in safety with respect to present vehicles, the bus industry tells us we must widen buses 6 inches in order to make them safer. It seems to me, if the industry is sincere about the question of safety, they would be a good deal more convincing if they were to obey existing laws with respect to safety. The article follows:

NADER SAYS ICC DISREGARDS LAWS IN BUS SAFETY CASE

(By Stephen M. Aug)

Ralph Nader and two young legal aides have accused the Interstate Commerce Commission of "non-enforcement of the law" in connection with charges that one of the nation's largest bus companies is guilty of "flagrant and repeated violation" of federal safety regulations.

In a letter and petition to the ICC, Nader and the legal aides—Clarence Ditlow and Alan Rauzin—called on the ICC to act on a hearing examiner's recommendation issued eight months ago urging a 20-day suspension of the operating certificates of Safeway Trails, Inc., a subsidiary of the vast Continental Trailways bus system.

The examiner issued a lengthy report last July in which he said Safeway Trails had violated the federal hours-of-service regulations on more than 1,324 occasions during five months in 1968. These regulations prohibit a company from permitting or requiring any driver to be on duty more than 70 hours during eight consecutive days.

The petition urged speedy action on the case, saying "time is crucial in this proceeding because the upcoming months of July, August, and September are the months when Safeway has its heaviest volume of traffic and in the past has most flagrantly violated the hours-of-service regulation.

The petition added, "If Safeway is guilty of the charges . . . then millions of people daily are being exposed to dangers on the nation's highways by Safeway's reckless and illegal conduct."

The group contended that inaction by the ICC invites bus companies "to flaunt (sic) the law," and noted that the company's past record "of arrogant disregard for the regulations" suggests that until the commission acts decisively the firm "will continue to maximize its profits at the cost of highway safety."

The group also said that continued inaction by the ICC combined with the fact that a former commissioner—Charles Webb—has taken part in the case in support of the bus company "raise suggestions of misdealing and improper influence in connection with the commission's failure to act."

They contend further that Webb, who is representing the National Association of Motorbus Owners, may be violating the code of ethics for ICC practitioners. A section of the code says a practitioner who has held a public office should not later practice before the agency in a case in which the facts are substantially the same as those involved in matters he once decided.

The Safeway Trails case was filed by the Federal Highway Administration in 1969, although the company had been involved in safety violations matters before the ICC as early as 1963. At that time, an ICC investigation showed that Safeway Trails had violated the hours-of-service regulations at least 3,000 times during 1960 and January 1961.

Investigations of Safeway's activities continued throughout the 1960s and uncovered thousands of similar violations. In the previous case, the ICC either ordered the company to stop the violations or issued warning notices.

Nader questioned whether the commission wishes to wait "until another bus tragedy occurs" before acting in this case. He cited one accident last summer near Allentown, Pennsylvania, where a chartered bus carrying 59 children skidded over a 50 foot embankment, killing seven and injuring 53 others. Safeway was not involved in that accident.

NURSE TRAINING NEEDS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. PRICE of Texas. Mr. Speaker, today for the second time the House has scheduled the Nurse Training Act for floor action. I would urge my colleagues to give this proposal their most favorable consideration. Since the measure was last postponed in June, the Nurse Training Act of 1964 has expired, and there is presently no vehicle by which the needs for nursing care in the health-manpower field can be accommodated.

To state the obvious, the nursing shortage has reached critical proportions in many areas of the country, including my home State of Texas. Last year, in fact, more than 150 small hospitals in the State of Texas alone came close to being closed, because they lacked enough regular nurses to meet Federal medical regulations. Fortunately, these closings were averted through the enactment of an amendment to change the nursing staff requirements for small hospitals receiving benefits under the medicare program. I was proud to have been a sponsor of this amendment, and I was proud to have assisted in helping to make Federal requirements conform more realistically to the health care needs of rural America.

Mr. Speaker, the bill that is before the House today, the Nurse Training Act of 1971, deals with the problems of nursing care in terms that are much broader than the health needs of rural America. These broader needs are evidenced by the fact that the demand for nursing services is growing and is even outstripping our national growth in population. During the last decade the total population increased from 180 million to 204 million people. I would point out that the most prominent characteristic of this growth has been the increase in numbers at each end of the life span. This uneven population growth trend has strained health care services out of proportion to the increased numbers at either end of the age spectrum, because the very young and the very old have the greatest needs for health services.

From another perspective, rising education and economic levels also create greater demands for and greater utilization of health services. At this time approximately 75 percent of the population is covered by some form of health insurance. In addition, new federally supported health programs have been inaugurated, programs which have created increases in demand for health facilities and services.

Within the medical profession itself there has been breakthrough after breakthrough in the areas of medical technology and medical knowledge. These have led to increased specialization. These have led to an increased delegation of responsibilities from physicians to nurses. New therapeutics and new technologies are changing the patterns of care in hospitals. Treatment is often more concentrated. On the average, patients spend less time in hospital beds. And hospitals are trying to shorten the average length of inpatient care, thereby expanding the reach of hospital services.

As a result of all these factors, nursing care has become even more critical to the provision of adequate medical services. Nursing care is used more and it is required longer and more intensively on a patient-by-patient basis than is any other single kind of health service in this Nation today.

The Nurse Training Act of 1971 is designed to help augment existing nursing care services and to help create new nursing services. As the bill is written, the original Nursing Care Act of 1964 would be extended 3 more years at a cost of $710 million. These funds would be spent on a wide variety of things running from construction of nursing school facilities, through purchasing laboratory training equipment, to establishing and maintaining on-the-job nurses training programs.

In conclusion, Mr. Speaker, I would emphasize that this legislation is greatly needed, its costs are reasonable, and its purposes are eminently worthwhile. The critical shortage of nurses is an undisputed fact. At the current time, there are 700,000 nurses in active practice; 150,000 more are needed. By 1980, 1,000,100 nurses will be needed to help meet the increased demands for health services due to the growth in population, the

expansion in nursing duties and responsibilities, and the growth in the complexities of health care. The provisions of the Nurse Training Act of 1971 are designed to meet these demands through a balanced program of support to schools and to students.

I urge my colleagues to approve this proposal.

EXPAND THE LOCKHEED DISCUSSION

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HANNA. Mr. Speaker, I noted today in the Wall Street Journal a discussion of the Lockheed loan situation which is an appropriate sequel to my remarks to this body on Tuesday last. At that time I detailed a bill I sponsored to remove from the Congress the consideration of such intermittent and piecemeal rescue efforts.

I now see in the Journal a report that the Senate Banking, Housing and Urban Affairs Committee has reopened its hearings on the Lockheed guarantee to receive testimony on alternative legislation. This, to my mind, should have been done to begin with, and I am hopeful that such can be accomplished in the hearings by the House Banking and Currency Committee, which are scheduled to commence July 13.

Mr. Speaker, I insert at this point the subject article from the Journal:

LEGISLATION TO AID LOCKHEED IS DELAYED 2 WEEKS BY SENATE UNIT FOR MORE DATA

WASHINGTON.—With time supposedly running out for Lockheed Aircraft Corp., legislation to assist the company hit an unexpected delay.

The Senate Banking Committee postponed until July 12 a session scheduled for yesterday, to begin drafting the bill. The delay is to allow time to take more testimony in open hearings on legislation.

The committee held two weeks of hearings in mid-June on a Nixon administration proposal to authorize the federal government to guarantee up to $250 million in bank loans to the financially distressed aircraft maker. But proponents of the legislation, increasingly apprehensive about the bill's chances in Congress, recently decided to substitute a broader bill under which other companies also might qualify for aid.

Yesterday, when the banking committee met in a closed session to begin drafting the legislation, Committee Chairman John Sparkman (D., Ala.) reportedly stated that he hoped the committee could clear by day's end a broad measure for Senate floor consideration.

But Sen. William Proxmire (D., Wis.) a persistent critic of the Lockheed aid plan, objected. He said almost all the testimony taken by the committee had focused on a bill aimed exclusively at helping Lockheed. The committee shouldn't draft a broader bill, he said, without first calling witnesses to discuss it.

Eventually, the committee agreed to reopen its hearings for testimony next Wednesday, Thursday and Friday, with a closed drafting session the following Monday. Votes weren't taken during yesterday's one-hour meeting, a committee aide said. "There just was a consensus of feeling," he said.

Lockheed has said it could be forced into bankruptcy if it doesn't get additional financing to carry out its TriStar airbus program. The program was jeopardized by the collapse early this year of Britain's Rolls-Royce Ltd., builder of the plane's engines.

The British government has agreed to continue production of the engine at a higher price if Congress will approve the loan guarantee for Lockheed. But the British also have said that the guarantee must be arranged by Aug. 8, when Congress will have begun a month-long recess. Otherwise, the British say they will end their financial support of the program.

Additionally, Trans World Airlines has said that if the Lockheed legislation hasn't made significant progress by the start of the congressional recess TWA probably will cancel its orders for the airbus.

The broad legislation under consideration would establish a government board to rule on applications of companies for federal loan guarantees. An applicant would have to establish that its failure would cause serious harm to the national economy.

THE FIRST 6 MONTHS: A LEGISLATIVE RECORD, JANUARY–JULY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. MAZZOLI. Mr. Speaker, for the information of my constituents in the Third District of Kentucky, and other interested parties, I am inserting in the RECORD a summary of my legislative actions for the first 6 months of the 92d Congress:

The first 6 months, during which it has been my privilege to serve the Third District of Kentucky in the U.S. House of Representatives, have been hectic and demanding months; but, in spite of the heavy workload, I have found them rewarding and fulfilling as well.

In the opening weeks of the 92d Congress, we devoted a large part of our time to organizing the House and its committees in preparation for the business of the session. Much of my own time at first was spent putting my Washington and Louisville offices in good working order, learning congressional rules and procedures, and, frankly, learning the layout of Capitol Hill and its labyrinth of halls and corridors.

Most of the actual drafting and preparation of legislation in the House takes place within its 21 standing committees. I was fortunate in being assigned to the House Education and Labor Committee, chaired by my esteemed and distinguished colleague from Kentucky, the Honorable CARL PERKINS. We divide our workload in education and labor among several subcommittees. The subcommittees I serve on include the General Subcommittee on Labor, the General Subcommittee on Education, and the Select Subcommittee on Education.

Already, thousands of bills have been introduced in the House of Representatives in the 1971 session of Congress. Most of them are still being studied by the various committees. However, many of them have reached the floor of the House and been voted on. Some of the votes on important legislation have been close.

In line with my policy of keeping the people of my district completely up to date on events in Congress, I have prepared an outline of the events of these first very important 6 months of my congressional service.

I mention the bills I have sponsored, describe the important votes I have cast, and include a few words about issues which will probably come up in the future. I divide the legislative summary into 14 general subject areas: civil rights, consumer affairs, drug abuse, education, employment and public works, environment, health care, law enforcement, military and defense, spending cuts and priorities, taxation, women's rights, youth, and other legislative action.

CIVIL RIGHTS AND CIVIL LIBERTIES

Early in the 1971 session, I sponsored House Concurrent Resolution 88, a resolution against films and broadcasts which demean or ridicule ethnic, racial, or religious groups. Later, reflecting my concern over military courts and military justice, I sponsored H.R. 7292, a bill which would require the verdict of courts-martial to be unanimous in order to convict soldiers who are tried under the Code of Military Justice.

On another civil liberties issue, many people have been concerned about an existing law which would permit the establishment of mass detention camps in cases of security threats or internal emergencies. Under the present law, people can be held in such camps without a trial and without bail. I sponsored H.R. 5244, which would repeal that detention camp law. I consider such detention unconstitutional, and the House Internal Security Committee has itself recommended changes in this law.

In the area of employment opportunities, I am currently supporting H.R. 6760, a bill which would give the Equal Employment Opportunity Commission power to ask court enforcement of orders guaranteeing fair hiring and employment practices.

CONSUMER PROTECTION

Ours is a consumer society, and the buyer in the marketplace needs guarantees that the goods he buys are safe, of good quality, and accurately labeled. At present there are about 500 consumer programs scattered over 36 Federal departments and agencies. There is little coordination among them.

To assure the consumer effective representation and protection within the Government and before the courts, I sponsored a bill to establish an independent "watchdog" Consumer Protection Agency in the Federal Government—as well as an Office of Consumer Affairs in the White House—H.R. 4432. I also sponsored a bill which calls for clear labeling of foods which might spoil on store shelves—H.R. 8417; the Truth in Labeling bill—H.R. 8670; and H.R. 7546, which addresses the dangerous problem of cosmetics which contain mercury.

In another area of central interest to consumers—food prices—I voted against the sugar quota bill when it came to the floor of the House—H.R. 8866. Sugar quotas set high price levels for sugar im-

ports and cost the American shopper millions of dollars every year. However, I was in a minority, and the sugar bill passed, 229 to 128.

Rising electric costs are also a major consumer problem, and I sponsored H.R. 155, designed to study ways to coordinate power resources and keep electric prices down. However, that resolution was defeated on the floor of Congress in May.

DRUG ABUSE

Few problems in our country are so pressing today as the spreading cancer of drug addiction and drug abuse. I have sponsored a number of legislative attacks on the problem, from a number of different directions. These include a bill controlling sale and possession of syringes, gelatin capsules, and other paraphernalia of the drug trade—H.R. 8569—as well as a bill which would tighten regulation of amphetamines, which are of growing importance in the illicit drug trade—H.R. 9233.

Approaching the problem at the source, I sponsored an amendment to the Foreign Assistance Act of 1961, H.R. 4414, which calls on the President to cut off aid to countries from which much of the illegal heroin in the United States originates—unless those countries make strong efforts to bring their export of heroin under control.

Attention has recently been drawn to the severe problem of drug addiction in the service, especially among our troops in Vietnam. In June, I sponsored H.R. 9214, a comprehensive bill to provide treatment and rehabilitation for drug-addicted GI's.

EDUCATION

Education legislation is the area of my broadest experience, as well as the main focus of my work on the Education and Labor Committee. Early in this session of Congress, I sponsored a bill to establish a National Institute of Education—H.R. 3606—and another measure to call a White House Conference on Education—H.R. 6234.

I sponsored two bills on higher education, H.R. 5099 and H.R. 6419, which would provide partial income tax credits for families for the college education of their children, and to donors who make gifts to institutions of higher education.

Together with Congressman PERKINS, my colleague from Kentucky, I recently sponsored H.R. 8395, the Vocational Rehabilitation Act of 1971, which would help train people for jobs in the trades and crafts.

On the floor of Congress, the major legislative battle in the area of education was over an amendment by Congressman WILLIAM HATHAWAY, Democrat, of Maine, to add $728 million in badly needed school funds to the education bill, H.R. 7016. I voted in favor of the Hathaway amendment, but it was narrowly defeated 187 to 192. The Senate later accepted an increase similar to the one rejected by the House. There was then an attempt in the House to go along with the Senate on its increase in education funds, but it also failed. I believe a compromise between House and Senate will occur, resulting in some additional funds for education.

There are several bills still in the Education and Labor Committee which will, if enacted, provide financial aid to our hard-pressed elementary, secondary, and college-level school in America.

EMPLOYMENT AND PUBLIC WORKS

Many people are now suffering from the generally depressed state of the American economy. Two major pieces of legislation this session were aimed at easing the situation. The emergency employment bill, which came out of my committee, would put 200,000 people to work in public service jobs—H.R. 3613. I was, in fact, presiding over the House during the vote on final passage of this vital bill. The $5.7 billion accelerated public works bill, H.R. 5376, which was vetoed in June by the President, would speed up spending on public works projects in order to stimulate the economy. I voted for both of these recovery measures. Both passed the House by relatively close votes. I hope the veto of the accelerated public works bill can be overridden.

Earlier in the session, I backed H.R. 4246, a renewal of standby wage-and-price controls for the President. If used, they would help dampen the present spiralling increase in prices. I also support H.R. 7130, which proposes to increase the basic minimum wage to $2, though I believe certain exemptions will have to be retained. This minimum wage bill is now before my Education and Labor Committee.

ENVIRONMENT

Much of my legislative effort has been directed toward conservation and the dangers to the environment in the form of air and water pollution.

One such danger is the dumping of dangerous or toxic chemicals in the oceans. Last year, I expressed grave concern about the proposed shipment of nerve gas from the Lexington Bluegrass Depot through Kentucky for dumping in the Atlantic. Early in this year's session of Congress, I sponsored H.R. 4218, a bill to prohibit discharge of military materials into oceans and waterways without the specific approval of the Environmental Protection Agency.

Another dumping problem of a different kind is that of scrap automobiles. Last year, 7 million passenger cars and more than a million buses and trucks were scrapped, often ending up in junkyards that mar our countryside. I sponsored H.R. 5241 to help States undertake programs to recycle scrap automobiles. I also sponsored a bill to offer tax deductions to people who install antipollution devices on their cars—H.R. 8773.

Still another bill I have sponsored, H.R. 8006, would require use of recycled paper by the Federal Government. I try to practice what I preach, and I have now started using recycled paper in my congressional office to save trees and cut down on waste.

Many Congressmen have been concerned about the possible effect of the proposed Alaska pipeline on America's last unspoiled frontier. Together with a number of colleagues, I sponsored a measure that would delay pipeline construction until the effect of this pipeline on the Alaskan environment is scientifically ascertained—H.R. 9037.

In the general area of water pollution and conservation, I am a sponsor of the Clean Lakes Act of 1971, H.R. 7102, and the 5-year, $25 billion Water Pollution Control Act—H.R. 7846. This last program, if passed, could mean the beginning of the end of serious water pollution in the United States. At present, I am also working on legislation to protect the environment from the ravages of strip mining.

One of the most significant environmental stands taken by Congress this session was a highly symbolic one: The vote on whether or not to give the Boeing Co. $290 million of taxpayers' money for further development of the supersonic transport. I voted against this use of the taxpayers' money both times the issue came to a vote in the House. The money is needed for other urgent priorities, not for a fast-flying plane which could do serious damage to the environment.

Both the House and the Senate voted down the SST. The House vote was close; the margin was only about a dozen votes. However, stopping Government support for American development of the SST is no guarantee against overflight by French or Russian SST's. So I introduced H.R. 8760, which would prohibit such overflights except under the most stringent conditions.

HEALTH CARE

Congress is working hard to prepare a national comprehensive health care program. This is such a complex and far-reaching subject area that final action on a health care program may not come before 1973.

On specific health issues, I supported H.R. 4618, a bill which provides Federal aid for nursing schools. The bill passed the House of Representatives in June, and may benefit nursing schools in the Louisville area. In another key area of health concern, I sponsored the Conquest of Cancer Act of 1971, H.R. 3657. This country has spent $410 per person over the last 6 years for national defense, but only 89 cents for cancer research. This is appalling. There are few health problems more pressing than the conquest of this terrible disease. Hopefully, this act will contribute to the discovery of a cure for cancer.

Recognizing the shortage of medical personnel in many areas throughout our Commonwealth and across the country, I introduced H.R. 3283, an amendment to the Public Health Service Act, which encourages physicians and other medical specialists to serve in areas where there is a critical shortage. I was also a sponsor of a congressional resolution opposing the Nixon administration's closing of badly needed Public Health Service hospitals as an "economy" move. The shutdown was later declared illegal by the courts—House Concurrent Resolution 150.

LAW ENFORCEMENT

Congress has taken a number of initiatives this year in fighting crime and supporting the Nation's law enforcement officers. I sponsored H.R. 5645, a measure that would help State and local police departments, as well as fire departments

and rescue squads, improve their communications systems for rapid response to emergencies.

I have been alarmed at the recent rash of assaults and shootings of policemen around the country. Seventeen out of every 100 police officers on duty in the United States were victims of assault last year. To combat this trend, I sponsored a bill this session, H.R. 6474, to make assaults on policemen, firemen, and judicial officers while on duty a Federal offense.

It was my privilege, as well, to sponsor in June the Policemen's Bill of Rights, a measure requiring all State and local police departments receiving Federal money—this includes Louisville's—to guarantee their men equal rights and privileges under the law and to assure them adequate avenues for redress of grievances—H.R. 7332.

MILITARY AND DEFENSE AFFAIRS

Military and defense affairs have taken, as always, a large part of the attention of Congress this session. Action so far in the area of military and defense affairs has fallen mainly into three areas: the Vietnam war; the draft/volunteer army; and defense spending.

On the Vietnam war, I have continuously backed measures in support of a withdrawal of American troops by December 31, 1971. I believe this is the best way to regain our prisoners of war and honorably end our participation in this costly war. I believe we have more than adequately fulfilled our commitments in Indochina. I supported a December 31 withdrawal date in March when it was raised at a meeting of the caucus of House Democrats. This unprecedented move failed by only one vote, 100 to 101.

In June, when legislation in the form of an amendment—the Nedzi-Whalen amendment—to a defense spending bill—H.R. 8687—again brought the December 31 withdrawal date to the floor of Congress, I renewed my support of it. However, it again lost, this time in action by the full House, by a vote of 158 to 256.

A few days later, the Senate's Mansfield amendment, calling for a withdrawal of American troops in 9 months, came before the House on a procedural vote—to instruct conferees. I voted for this amendment also. It was defeated, 176 to 219; but 176 is the largest vote thus far in the House for a quick end to the war and it shows that sentiment for a definite withdrawal date is growing in Congress.

Of course, the question of ending American participation in the Vietnam war is inseparable from the crucial question of the return of American prisoners of war. Earlier in this section of Congress, I sponsored House Concurrent Resolution 175, calling on Hanoi to treat U.S. POW's more humanely, and House Concurrent Resolution 318, calling for the release of American prisoners at the same rate as American troops leave Vietnam. It appears that a plan similar to that in House Concurrent Resolution 318, providing for the release of American prisoners in exchange for complete withdrawal of U.S. troops, may break the deadlock at the Paris peace talks.

Just as important as ending the Vietnam war, I believe, is insuring that it does not happen again. I sponsored House Joint Resolution 665, affirming the constitutional warmaking powers of Congress and requiring the President to consult with Congress within 72 hours where American troops are committed to combat overseas—except in cases of war or national emergency. Under this bill, unless Congress approved the President's deployment of troops abroad, he would have to withdraw them within 30 days.

On the same general subject, I voted for an amendment to the selective service bill, H.R. 6531, which came up in late March, that prohibited the use of draftees in overseas combat without a congressional declaration of war or national emergency. Unfortunately, this amendment lost 97 to 279.

The debate on the draft bill at the end of March and the beginning of April was one of the longest and toughest of the session thus far. I have long supported the idea of a volunteer army, and joined with others earlier in the session to sponsor a bill—H.R. 4451—to convert to a volunteer army. So when the draft bill itself came up, I voted to cut the extension of the draft to 1 year instead of the 2 recommended by the Armed Services Committee. This amendment was backed by supporters of the volunteer army. It failed by only two votes, 198 to 200.

I voted for another amendment to the draft bill to retain divinity school deferments. This amendment was adopted. The draft bill passed by the House abolished all other deferments because they were thought unfair to young people not in college.

The bill also lowered to 18 the minimum age for serving on draft boards, and limited the service of draft board members to 15 years or age 65. When a vote on the whole draft package came up, I felt compelled to support the 2-year draft extension, though a 1-year extension was better.

I feel that the country needs to retain at least a standby draft, during the time the concept of a volunteer army is being tried out, to provide for national emergencies. The draft bill contained a large pay increase for lower ranking military personnel as a first step toward a volunteer army.

In the area of military spending, the most important legislative battle came over amendments cutting some of the money requests from the defense spending bill, H.R. 8687—the same one to which the December 31 withdrawal deadline would have been attached—see above. I voted for a number of amendments that would have cut hundreds of millions of dollars of excess spending from the nearly $80 billion defense budget without, I believe, jeopardizing national security. All of these amendments, however, were voted down on the floor of the House.

SOCIAL SECURITY AND WELFARE REFORM

This session of Congress, I supported the 10-percent across-the-board increase in social security benefits. Later, in June, the massive social security and welfare reform bill—H.R. 1—came up before the House of Representatives.

It contained an additional 5 percent increase in social security benefits, a streamlining and improving of the medicare system, and a sweeping reform of the welfare system. The welfare reform will take much of the burden of welfare costs off hard-pressed State and local governments, and it contains work incentives and benefits for the working poor. I voted for the bill although the welfare-reform package is not perfect. I think it is a substantial improvement over the inefficient patchwork welfare system of the past, and it is worth a try.

One specific area of welfare legislation of special concern to me is the compensation of miners and miners' families who are disabled by pneumoconiosis, coal miners' black lung. We are presently working on a bill in the Education and Labor Committee which would extend black lung survivors' benefits to the orphans as well as the widows of miners who die of black lung. The bill, H.R. 9212, would also prevent a reduction of other disability insurance benefits for anyone receiving black lung benefits.

SPENDING CUTS AND PRIORITIES

There were some other areas besides defense in which I voted to economize and cut spending, with the thought that the taxpayers' money could be better used elsewhere. These areas included the SST, mentioned earlier in this report. Congress saved $290 million by eliminating that program. I also voted against the $3.4 billion NASA space spending bill—H.R. 3981—not because I am against progress in space and technology, but rather because I thought that amount was much too large at a time when we face so many unmet domestic needs.

I voted against the National Science Foundation—NSF—spending bill of $622 million—H.R. 7960. Again, I am not against science, but this was a sloppily put together bill with a lot of fat and waste in it. Congress, however, passed both the NASA and NSF bills.

An example of one place where Congress might better have spent some of this money is in education. I mentioned the Hathaway education amendment above under "education"—Congress voted down over $700 million in extra school funds. Votes for very large money bills like NASA and NSF, but against extra money for our schools suggest that many Members of Congress need to reexamine their priorities on the important national issues. However, the vote against the SST in the House suggests that there may be the beginning of a shift in priorities in Congress.

TAXATION

We all go through the headache of paying taxes every April 15—but Congress can ease the burden in a number of ways. I sponsored a congressional resolution this session—House Joint Resolution 662—to simplify the complex and confusing Federal tax return. I sponsored two different bills to allow homeowners to deduct part of their home repair costs on income tax returns—H.R. 7837 and H.R. 4972.

Single people are still discriminated against by a provision of the tax law which enables married people to pay less

taxes by filing a joint return. I sponsored a bill to provide similar income-splitting benefits for single people—H.R. 7656. Other tax measures I sponsored include a tax exemption on the first $3,000 of civil service annuities—H.R. 5083—and certain tax credits for higher education—see "education" above.

WOMEN'S RIGHTS

Congress is becoming increasingly aware of the necessity of providing equal rights under the law for women, and of promoting increased opportunities for women in employment. To insure equal rights for women, I introduced early this session a proposed constitutional amendment—House Joint Resolution 461—which says simply:

Equal rights under the law shall not be abridged or denied by the United States or any State on account of sex.

My amendment was referred to the House Committee on the Judiciary. I feel sure that this amendment, or some other version of an equal rights amendment for women, will be approved by Congress before long.

Also of great importance to women is this year's comprehensive child development bill, H.R. 7334, which was drawn up in my subcommittee of the House Education and Labor Committee. This bill would provide money for neighborhood daytime child care centers, which would be of enormous importance to working mothers. The bill appeals to me both because it provides parents with a higher degree of local control over the day care centers, and because I believe it will enable many welfare mothers to work because they will now have a suitable place to leave their small children.

Finally, I recently sponsored a housewives' pension plan, which would enable housewives to save or invest up to $25 a week tax-free in a "retirement" fund from which they could draw after age 59½. I believe that being a housewife is a job as well as a labor of love, and the housewife should have a chance to provide herself with the same security that is available to the wage earner.

YOUTH

In recognition of the growing participation of young people within the political system, Congress is paying increasing attention this year to the problems of youth. One measure of vast importance passed this session was the constitutional amendment for the 18-year-old vote—House Joint Resolution 256—of which I was a sponsor in the House. The 18-year-old vote passed both Houses of Congress and has now won approval of the required two-thirds of the States. I sincerely believe that the participation of millions of new under-21 voters in national, State, and local elections will add new life to the political process in this country, as it has already done in Kentucky.

I also sponsored a bill, H.R. 3653, to establish a national Department of Youth Affairs in the executive branch. One of the first actions I took in Congress was to introduce a congressional resolution, H.R. 326, calling on the President to designate the first week of February each year as National Youth Appreciation Week. I took this action because of my strong feeling that the media have overemphasized the negative aspects of America's youth.

OTHER LEGISLATIVE ACTION

I sponsored legislation to change the Uniform Time Act so that daylight saving time would be observed only from Memorial Day to Labor Day each year—H.R. 5675.

The Congress passed legislation changing burley tobacco quotas from an acreage basis to a poundage basis—H.R. 5732—on a voice vote. I voted in favor.

In the area of revenue sharing, I strongly support the concept of no-strings-attached money to local jurisdictions. Immediate action is needed to restore local government to financial health, and I have spoken on the floor of Congress in favor of revenue sharing measures.

Regulation of political campaign financing is one of the major problems with our system of election at present. Much legislation is pending, and I hope we can pass some form of campaign financing legislation during this session.

LUNDBERG BROTHERS APPLY PRACTICAL APPLICATIONS TO THEIR CONVICTIONS

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. JOHNSON of California. Mr. Speaker, today we are hearing much about the preservation of our environment and some of those who are discussing this issue would imply that it is something which has newly been discovered. While it is true that new interest and emphasis has been placed on the preservation of our environment in recent years I think the story of the Lundberg brothers and their farm operation indicate that for generations conscientious, dedicated farmers have been concerned over the preservation of our resources and at the same time the improvement of these natural resources of which this Nation is so greatly blessed.

The Lundberg brothers of Richvale, Calif., Wendell, Eldon, Harlan, and Homer have farmed all their lives as their father farmed before them. The elder Lundberg, in raising his four boys to be farmers, stressed repeatedly that a farmer has an obligation to improve the land which he uses and in the final analysis he must leave his land in better condition than when he took over. This basic philosophy instilled in the four brothers at an early age caused them to change their complete operation as it relates to the raising of rice. The result is a complete changeover to organic production and organic milling of rice.

This has been accomplished at a substantial expenditure in time, energy, and equipment including the construction of a unique rice mill especially designed for the purpose of handling organic rice products. Although the time has been short the results, at least as far as the improvement of the soil and the lands have been tremendous. Not only has the soil been improved but also the waste products such as rice straw, stubble, and hulls have been converted to a productive use rather than being burned as formerly was the practice—a practice which is currently running afoul of air pollution regulations.

This, and the inauguration of a catfish farm operation, which has rapidly grown to the largest in the State of California make this 3,000-acre farm a unique and outstanding facility.

It is obvious that the four Lundberg brothers do not just talk about their convictions, they do something about it, as they are doing in their rice operations. I would also like to point out that one of the brothers, Harlan, and his family now are in Belam, Brazil, serving as a Peace Corps family, helping the people of this portion of Northeastern Brazil develop their own rice industry. From early reports they are having great success.

This is a close family—one that works together—one that on each day lives in the spirit of family cooperation which is symbolized by the name of the farm WEHAH, named for Wendall, Eldon, Harlan, and Homer.

In the July 1971 issue of the publication Organic Gardening and Farming writer Floyd Allen reports on a visit to the Lundberg farm in an article entitled "Raising Rice the Right Way." I found this a fascinating account not only of the rice industry in general but specifically of the Lundbergs' operation and I ask unanimous consent at this time to insert this article in the RECORD at this point:

RAISING RICE THE RIGHT WAY

One of the reasons I went to see Robert Kennedy, president of Chico-San Inc., was to learn more about Wehah Farm and his long quest to find an already existing organic rice grower, or one who could and would be willing to convert to organic methods. Sadly and alarmingly, not many rice growers in California could produce qualified organic rice at this time, no matter how much they might want to, and Kennedy's persistent search is becoming indicative of what organic food processors and distributors throughout the United States might have to do.

In the coming several years, there will be more organic food products to process and more food processors who would like to distribute organic products than there will be suitable organic farmers to supply the necessary raw commodities. It is a new and unusual situation where conventional business procedures and existing distributor-farmer arrangements will not successfully apply. No one knew this better—or knows it better now—than does Bob Kennedy, who certainly must be described as a pioneer organic food processor-distributor. The contract between Chico-San Inc. and Wehah Farm is probably a landmark which spells out the way which the industry will take in order to prosper and develop.

Chico-San is a distributor of macrobiotic foods. Brown rice is their most important product, and their most successful and best-known product is a rice cake—a crispy, cracker-like cake of puffed brown organic rice made in a heated mold. The company was established in the prime rice-growing region of Chico, California, because Kennedy felt that the finest organic rice would be produced in that area. However, intensive inquiries uncovered no organic rice growers, nor any suitable growers willing to convert to organic farming methods, and for

several years it was necessary to import rice from elsewhere.

Throughout the years, Kennedy never lost his hope of locating an organic grower in the Chico region. Over a period of eight years he personally contacted and talked to more than 150 rice growers. One farm, Wehah Farm, particularly appealed to him. Their paddies are located where they are first to receive clean, uncontaminated mountain water flowing in from the Feather River. Another appealing point was that unlike other rice growers in the area, Wehah Farm practiced the method of returning rice straw and stubble to the soil instead of burning the fields each year. The four Lundberg brothers who own Wehah Farm were interested the first time Kennedy talked to them. Interested but concerned; a number of things had to be weighed which also involved their neighbors, and a life-long way of handling their business. It was not an easy decision.

Wehah Farm is located in Richvale, California, which is a small, compact farm community 20 minutes' driving time from Chico. The rice farmers there are lifelong friends and neighbors, and the farming nucleus of the community centers around a co-op association which mills and distributes the rice grown in the area. Apparently the members are possionately loyal to the association and view anyone contemplating withdrawal as contemplating a personal rejection of all members.

There were other serious matters to be considered. Leaving the association meant leaving an easy, almost automatic market. Leaving chemical rice farming means leaving an easy, almost automatic farming method. Leaving meant leaving a substantial bird in the hand for two very dubious birds in the bush. Modern rice farming is a costly operation. The Lundberg brothers were not certain that they could raise enough rice organically to pay the way. But Kennedy had something working for him, something instilled in the hearts and minds of the Lundbergs.

Mr. Lundberg, the father of the brothers, had been an organic farmer before his time; that is, he held to certain ideals which form the basic principles of organic farming. He taught his sons that a farmer has an obligation to improve the land which he uses, and if possible, a farmer must leave his land in better condition than when he took it over. He also impressed upon his sons the value of cooperation, of cooperating together, and together cooperating with their community and with other communities. Wehah is a symbol of family cooperation—Wendell, Eldon, Harlan, and Homer.

THE PRACTICALITIES WERE FRIGHTENING

Every time Kennedy talked to the Lundberg brothers they listened with their hearts and tried to make it work out in their minds. Modern rice farming is so sophisticated and chemical that the practicalities of considering organic farming were frightening. It's a long, long way to make such a change. To understand this better, it is necessary to understand a little of modern rice-growing methods. To begin with, in the soil of the rice paddies there is a small insect called the tadpole shrimp. When the paddies are flooded, the tadpole shrimp are activated; in a week or more the paddies are filled with tiny, wiggling insects which churn up fine silt and turn the water a cloudy consistency. Sunlight and heat are blocked out and germination is critically hindered. Tadpole shrimp will also feed on the tiny shoots of germinated rice before the small plants have developed chlorophyll. The more silt, the less sunlight, and the less chlorophyll.

Some years are worse than other years. Modern rice growers as a general practice assume that there will be a heavy tadpole infestation and the standard procedure is to spray the paddies with parathion, or carbaryl (Sevin), or sometimes the soil is treated with copper sulfate crystals.

To prevent various seedling diseases, seeds are treated with Captan or Arasan 42S (Thiram). The soak water from treated seeds is so toxic that it is supposed to be retained in settling basins and not allowed to return to intake or drainage ditches. Molinate (Ordram) is either worked into the soil before flooding or later applied to the flooded paddies in order to control a water grass called barnyardgrass. Carbo Furadan is applied on the soil prior to flooding to control rice water weevil. Copper sulfate is applied in the water to control algae. Parathion is sprayed on growing crops to control mosquitoes. Malathion or parathion is used on seedling rice to destroy the eggs and larvae of the rice leafminer. Leafhoppers and armyworms are controlled by applications of Sevin (carbaryl). MCPA amine or sodium salt is used to control sedges and broadleaved weeds. Propanil is frequently used to control barnyardgrass. Ammonium sulfate is applied on the soil for supplemental nitrogen. Superphosphates and the like are applied on the soil for supplemental phosphate. Ferric sulfate is applied on the soil for supplemental iron and zinc. Straw and stubble are burned to eliminate tillage work.

The most important tool a modern chemical rice grower possesses is his telephone. Most of his work is done for him by airplanes. Even his seed rice is planted from the air. Rice growers in America have cast away their independence; they have substituted chemicals for self-reliance and replaced skill with poison. The Lundberg brothers knew that their father farmed successfully without these destructive chemicals; they used to work with him. And then there was Robert Kennedy talking to them from time to time, and all the while buried in their hearts and minds was their father: "Improve the soil. Leave it better than the way you found it."

TRIED IT ON 76 ACRES

They decided to try. And 76 acres were set aside and prepared organically. A source of manure was located, the manure composted and worked into the soil. An organic rice crop was harvested which averaged 37 hundredpound bags per acre, which is quite low by chemical standards, but high enough, with organic prices, to demonstrate economic feasibility. The brothers made up their minds. They discarded the chemicals, withdrew from the co-op association, rejected their agricultural educations, their years of experience, and committed their 3000-acre Wehah Farm to organics.

The first order of business facing Chico-San and Wehah Farm's new association was a mill. Hopefully they sought to contract with a mill such as the co-op in Richvale. It was not possible. Their volume of rice would be too small to run separately—and unless the mill was thoroughly cleaned before each run, the rice would probably be contaminated. Working it out together, Wehah Farm purchased additional property containing three large well-constructed concrete silos; special milling equipment was purchased from Japan, and an organic rice mill was designed and constructed under the direction of Ronnie Leanheart. It was a labor of love.

He wired every inch of the complicated wiring, assembled and installed each piece of equipment, helped to construct the building, aided the brothers in redesigning the mill with particular care and pride. The Lundberg brothers took pains to express their pleasure and appreciation of his fine work.

The first time I heard the term organic rice mill it struck me as a title, as a created high spot; however, the term is meaningful and the differences are important. To remove the husk, conventional rice mills use steel or stone rollers, which are sometimes grooved. The steel or stone-milling process peels away the husk and removes the rice bran, which is the most nutritious portion (and perhaps the tastiest). As I understand it, the idea behind this kind of milling is to produce a prettier product that is easier to handle and will maintain a longer shelf-life. According to Kennedy, conventional rollers scratch and mar the rice grains and when such rice is stored, it deteriorates in quality. Since rice contains about two percent oil, marring and scratching the grain subjects the rice to the possibility of becoming rancid.

The milling equipment at Wehah Farm uses rubber rollers which pop the husk as the rice passes through, leaving the outer layers of bran untouched and unmarred. The rice is beautiful, certainly far prettier than conventional rice which often looks lifeless. The bran improves the rice, adding a pleasant, chewy texture. No doubt part of the flavor can be attributed to the practice of storaging the rice in the husk and milling only per each order. For example, Chico-San orders only enough rice at each time to meet a certain production period; therefore they are constantly packaging and processing freshly milled rice.

A common practice in conventional mills is to fumigate harvested rice in order to promote longer and easier storage, and then to fumigate again after milling to insure a longer shelf-life. Harsh caustics, pesticides and rodent poisons are used to control and prevent insect and plant-disease infestations. Such methods, to say the least, are contaminating, and not organically acceptable. At Wehah Farm, prevention through immaculate housekeeping provides the major control system. Proper and careful handling of rice in all stages completes the method.

Problems solved in the paddies

The preventive housekeeping procedures practiced in the mill are similar in intent to those practiced in the paddies. Again, proper and careful handling completes the method. Tadpole shrimp are controlled by careful water manipulation and timing. For example, if the rice is seeded by spreading the seeds upon the dry ground with a truck and then flooding the paddies, the rice has an even chance, at least a week. Tadpole shrimp and rice seedlings are developing at the same time. Raising and lowering the water level helps to flush away silt and reduces, for a time, the distance which the chlorophyll-producing sunlight has to travel through water.

Seeds are not treated to prevent seedling diseases. The Lundbergs' preventive method is to use healthy seeds. Rice water weevil infestation normally occurs within 10 to 20 feet adjacent to the levees. The controlling preventive method used by Wehah Farm is clean and careful housekeeping, disking and cleaning away weeds up to and around the banks. Rice leafminer does not seriously harm healthy, vigorously growing plants, especially when most of the leaves are off the water. Fertile soil and water manipulation solve most leafminer problems.

Mosquitoes are effectively controlled biologically through a special arrangement with the Butte County Mosquito Abatement District. The flooded rice paddies are planted with a small insect control fish called gambusia, which feeds upon the mosquito larvae and numerous other unwanted insects as well. The fish thrive in the Wehah paddies and are a living verification of their organic methods. As a matter of fact, the brothers do not worry too much about insects now. Weeds are their next big pest problems to solve.

They expect to work out most of their weed problems by utilizing good organic farming methods. Crops are rotated. One year rice, the next year barley or some similar grain, and the third year a paddy is allowed to lie fallow. Eventually, the fallow paddy is irrigated to start the watergrass and other weeds, then it's drained, the land disked, and

a cover crop of purple vetch is planted to protect the soil and supply a rich, natural source of nitrogen. In the following spring, composted manure, especially chicken manure, will be worked into the soil prior to planting.

This year the Lundbergs plan to double the volume of seeds normally planted. It is hoped that by doing this the additional rice seedlings will succeed in choking out most weeds before they can get a good start.

RICE HUSKS BECOME AN ASSET

Organic solutions have a way of dissolving problems. Rice mills, for example, create gigantic piles of rice husks which are normally, and wastefully, disposed of by burning. Naturally this needless burning of valuable organic material adds considerably to our pollution problem. Communities where rice mills are located and burning is permitted will not tolerate the smoke and ashes much longer. The practice will have to be stopped—and, strangely, many mills will have serious disposal problems.

At Wehah Farm rice husks are looked upon as an asset, and their mill was designed to automatically load husks into huge hopper-like bank-out wagons. Each wagon is self-propelled and equipped with tires as high as my shoulders. They are capable of driving a full load through a flooded paddy. When a wagon is filled to capacity, it is driven immediately to one of the paddies and the husks spread, ready to be worked into the ground where they belong. At Wehah Farm everything goes back into the ground except the grains of rice. To someone who has never seen rice stubble and straw this might be difficult to appreciate.

Rice straw and stubble are extremely tough. Rice farmers burn their harvested fields because it is expensive to till the soil properly and work the straw and stubble in. A conventional disk will likely roll over more straw and stubble than it will cut through and turn. Eldon Lundberg relates how difficult it used to be. "We just had to get out there and fight it." Nowadays, it's a snap. First, paddies are irrigated right after harvest to start the decaying processes as soon as possible. In the spring, the ground is worked over with a giant-sized stubble disk (tandum disk). This is a no-nonsense piece of equipment capable of chewing up a two-by-four. To give an idea of its size and heft, it takes a 320-horsepower D9 construction cat to pull it through the paddies.

Organic rice farming is expensive. Harlan Lundberg estimates that their operational cost runs almost twice as much as their neighbors, which only tells part of the story. To date, Wehah Farm produces an average yield of 37 one-hundred-pound bags per acre; chemical farmers are getting 70, 80, and sometimes a hundred bags per acre, which means that presently Wehah Farm pays out twice as much to get half as much. The yields will improve as the soil is improved. As a matter of fact, they're hoping to hit about 50 bags per acre from this year's harvest. Naturally they'd like to get the yield up, not only because they'd like to increase their profit and offset their high operational cost, but because they would like to get the price of organic rice down.

NOT UNDER PRESSURE TO SACRIFICE QUALITY

Unlike conventional growers, the Lundberg brothers are under no pressure to produce volume at any sacrifice. They have a sliding price agreement with Chico-San, and the price of their rice is realistically adjusted to fit the yields produced per acre. The price agreement is a matter of cooperation and protection. The agreement enables them to protect the quality of their rice, and increasing the yield will also give them the opportunity of cooperating with people who eat their rice. I wish everybody could read this contract between Chico-San and Wehah Farm. Reading it, it is impossible to doubt the integrity or the intentions of either party.

In 1968, after extensive research and field studies, the brothers decided to utilize their source of pure water to combine rice growing with channel catfish farming. Today, the catfish operation requires thirty acres of fish ponds, and Wehah Farm is now California's largest producer of catfish fingerlings. Wendell Lundberg is the director of Catfish Farmers of America, and in his view channel catfish "will become a regular item on most California dinner menus." He has all the facts and figures, and he is convincing; something else which he said is convincing, "Because of water pollution, it's probably going to get where farm raised fish will be the only fish safe to eat."

THE CATFISH DINNER? "REALLY DELICIOUS"

There is a restaurant in Richvale which serves Wehah Farm channel catfish, and while I was there visiting their farm the brothers treated Kennedy and me to a dinner. Delicious. Really delicious. But the best part of the dinner was the conversation. One of the problems we talked about is the need for special organic recognition from the U.S. Department of Agriculture. Organic rice is not just "rice," and it ought not to be lumped in with chemically-grown rice. Chemical rice growers produce a surplus which is partially controlled by establishing marketing quotas and acreage allotments. All of which might be fine for chemical farmers, but what about organic farmers? There is no surplus organic rice, and as a matter of fact there is a shortage.

A TRIBUTE TO IGNACY JAN PADEREWSKI

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. ROONEY of New York. Mr. Speaker, 30 years ago on June 29, 1941, death came to a greatly loved and admired world statesman. All the world was saddened, but most particularly the Polish people living at home and abroad were grieved with the passing of Ignacy Jan Paderewski in New York City.

America loved Paderewski not only for his mastery of the piano and his brilliance as a composer, but Americans drew him to their hearts as a great statesman who loved liberty with a passion. Over the many years he made America his home or visited it to thrill its people with this magnificant artistry, this great Pole made himself so loved and respected that it is small wonder that he lies buried temporarily, until Poland will be free again, in a hero's grave in Arlington Cemetery—a parting tribute decreed by his good friend President Franklin Delano Roosevelt.

This man whose gift of music has become everlasting and his selfless devotion to his fellow man eternally lauded was born into an impoverished family living in Podolia, now a part of the Soviet Union. At 3 years of age, Paderewski was playing the piano with great accomplishment and at 7 years he was showing remarkable ability as a composer. Thus, it was that in spite of his family's straitened circumstances, Paderewski was to experience extensive training commensurate with his musical talent.

In 1873 at the age of 13, Paderewski played at a charity concert, where he attracted the attention of a rich patron who arranged for his enrollment in the Warsaw Conservatory. He left Warsaw to study in Berlin and Vienna, where at the age of 17, he made his public debut as a concert pianist.

Paderewski was soon swept into universal fame as he appeared in concerts all over the world and his music was given international acclaim.

With the shadows of war approaching, Paderewski took up temporary residence in Paso Robles, Calif. With the outbreak of war and the misery and ravages visited upon his fellow countrymen, he began a rigorous schedule of public appearances from which he donated all his income to Polish victims of the war.

It was only natural that with his zeal and self-denial to help his suffering countrymen that he found himself in the center of the successful movement to obtain the restoration of Poland as a nation. To the Poles in America he delivered the following inspiring message:

The vision of a strong and independent Poland has always been the lodestar of my existence. Its realization is still the great aim of my life.

From 1918 to 1919 he represented his country in Washington. Thanks to his friendship with Colonel House, President Wilson became highly interested in Poland's cause and on January 22, 1917, he declared that a "united, independent and autonomous Poland with free access to the sea" is one of the goals of his effort. In 1919 he became his country's first Premier and Foreign Minister.

Paderewski's great moral concepts and his artistic temperament caused him to have difficulties with the professional politicians with whom he had to deal. In consequence, he retired from political life within a matter of months to resume once more his career as a pianist.

When Poland was invaded at the opening of World War II, Paderewski joined the Polish Government in exile, which had been established in France, serving as President of its Parliament during 1940. With the adverse course of the war, Paderewski again came to the United States to work for the relief of the people of Poland, as well as the people of Great Britain and Greece for whom he had deep personal affection and compassion. In spite of failing physical powers, Paderewski continued with his arduous schedule of concerts and benefits. However, following a brief illness, he succumbed.

Mr. Speaker, I am proud of the fact that this great man now is temporarily buried in historic Arlington Cemetery among our Nation's great. I am proud of the contributions which this Nation made to the people of Poland through their great Polish idol. I am even prouder of the deep bonds of friendship between all Americans and all people of Polish birth or descent which Paderewski helped to foster and cement.

May all of us join in commemorating his death, in paying our deepest respect to a man whose artistry and statesmanship contributed so much to our own American heritage.

PENTAGON PAPERS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. ARCHER. Mr. Speaker, in the great debate which has raged for the last 3 weeks over the illegal publication of the top secret Pentagon papers on Vietnam, many newswriters and commentators have conjured up specters of Government suppression of the first amendment. They speak selfrighteously about freedom of the press and lambast the Government for allegedly "censoring" the news.

But they miss the point, or they prefer to ignore it: That the New York Times, the Washington Post, and others have received stolen, classified documents, and, cloaked in secrecy of their own until the last moment, have published them. They criticize the Government for indiscriminately classifying information; but then they, with no knowledge of the reasons for classification and with no attempt to find out, anoint themselves as the ultimate judges of what should and what should not be secret.

One of my constituents, Mrs. David Braxton Darden, has written Mr. James Reston of the New York Times about this matter and has forwarded a copy to me. I believe Mrs. Darden points out very well the disturbing hypocrisy of the Times. So that my colleagues may have the benefit of her views, I am submitting her letter for publication in the RECORD:

Mr. JAMES RESTON,
New York Times, New York, N.Y.

DEAR MR. RESTON: Your article in the Houston Chronicle entitled "Who elected the N.Y. Times?", (who indeed?) raised many more questions than it answered.

You seem to be terribly fond of Amendment I of our Constitution but isn't Amendment IV just as important? "The right of the people to be secure in their persons, houses, papers, and effects, . . ." How secure are our papers and how informed are we, when media in their infinite wisdom decide what should be classified, which papers to select and what matter in those papers you will disclose?

You use the word "inform". . ."we correspondents perform an essential service." I think not.

Do we not have the right to have secret documents remain secret until such time as they are declassified? Do we not have legitimate channels for declassification? If not, then why have you not insisted on the disclosure of the Kennedy involvement in Viet Nam and Cuba? Were these same men not advisers and Kennedy appointees? Are we not entitled to the secret testimony of the Kennedy assassination and Marthas' Vineyard? Do you not feel the people have an equal interest and right to be informed on this part of our history? Were these men not equally influential in our progress and policy decisions? The issue is not "embarrassment", the issue is your apparent feeling that you can choose the person or persons to "embarrass."

To those among us who do not subscribe to the Camelot philosophy, questions arise as to the true definition of news when one writer is 100% predictable in what he chooses to report and how he chooses to report it.

I am in total agreement with your statement, "If the country is to be governed with the consent of the governed, then the governed must arrive at opinions about what their governors want them to consent to . . ." but pray tell me how we arrive at opinions in the absence of truths? Is it not just as Evil for the press to withhold facts about one while disclosing "embarrassments" about someone they are less fond of? The truth, the whole truth and nothing but the truth please . . .

I do not share your feeling of righteous nobility implied in your article. If we are to have freedom of the people, as well as freedom of the press, the same yardstick must measure all.

The fact remains, the Pentagon papers were stolen, you are the receiver of stolen documents and you used the stolen goods for commercial purposes. The common word in Texas for this act is fence.

You contend your freedom of the press is absolute (I contend only death, and hopefully, Eternity are absolute). I agree there must be freedom of the press, but with this freedom there is also the burden of responsibility and restraint. As long as you are a commercial enterprise, *selling* advertising and newspapers, I would remind you your cloak of deity is pretty shop-worn.

Sincerely,

MRS. DAVID BRAXTON DARDEN.

OHIO BECOMES 38TH STATE TO RATIFY 26TH AMENDMENT

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. ADAMS. Mr. Speaker, I was delighted to learn that yesterday, June 30, 1971, Ohio became the 38th State to ratify the 26th amendment to the Constitution thereby giving all persons over the age of 18 the right to vote in all elections.

This right has been too long in coming, but it is gratifying that ratification has come so quickly, for as we all remember it was on March 23 that the Congress gave final approval to the proposed amendment. It has been only 2 months and 7 days since the process of getting the requisite 38 approvals began. I am pleased that my own State of Washington was among the very first. This, Mr. Speaker, was by far the shortest time on record in which ratification of a proposed constitutional amendment has been accomplished.

Since the Washington State Legislature ratified the amendment, a coalition of organizations has come together to research registration laws and organize a drive to register the 211,000 persons in the State aged 18 to 20 who are now eligible voters. This coalition, known as the Young Voter Registration Committee has been working in close cooperation with officials at the local, State, and Federal level in a nonpartisan effort. An intensive campaign to register new voters will get underway this summer. The committee plans to have registration programs in high schools, colleges, and other youth-oriented centers.

The coalition includes:

The League of Women Voters.

The Seattle Municipal League.

Skagit Valley College.

The Seattle Student Senate.

The Student Washington Education Association.

Common Cause.

The Washington Association of Community College Governments.

The Washington State Young Democrats.

The Washington State Young Republicans.

The registration of 211,000 voters is a massive undertaking and I compliment the Young Voter Registration Committee for the fine job it is doing. I have been pleased to work with the committee in its planning.

It has been estimated that there are over 25 million citizens nationwide who have now received the franchise. I welcome them into the electorate and congratulate them on their new responsibility.

FAREWELL REVIEW FOR ARMY SECRETARY RESOR

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. MINSHALL. Mr. Speaker, it was my very great privilege to attend the impressive special retreat review honoring retiring Secretary of the Army Stanley R. Resor last Tuesday at Fort Myer.

Secretary Resor departs the Pentagon after 6 years of arduous service to our country, years of intense dedication during one of the most difficult periods in American history.

I wish to include in the RECORD not only his farewell remarks but the tributes paid to this outstanding American by the Secretary of Defense, Melvin R. Laird, and by Gen. William C. Westmoreland. I wish to associate myself with their warm words of appreciation for the services Mr. Resor has rendered to our Nation:

REMARKS OF THE HONORABLE MELVIN R. LAIRD

Secretary Stanley R. Resor leaves the Department of Defense, after six years of untiring, unselfish, and effective service in a most demanding post during an intensely difficult period.

Secretary Resor's six years of service as Secretary of the Army have seen great stress on many venerable American institutions, including the United States Army. As it ends, we near the termination of the first phase of the program of Vietnamization and the completion of 60 percent of the job of removing our forces from Vietnam.

As Secretary of Defense, on two occasions, I asked Stan Resor to continue in this demanding position. I did so because of the skill and dedication he had shown in directing the Army. In the past two and one-half years, that skill has been applied with unflagging devotion to the execution of new defense policies relating to Vietnam and to the design of the Army needed in the period beyond Vietnam which we are entering.

I know the personal sacrifice involved for Secretary Resor in serving in this position longer than any of his predecessors. No Secretary of the Army has been required to work harder or to sacrifice more than Stan Resor.

The award he received today is a well-merited tribute to a man of complete integrity and honesty who grappled with—

and mastered—some of the most intractable problems in the military history of the nation.

Mr. Secretary, as you take leave of the Department of Defense and of the Army, I want to express—for myself and for all who have served with you—gratitude for your service in public life. As you return to the status of private citizen and to fuller enjoyment of family life, it is our fervent wish that the years ahead will be years of continued success and contentment for you and your family.

REMARKS BY W. C. WESTMORELAND

This afternoon we are assembled to honor a distinguished citizen and public servant—the Honorable Stanley R. Resor . . . who is completing almost six years of dedicated service to his country as Secretary of the Army.

I do not propose to review Secretary Resor's long and productive career, but I do wish to emphasize some meaningful accomplishments . . . particularly those which serve as a testimonial of his eminent service to our country.

During World War II, Secretary Resor interrupted his studies at the Yale Law School to serve with the Army from February 1942 to January 1946. He particularly distinguished himself during his service with 420th Armored Field Artillery Battalion, 10th Armored Division where he participated in the defense of Bastogne during the Battle of the Bulge. He was awarded the Silver Star, Bronze Star, and Purple Heart; and his unit received the Distinguished Unit Citation.

After the War, he returned to law school and received his Bachelor of Law Degree in June 1946. This launched him on a notably successful career in law. He returned to the service of the Army and the Nation in April 1965 when he assumed the Office of the Under Secretary of the Army. He was sworn into office as Secretary of the Army on July 7, 1965.

During his six years as Secretary of the Army, he accomplished certain "firsts" in terms of tenure of service.

He is the first Secretary of the Army to serve this long in office.

He is the first Secretary of the Army or Secretary of War in the 20th Century to serve this long in office.

He is the first Secretary of the Army or Secretary of War to serve successive Administrations of different political parties . . . and this certainly reflects the admiration and esteem held for Secretary Resor by the leadership of our country.

More importantly, his admirable performance as Secretary of the Army far surpasses the accomplishments of the records just mentioned. His primary achievements have been in his contribution of wise and skillful leadership, management, and administration during a period of great transition for the Army.

He has ably and tirelessly administered the Army during a period of rapid expansion for a very complex war in Vietnam . . . as well as during the present period of force reduction and increasing fiscal restraints. Even at the height of our efforts in Vietnam, Secretary Resor was steadily involved in improving the Army's capability to meet the full spectrum of national defense commitments throughout the world. During this time, he never forgot that the Army is people. He always strived to improve the service, the life and the leadership of the Army.

His record will long be remembered.

Secretary Resor, on behalf of the many men and women who have served with you in the Army these many years, I want to extend their gratitude . . . along with mine . . . to you and to your family. We wish you good fortune and Godspeed.

FAREWELL REMARKS BY THE HONORABLE STANLEY R. RESOR

Thank you, Secretary Laird and General Westmoreland.

I appreciate this award and your generous remarks. I want to thank all of you who are here today for being here, and for the friendship and support which you have given me over the past six years. Whatever good has been accomplished could not have been without your help.

I shall speak briefly of the past. The future is what you will deal with. The years I have been privileged to serve with you were not easy ones for the Army, but their record contains much to the Army's great credit.

The six years of my service have been those of the Vietnam war. They have been a difficult time, both for the Army and for our country.

In the country as a whole, there has been division. Thre has been discouragement as to whether we really can deal with the large issues which confront us both at home and abroad. Some citizens have lost confidence in the very institutions of government which hold our nation together.

For the Army, the war has been long and hard. We have had to adapt military resources to a struggle which was social, economic, and political as well. We have had to work closely with a distant people of alien background and culture. We have had to do so in the face of vigorous questioning of policy by many sincere persons at home.

Measured against these difficulties, the Army can be proud of its performance. You have achieved the objective of giving the South Vietnamese time to strengthen and equip their armed forces, to build their governmental institutions, and to begin social and economic reform. Beyond this, the ultimate result depends on the Vietnamese themselves. The United States Army has done all it was asked to do. It has done it well.

There have been other important achievements. We have, through our forces in NATO, maintained stability in Western Europe, the area most vital to the security of the United States.

During this same period the Army has had to deal with new problems and challenges brought in from civilian society. We have experienced new militancy among minority groups, and new attitudes and behavior patterns among young people. The Army has not been exempt from the questioning of old ways. It has been subject to the strains of a society which is reexamining all its values.

Thus for the Army it has been a time of activity, accomplishment and change—and perhaps of the feeling that these efforts were not always appreciated by the public at large, and that the Army was paying the price for unpopular decisions of others.

The challenge for the future is how we react to these past six years.

For the country as a whole I think the real threat is to keep healthy questioning from turning into despair—into a lack of faith in our ability to meet problems which how are clearer to us. I think in years past we were a little naive about the difficulties we do face. We have for many years underestimated and neglected growing social problems at home, and at the same time overestimated our power to influence events internationally.

But in recognizing our limitations, we must remember that there is a great deal we can do. We should not allow frustration over the lack of simple solutions to keep us from realizing how much has been done, and how much can be done, to solve hard problems if talented people are willing to work hard at it.

The Army, too, must be careful how it reacts to these past six years. We must resist the temptation to blame our difficulties on the press, or lack of public support, or things beyond our control. That is not a constructive approach. Some of the Army's problems we did not create. But that is no excuse for failing to deal with them.

It is important that the Army stay confident of itself. The challenges of the future can be handled if the Army is willing to reexamine itself from time to time. We need to keep what is good and helpful, and find new approaches where necessary to perform the Army's mission better. If the truth be known the Army is more skilled and flexible in dealing with social change, while still preserving traditional values, than most institutions.

The Army is a large institution. Like all large institutions, it runs the danger of becoming impersonal, of disregarding the needs of its people, of stifling individual initiative. Institutions, like people, need periodically to take stock. We need to see what can be done to eliminate those characteristics which unnecessarily diminish the individual, and emphasize those which offer an opportunity to find fulfillment in doing a job well.

I believe that we are already on the road to doing just that. One example is the encouraging progress in our efforts to improve race relations. Another good example is the Modern Volunteer Army program—not primarily as it relates to increasing enlistments, but rather in its goal of reanalyzing and restructuring the way we handle men in the Army. We will preserve the traditions and values which have made our Army great, while accepting the challenge to make the Army better.

And that better Army in the years ahead will be more essential than ever before. The United States, whether we like it or not, is a world power. Increasingly, I hope, we are coming to realize that we live in an area of nuclear parity, when nuclear weapons no longer are a credible deterrent to all hostile and aggressive acts. Today it is conventional forces which constitute politically effective military force. There is no cheap or easy substitute—the alternatives are either unacceptably dangerous or ineffective.

I am confident that the United States will pass through this period of questioning and doubt and will not turn inward to seek the delusive and temporary comfort of a new isolationism. I believe we shall continue to meet our responsibility to support world stability and peace. That is the only course that will work in the long run. It is the only one consistent with the American spirit and conscience. And if I am right, then the Army will have an increasingly important role in the years to come.

The years ahead will not be easy. But I have no doubt that the men and women of the Army will continue to rise to whatever is demanded of them. You will continue to build an organization which is not only a keystone of national defense and world peace and stability, but also a humane institution with careers which attract some of our most talented citizens. Military service is public service—and no public service in this country is or will be more important for the foreseeable future.

I have been privileged to know well many of you who have been leaders of the Army during my tenure. I know the talent and hard work you have given your country. Under Bob Froehlke's leadership, I am sure that your contributions will grow.

I have not been able to know personally the millions of officers, noncommissioned officers and men who have worn the Army uniform during these six years, or the civilian workers who have supported them. But I know that the strength of our force lies not in machines and tools and weapons, but in the people who make it up. Their talent, sacrifice, and distinguished service have brought the Army to the highest level of leadership and service in our history.

I cannot close without saying once more

what I have said to many of you in private—that these have been the most personally rewarding years of my life. The hours have been long and the problems difficult—but the rewards of public service do not involve ease or comfort. They consist of having the opportunity to spend the productive years of one's life working on problems that really count, and working for and with men and women of immense patriotism and talent. Those rewards I have had in abundance.

My special thanks go to the three Secretaries of Defense whom I have been privileged to serve and who gave me the opportunity of serving—Bob McNamara, Clark Clifford, and Mel Laird. Special thanks also go to my wife Jane, who for six years in our family has been both mother and father, and finally to my sons, who I hope will see a little more of their father in the months ahead.

And so I say good-bye. I am proud to have had the privilege of serving the United States Army in this time of challenge. I could not have asked for a finer group of men and women to work with, and as friends. I have not the slightest doubt that the future will be bright.

Thank you.

WHARTON COUNTY ANNIVERSARY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. PICKLE. Mr. Speaker, in my district, the citizens of Wharton County, Tex., are preparing a tribute to tradition, fostered throughout the county's history, through a July 5–7 celebration of the 125th anniversary of Wharton County.

Mr. Speaker, if any area has reason for a celebration, Wharton County does. The history of the county is as old as that of Texas itself. The county was named for two men: William Harris Wharton and John Austin Wharton. These brothers left Virginia in the early part of the 19th century to join one of Texas' greatest forefathers, Stephen F. Austin, in the settling of Texas. William served as the Texas minister to the United States and his brother served, first, as an adjutant at San Jacinto and, later, as a member of the Congress of the Republic of Texas. Of the 300 original colonists who came with Austin, approximately 30 families settled in Wharton County in 1822.

The county's history was closely tied with that of the young American Republic, for most of the colonists who came seeking more prosperous lives in Texas, did so as a result of the great 1820 money panic in this country. The settlers were well rewarded. Those who moved to Wharton County were granted 4,428 acres of land at a cost of $125.

The result, as in other parts of the country at this time, was the development of great plantations producing cotton, grain, cane, and huge herds of cattle. Wharton County, in particular, was highly productive, for it has some of the richest soil in the country. Some of the more exhuberant local people used to boast, "You can get crops just by punching seeds in the ground with a stick and watch them grow without any cultivation." As you can see, Wharton County also played an important role in the development of the "tall Texas tales." Nevertheless, the rich alluvial soil produced by overflows of the Colorado River has made Wharton County one of the choice argicultural sections of Texas.

More important than the resources, of course, are the people. When the Civil War ended and the Reconstruction began, people were again on the move and, with hope and ambition, struck out for Texas. With the influx of Europeans at the turn of the century, Germans, Czechs, and Swedes docked at Galveston harbor and found their way into all parts of Wharton County. The plantation system period in Wharton County gave way to the time of the great cattle kingdoms, the epoch which to most Americans, typifies the spirit of Texas. Wharton County had its share of these cattle barons. Then came the discovery of mineral wealth and the county found itself in the possession of a wealth of oil and sulphur which still plays a large role in the county's economy. It is a leader now in business, education, and even industry, yet has still maintained its leadership position in agriculture, cattle production, and mineral production.

We can all applaud the accomplishments of the people in Wharton County's long 125-year existence. It is an area as rich in history as it is in natural and human resources. It has maintained a tradition of hardwork and prosperity, a unique and ever-present charm, and a friendly, pleasant style of living which are distinctly Wharton County's. These citizens are to be wished the best in their celebration and congratulated on continuing in the tradition and progress of Wharton County. I consider the privilege of representing this county in the Congress one of the special honors that comes my way. Wharton County is one of Texas' great counties.

A COMMENT ON THE DRAFT "FEDERAL DAY CARE REQUIREMENTS"

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mrs. ABZUG. Mr. Speaker, the Office of Child Development of the Department of Health, Education, and Welfare is circulating for review and comment draft "Federal Day Care Requirements." In light of the potential ill effects of these requirements, were they to be adopted, I am placing in the RECORD the text of a letter I have sent to Secretary Richardson, as well as the text of the memorandum from the Office of Child Development and the draft requirements. I invite my colleagues to read this material. I also invite State and local officials, private and public day care providers, and consumers to review and comment on these draft requirements.

It is true that a revision of the confused tangle of licensing requirements, particularly as they apply to building codes and outdated and unreasonable health and safety requirements, need clarification. I wish these draft requirements did that. That would be constructive and help the children and parents that require more, better child care in order to take training and jobs. But these draft requirements miss the mark and hit at children by putting at federally approved stamp on babysitting and destructive, custodial day care programs. In addition, these draft requirements make it impossible for parents to intervene, and to require the services to meet decent standards. Parents can have a token role if the operating agency is a nonprofit organization; no such token role is provided if the operating agency is profit-making. These requirements are like a Federal stamp of approval for spoiled, rancid meat—without consumers having the right to complain or to refuse to buy and eat it. We can do better than this; we must, for the sake of children and families.

The material follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 1, 1971.

Hon. ELLIOT LEE RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR SECRETARY RICHARDSON: In a letter to Mr. Brademas, dated June 8, 1971, you addressed yourself to "Federal Standards and Uniform Code for Facilities," saying that "the Revised Federal Interagency Day Care Requirements, which the Administration has repeatedly testified will govern day care under H.R. 1," would be made available prior to final publication. You further state that "review and comment would be solicited from "state and local officials, private day care providers, and consumers."

I have a copy of a draft dated May, 1971 entitled "Federal Day Care Requirements" and a covering memorandum from an official of the Office of Child Development, dated June 18, 1971. The covering memorandum states that three weeks is being provided in order to assure sufficient time for review.

I would like to know the names of those receiving this memorandum and the attached draft, in order to learn which "state and local officials, private day care providers, and consumers" were asked to "review and comment." I would also like to know if those who received the material were mailed information under date of June 18, told to have comments in by close of business Friday, July 2, 1971, and were told that this was "three weeks." By my reckoning, Mr. Secretary, June 18 to July 2 is two weeks.

Apart from the procedure used to distribute the May, 1971, draft I am also concerned about the content of the draft *Requirements*.

As I read that draft (and I intend to ask for review and comment as well as testimony on the draft from a variety of persons) it would allow custodial day care services, including babysitting, to be defined as "day care programs", and to qualify for Federal subsidization.

Of equal importance and equally dangerous is the serious lack of meaningful parent participation in the draft *Requirements*. Under the existing *Requirements*, some meaningful role is mandated under the Parent Involvement section. Not only is that role downgraded in the draft version so that parents have only token involvement when programs are operated under non-profit auspices, a double standard has been introduced. Not even token parent involvement is required in programs that are operated by profit-making operating agencies; parents

can only "advise". Ironically, the very category of program that requires the most consumer involvement receives, in the draft *Requirements*, almost total clearance to operate without involving parents. Profit-making on child care is something Mrs. Chisholm and I eliminated entirely in our bill, H.R. 8402; yet here profit-making is permitted and almost totally uncontrolled.

Under the guise of simplifying the existing *Federal Interagency Day Care Requirements*, you have more than doubled their length from 17 pages to 35 pages. Under the announced goal of making the *Requirements* easier for community people to meet—particularly in terms of outdated building and facility codes that discourage establishing new centers in urban areas—you have removed most of the real protection children and families need, particularly since both the day care envisioned under H.R. 1 and under H.R. 6748 would allow the profit-makers to invade the early education and child care field.

I believe that it is misleading and dishonest to represent these draft *Requirements* as being an improvement, at least in terms of the children and families that would be affected by them. The covering memorandum from OCD very accurately pinpoints the two most objectionable portions of the *Requirements* and the real beneficiaries in the revised version when it says:

The basic requirements regarding staff-child ration (sic) have been *liberalized*, and the language relative to parent participation now takes into consideration the role of parents in *private, profit-making* programs (emphasis mine)

"Liberalized" staff-child ratios serve to make programs cost less, not work better. This kind of "liberalization" is precisely the reason other members of the House and I questioned the quality of day care to be provided under H.R. 1 during the debate on the bill, and one reason that I subsequently voted against Title IV.

The degree to which these regulations have "taken into consideration" the needs of the medical profession and other proprietary providers of service is substantial. The new *Requirements'* reference to medical services is such that it might have been authored by the American Medical Association. The references to the role of for-profit operating agencies are excessively generous, and for this reason alone, they should not be adopted.

Neither the rhetoric nor the figures supplied by the Administration and the other supporters of H.R. 1 added up to adequate day care; these draft *Requirements* are consistent with the other moves made against children and their families under the claim of "reform."

As a side issue, it would be interesting to contrast the statements of the Administration and its supporters, beginning with the President's August 11, 1969, description of the child care he envisioned as "more than custodial," with the actions taken to deliver services that matched the rhetoric.

What really seems to have been planned all along, and what H.R. 1 and even H.R. 6748, as well as the May, 1971 Draft Day Care Requirements, guarantee is that one of the real aims of welfare and child care reform is to enrich the same sort of entrepreneurs that fed off Medicare and Medicaid, especially through proprietary nursing home programs.

The President also said, on August 11, that the expanded child care program would offer "opportunities for the further involvement of private enterprise. . . ." More rhetoric was added about "high quality child care service," but what has transpired in the intervening months has laid all hopes for quality programs aside.

What seems to be planned is some new money for the custodial programs and babysitting planned under H.R. 1 and as you said in your letter to Mr. Brademas no new money for anything else. In view of this, I think it is essential that the general public have an opportunity to review and comment on the draft *Requirements*. If the public interest is in any way to be served, target *Requirements* must at least call for what the Administration and its supporters say they want—"more than custodial" day care.

I intend to call the attention of my colleagues to these draft *Requirements* and to their potential impact on families. I intend to inquire as to the rationale for the draft *Requirements*. I intend to determine what strategy could have led HEW and OCD to recommend such *Requirements*. Perhaps these *Requirements* were purposefully designed to make the standards in certain of the bills now before Congress look progressive by comparison.

What the *Requirements* do demonstrate is that the Congress cannot rely upon either HEW or OCD to promulgate standards which guarantee people decent services. HEW failed to protect the sick and aged in its administration of Medicare and Medicaid; with these *Requirements*, it is about to repeat that performance.

The *Requirements* do not protect children's interest; they prevent parents from exercising their duty in judging the adequacy of child care arrangements.

Under these *Requirements*, parents would either have to put their children into cheap babysitting or destructive, custodial day care programs or lose their welfare benefits under H.R. 1. This is precisely what some Members of Congress have wanted all along but, frankly, I did not expect you or Dr. Edward Zigler to take this kind of approach.

Mr. Richardson, I ask you to reconsider issuing these "standards." Surely we need to move forward, not backward, in providing services to develop the potential of the nation's children.

Sincerely,

BELLA S. ABZUG,
Member of Congress.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 18, 1971.

Because of your agency's experiences and knowledge in the area of day care, we would like to solicit your comments in the review of a working draft of the proposed revised Federal Day Care Requirements (copy enclosed). As you know, these requirements services as the minimum program quality standards for federally funded day care services.

The proposed version differs from the present Federal Interagency Day Care Requirements in that the format is less cumbersome; the presentation of requirements is more precise; there is fuller interpretation of the requirements; the material is rearranged in a more meaningful manner; and unclear requirements have been deleted. The basic requirements regarding staff-child ratio have been liberalized, and the language relative to parent participation now takes into consideration the role of parents in private-for-profit programs. The word "Interagency" has been dropped from the title in view of the probable consolidation of most day care through fewer systems.

It is intended that the Federal Care Requirements be presented as one of the Office of Child Development series of day care manuals which would include:

A Statement of Principles
Serving Infants
Serving the School Age Child
Staff Training
Serving the Preschool Child
Health Services
Administration
Serving the Handicapped
Serving Children in Family Day Care homes
Facilities

In this way, the other ten publications in the series will serve to give the Federal Day Care Requirements considerable depth as well as being a source of program models and forms. This permits us to keep the requirements concise and unencumbered. When applicable, at the bottom of the pages of the Federal Day Care Requirements, there will be cross references to the appropriate manual in the series.

Three weeks is being provided in order to assure sufficient time for your review. Thus, your written suggestions will be expected by the close of business Friday, July 2, 1971. If they are not received, it will be assumed that you generally concur with the materials as presented in the working draft.

Thank you for your help, and if you should have any questions regarding this, please feel free to contact Mrs. Dollie Lynch, Office of Child Development, Day Care Office, (202) 755–7777.

Sincerely,

SAM GRANATO,
Chief, Day Care Office.

FEDERAL DAY CARE REQUIREMENTS

I. INTRODUCTION

We live in a rapidly changing world. More mothers enter the labor market every day. More and more families seek help in making arrangements for care of their children while they must be away. For these and a variety of other reasons, an increasing number of people need day care services in their community.

Realizing this urgent need for day care, communities throughout the Nation are beginning to set up programs which will insure for children the growing and learning conditions essential to a happy, healthy, and secure childhood. State and local public and private agencies, organizations and groups, individuals acting together in cooperative efforts or acting alone, industries and labor organizations are all vitally concerned and involved in establishing and operating day care programs. The federal government through a variety of different federal programs, shares a partnership role with communities by providing needed funds and technical help, and by sponsoring research and demonstration efforts aimed at improving our knowledge of how better to help children and families through day care services.

The purpose of this manual is to set forth *requirements which day care programs must meet if they are receiving federal funds*, either (1) directly through a grant or contract with the federal government or by way of reimbursement of expenditures, or (2) indirectly through a grant or contract with an agency acting as administrator of federal funds in the area, by way of reimbursement through a vendor payment made by the administering agency, or by way of a voucher given to the child's parent(s) by the administering agency.

Administering agencies may develop specific requirements and procedures within the framework of the *Federal Day Care Requirements*. However, such requirements must be equal to the federal requirements in terms of the program quality level required, but may provide for a higher quality level.

As a condition for federal funding, agencies administering day care programs must assure that the requirements are met in all programs or facilities which the agencies establish, operate, or utilize with federal support. Administering agencies are expected to review operating programs and facilities for which they directly or indirectly have responsibility and to assure that the federal requirements are met. Noncompli-

ance may be grounds for suspension or termination of funds.

The requirements will also be utilized by federal agencies in the evaluation of administering and operating programs. However, the agency which receives federal funds directly from the federal government will be held accountable.

The manual has been designed, not only as a means for delineating federal requirements, but also to aid in interpreting why each requirement is made, and to provide ideas regarding how the requirement may be met. The format used, therefore, is as follows:

1. Bold Type Statement of the Requirement
2. The Reason for the Requirement
3. Helpful Ideas for Meeting the Requirement

For the purposes of this manual, *day care* is defined as the care of a child on a regular basis by someone other than the child's parent(s), for any part of the 24 hour day. It is recognized that a variety of different definitions appear in federal and State legislation, particularly in laws relating to day care licensing. However, basic to all definitions is the principal purpose for which the child participates—to receive care and protection while the child's parent(s) must be away.

Day care programs, because of the developmental services and experiences they offer for children, are often used as a service resource to meet the special needs of children needing peer group experiences, of children with emotional problems who can benefit from peer experiences, and for children whose parents need relief from the stresses of child rearing. Certainly, many other reasons can be given as to why and how day care can serve to meet needs of children and their families. All such uses of a day care service are appropriate and encouraged. For, after all, any service program should be used in any creative way imaginable if the end result is to help a human to live a happier, and more useful life. No regulation, federal or State, should stand in the way of this goal.

II. DEFINITIONS

Day care services/program

Comprehensive and coordinated sets of activities providing for care, protection and development of infants, preschool and school-age children on a regular basis during any portion of a *24 hour day*. Comprehensive services include, but are not limited to, educational, social, health, and nutritional services and parent participation activities. Such services require provision of supporting activities including administration, coordination, admissions, training, and evaluation.

A day care program constitutes a particular set of day care services.

Administering agency

Any agency, public or private, which receives federal funds directly through a grant from, or contract with, the federal government, or by way of reimbursement of expenditures, and which is *directly* responsible to the federal government for use of the funds. The usual administering agencies under the present federal programs to which these requirements apply are as follows:

Federal program

Title IV, Social Security Act
Title I, Economic Opportunity Act Youth Program
Title II, Economic Opportunity Act
Title III, Part B, Economic Opportunity Act (Assistance to Migrant, and other Seasonally Employed Farmworkers and their Families)
Title V, Part B, Economic Opportunity Act—Day Care Projects
Manpower Development and Training Act
Title I, Elementary and Secondary Education Act (Program funded under this Title may be subject to these requirements at the discretion of the State and local education agencies)

Administering agency

Title IV, State/local public welfare agency
Title I, the Contracting Agency
Title II, Community Action Agency or Single purpose agency grantee
Title III, the Grantee agency
Title V, the Grantee agency
State Employment Service and Local Grantees
Title I, State/local education agency

Operating agency

Any agency, public or private, which receives federal funds directly (as an administering agency), or *indirectly* through a grant or contract with an agency acting as administrator of federal funds in the area, by way of reimbursement through a vendor payment made by the administering agency or by way of a voucher given to the child's parent(s) by the administering agency for day care services provided for the child and his family. *The operating agency is the actual provider of the day care service.* Such service providers may include an individual caring for a child in a private home, the owner/operator of a proprietary day care center, a private non-profit agency operating a family day care home program or day care center, or a community-wide public or private agency designated to act for a group of individual operators.

Day care facility

The actual place where a day care program is provided for children which may be a private home, a specifically constructed day care center, a mobile unit or an area of another building, such as a church, school, apartment, or office building, specifically used for day care.

In-home day care

Day care services which are provided in the home of the childern by someone other than the child's own parent(s). Such care may be provided by a relative, a friend, a neighbor, or someone employed to come into the home to care for the children. These Requirements only apply to such care when the caretaker is being paid directly or indirectly through use of federal funds. Often, in-home day care may be provided by an agency as a Program, with caretakers recruited, trained and supervised by the agency and placed in a child's home at the request of the parent(s).

In-home care is suitable for any child. However, it may be the preferred choice for children who are handicapped and cannot participate in outside-the-home programs, for children who require care during the nighttime or swing shift hours, or for children who live a far distance from any other day care program.

Family day care home

The private home of a person who takes care of children. Such care may be provided by a relative, friend, neighbor, or someone who provides care for children as a business. These Requirements only apply when the caretaker is being paid directly or indirectly through use of federal funds. A family day care home may be operated independently or as part of an agency Program, with caretakers recruited, trained and supervised by the agency. The agency arranges for placement of children in the home.

Family day care is suitable for any child. However, it may be the preferred choice for infants, toddlers, and sibling groups and for neighborhood-based arrangements. Family day care homes are especially suitable for children needing after-school care. A home-like atmosphere is essential to a family day care home. Therefore, only as many children including those of the caretaker, as can be integrated into the caretaker's family living pattern should be served; the maximum number is usually 6 children. (See sec. III E)

Group day care home

An extended or modified family residence usually having a section of the residence especially reserved for day care activities. One or several employees working under the direction of the principal caretaker assist in the day care activities.

A group day care home arangement may be the preferred choice for children who need after-school care and who can profit from association with their peers, but need a neighborhood-based arrangement. Group day care homes are usually limited to the care of 12 children. (See sec. III E)

Day care center

A specifically designated day care facility which may be in a converted private dwelling, a settlement house, a school, a church, a public housing complex, or in a specially constructed building. A day care center is usually staffed with a variety of people, depending upon the size of the center and the services provided.

A day care center arrangement may be preferred for any child between ages 3 and 6 years. However, it is also suitable for school-age children and for children under age 3, when certain provisions are made to meet the particular needs of these children (See sec. III E). Day care centers usually serve more than 12 children.

III. PROGRAM STANDARDS

For purposes of convenience the material which follows is organized into separate units. However, in the actual implementation each of the units would be closely interwoven to equal a total, well-balanced program.

The day care worker or teacher should have a concern for health matters, the nurse for social service functions, and the parent coordinator for helping professional staff understand parental roles and activities and how to coordinate with them. A program has unity to the extent its staff works from a common base of understanding of behavior and the same sets of objectives and priorities.

A community program of day care, to allow for choices based on the needs of all children and to respect the preferences of parents, should be comprehensive and coordinated. It should include all types of facilities and a considerable range of services to meet various levels of need, including services needed by culturally deprived children, and by children with particular handicaps or problems.

A. Environmental Considerations

Licensing

All day care programs and facilities must be licensed by the appropriate State and local agencies when such licensing is required or provided for on a voluntary basis.

State law and local ordinance may require that day care programs or facilities be licensed in order to legally operate within the State or local area or they may provide for licensing on a voluntary basis. Such licensing is a means for safeguarding children while apart from their parent(s) by assuring for them a level of care deemed by the community to be required as a minimum for their safety, care, and development.

In most States, either the State health or welfare agency has responsibility for licensing day care programs or facilities, or will be aware of what agency has such responsibility. The operator or proposed operator of a day care program or facility should contact these agencies to determine whether a license is required and, if so, the conditions for licensing. State officials can usually indicate whether local ordinances must be met as a condition for operation.

The administering agency must be satisfied that the operating program or facility is licensed before utilizing federal funds for care of children in the program or facility.

Facilities Location

Day care facilities must be located in a geographic area convenient to members of the group of families eligible for participation under the regulations of the Federal agency funding the program or daily transportation to and from the facility must be provided or arranged for by the administering agency, when the facility is located at a location inconvenient for the families and when a child's parent is unable to provide transportation.

The location of a day care facility is important in order that travel time and costs be kept reasonable for the child's parents and the program operators. In addition, a facility located near the parent's home will enable them to more easily participate in the program.

In assisting parents to make arrangements for their children, facility location, as well as the developmental needs of the child and desires of the parents, should be taken into account. The method of transportation used by the parents, the number of transfers when public transportation is used, the time of day or night, and the number and ages of children to be transported will have direct effect on the success or failure of a day care plan. Also important is the location of other community resources providing services as part of the administering agency's day care services plan.

Often, parents would prefer that their school age children receive care in the same facility after school where the pre-school child receives care so that all of the children can be picked up or delivered home at the same time. Many times, it can be arranged that the school bus transport these children to the day care facility instead of the child's home, or if the day care facility is located in the child's neighborhood, walking there, instead of home, could be the choice.

It is not always easy to find ideal locations for day care facilities or to design a system of transportation which adequately meets all situations; however, attention must be given to this important area toward the end that all children are provided with safe transportation within reasonable travel time and cost.

B. Educational services

The administering agency must assure that educational services are provided by each operating agency as part of the day care program.

Educational services constitute an important part of the day care program whether the program is designed to serve infants, preschool age children or school age children, whether the program is in a home setting or a center setting. Present knowledge about the growth and development of children indicates that the learning process begins at birth and ends at death, can be stimulated or retarded by outside influences and the children who are provided with positive learning experiences can make cognitive gains.

A broad variety of techniques for working with infants, preschoolers and school age children in a home or in a group setting have been developed, tested and proven successful for the provision of educational services in day care. Files, handbooks, training guides and materials relative to these approaches are available and can be obtained at reasonable cost. Day care centers and agency-sponsored day care home programs usually include provision of educational services, and the role of the administering agency may be minimal in assuring that such services continue to be provided. However, attention should be given to assisting these agencies to improve and expand their work, share ideas and keep abreast of new knowledge. More time of the administering agency may be required in developing educational services as part of the day care program provided in a child's own home, and in stimulating active work with infants wherever the location. Training, the provision of materials and supervision are methods which can be utilized in assuring the provision of these services.

Educational services must be under the direction of a staff member who has been trained in child growth and development or who has demonstrated ability in working with children and who has demonstrated skills in planning and supervising educational activities for preschool age children.

There is no exact formula as to the number of years of training or experience which are required to provide a person with the necessary skills to plan and direct an educational services program for children. However, a knowledge of child growth and development, knowledge of materials and techniques, curriculum planning skills, and ability to establish positive guiding relationships with other adults are important requirements for success. The administering agency may wish to establish specific requirements as to type and length of training and experience which is indicative of accomplishment of skills.

Exceptions to such specific requirements should be allowed, however, in order that competent persons who are able to adequately manage the tasks of the job are not "locked out" by rigid barriers.

Both the administering agency and operating agencies have responsibility for meeting this requirement. The administering agency which is responsible for assuring that educational services are provided by operating agencies and which is responsible for arranging for day care in children's own homes or in individual family day care homes will require a staff person on its staff giving attention to the educational services program. The operating agency which is a day care center, an agency operating a family day care home program, or a community-wide agency designated to act in behalf of a group of individual operators will require one or more, educational services specialists to plan and direct the educational services program for the operating agency. When an operating agency serves less than sixty children, a staff person having other responsibilities may be assigned responsibility for directing the educational services program. A record indicating the training and experience of each educational services specialists should be kept on file in the office of the administering or operating agency as evidence that this requirement is met.

An operating agency must provide a variety of daily activities for each child participating in the day care program which are designed to influence a positive self-concept and enhance social, cognitive and communication skills taking into consideration the developmental stage and ethnic background of each child. Each day care facility must have toys, games, books, equipment and materials for educational development and creative expression appropriate to the developmental stages of the children served and the type of facility.

Children learn with greater understanding when they have opportunities to explore and respond in an accepting environment which offers a variety of stimulating experiences and materials appropriate to their developmental, social and cognitive needs and skills. Since for participating infants and preschool age children the day care experience comprises a large portion of their total day, the planned program in which they take part will differ considerably from that of the school age youth who normally will be participating only during non-school hours or school holidays.

Day care programs for children ages three through five years are generally the most obvious ones in which the development of self-concepts, social, cognitive and communication skills can be recognized. Through use of games, rhythms, building blocks, natural raw materials used with paints, clay and glue, by planning self directed and group directed activities, by acquainting the children with words, ideas, and new experiences, by planned changes in the day care environment yet planned repetition of concepts, and through the provision of helping relationships by warm adults the child is helped to learn. It is not often so easy to recognize how these goals can be reached in working with infants, yet they can. By holding, cuddling, talking to and singing to infants, development of social and communication skills take place; by providing opportunities for exploration throughout supervised areas which may be as small as a blanket or as large as a room, by allowing infants and toddlers to interact and explore and by providing opportunities for the child to experience different spatial and temporal relationships, a concept of self apart from other persons or things, a knowledge of things and their meaning, and social skills are formed. School age children, who are engaged in learning experiences during the school day will require opportunities to develop concepts of self and social relationships in different ways. Participation in planning and directing activities and relationships with new persons and experiences not provided by the school offer these opportunities.

Materials which are designed for educational activities in day care, natural materials found in the environment, and the creative genius of the person providing care are all important elements in a successful educational service program. Planning and individual attention to each child's progress are the catalysts which assure success.

Persons directly responsible for the care of children and for supervising the daily activities of the children in the day care program of an operating agency must have had training or demonstrated competencies in working with the age level of children for whom they are assigned responsibility.

In order that children can be given the optimum chance of growing and expanding to the extent of their physical and mental abilities, day care staff persons who have primary responsibility for them must know how to develop and conduct a continuous process of learning opportunities and activities in light of each child's needs and progress.

The administering agency will need to be assured that individuals providing care and operating agencies, employing more than one person to care for and supervise activities of children in a facility, select individuals with training or demonstrated ability. A record indicating the training and experience of each person should be kept on file in the administering or operating agency as evidence that this requirement is met.

C. Federal and Nutrition Service

The administering agency must assure that each child in the day care program receives, prior to or within one month from the date of enrollment and subsequently at regular intervals appropriate to his age and state of health complete medical, dental, and other health evaluations appropriate to his age.

Good health is generally regarded as an individual's most valuable asset and is the foundation necessary for the proper growth and development of a child on which lies the success of other services. The parent of the day care child, as any other parent, has primary responsibility to ensure good health for his children. It is the responsibility of the administering agency to assure that a health care plan is developed with the parent for the day care child and for ensuring that the plan is carried out. Children should have regular and complete health evaluations. If the administering agency has determined that a child has received such an examination within a three month period prior to enrollment, a written report of the examination should be maintained on file as evidence of compliance.

The administering agency should assist as far as possible, each parent in selecting a physician from whom their child will receive services. Reports of all subsequent health evaluations should also be kept on file.

The administration agency must make arrangements to assure that each child in the day care program is provided all immunizations appropriate to his age, medical and dental care, and other health related treatment which is determined necessary by a qualified physician for proper growth and development utilizing existing community resources when they are available. In the absence of other financial resources the administering agency must provide, whenever authorized by law, such treatment with its own funds. The administering agency must assure that parents are provided with assistance in making appointments for treatment for their children, in obtaining transportation, in understanding treatment instructions, and in filing prescriptions and applying medication.

The full physical development of the child must be a concern of the day care program inasmuch as children of all ages, and infants and preschoolers in particular, can have lasting physical and mental disabilities resulting from unmet health needs.

The extent of the availability of medical and dental resources in the community, transportation considerations and the preference of the child's parents will each be factors which influence how medical and dental services are arranged, i.e., in the doctor's office or in the day care home or center. To encourage a family doctor-private patient relationship, the administering agency may wish to assist parents in arranging for the child to receive services in the office of a physician selected by the parent.

A parent should be with his child when he is receiving physical, dental or mental examinations or treatments. The purpose of his presence is not only to reassure and comfort this child but also to communicate with the doctor directly as to the child's condition, questions he may like to have answered and receive instructions regarding prescriptions or treatment.

Written health records of children, including evaluations, reports of treatment and special instructions for health care, must be maintained in a place where they are readily available and easily obtained when needed.

The value of the well-maintained health record can be measured only to the extent that it is used in assurance that the child receives prescribed treatment and regular re-evaluation. It should be viewed as an important part of the child's history which follows him from one day care arrangement to another and in the case of younger children, to enrollment in school.

For purposes of accessibility, all records should be kept in a central file and procedures developed for forwarding them as the children leave the program.

The administering agency must provide for annual review by a qualified physician or a trained health paraprofessional under the supervision of a qualified physician, of the health records of the children in the day care program and the health services procedures of operating agencies. The administering agency must assure that operating agencies have access to the consultation of a qualified physician regarding the health procedures of the operating agency.

The annual review of records by a trained health paraprofessional is to assure that there must have been no oversights such as follow-up on recommended treatment or skipping of sequential immunizations and that regular re-evaluations have been scheduled. The assistance of a qualified physician regarding the health procedures established and followed by the operating agency will assure that the health program is comprehensive and that there is consistency among operating agencies.

As part of the orientation services developed for the operating agency the administering agency may choose to have a session presented by a qualified physician regarding recommended health procedures which should be followed at the operating agency level in assuring services to the child and his family. Following the presentation the physician should make regular scheduled follow-up visits to each operating agency to discuss and plan how the recommended procedures could be adapted to the specific needs of the operating agency and the children it serves.

An operating agency must provide a daily evaluation of each child for indication of illness.

As a part of the daily routine, there must be a simple inspection of each child to observe if there appear to be any indications of illness or discomfort so that the child can receive the proper attention before his condition worsens or he infects others.

Such a simple inspection can be done as the child arrives in the morning and in removing his coat or can be conducted in a small group with several children and incorporated as part of the health learning for the day.

An operating agency must make advance arrangements for the care of a child who is injured or becomes ill, including isolation if necessary, notification of his parents and provision for emergency first aid and medical care.

For the comfort and safety of the child who is injured or becomes ill while in the day care setting as well as for the protection of the other children, it is necessary that there be a place provided away from the program activities where immediate health need can be given attention until other arrangements consistent with the physician's instructions can be made.

The plan for emergency health services should include prior arrangement with neighborhood pediatricians or physicians and with nearby clinics or hospitals which may be called upon. To assure the best care possible, there should be planned in advance those steps to be taken when unexpected medical attention or first aid is required. The plan of action along with telephone numbers which may be needed should be clearly written and posted for quick and easy reference. All equipment and supplies necessary for emergency first aid should be maintained and used only as instructed by a physician consultant.

An operating agency must keep on file evidence of an annual medical examination by a qualified physician of each staff person employed in the day care program of the operating agency, certifying to the staff person's freedom from communicable disease and attesting to their physical, mental, and emotional competence to care for children.

Just as it is important that there be assurance that each child enjoy good health it is of the utmost importance that there be such a concern for the well being of the adults who work with day care children. Not only must the adult be free from contagious infection such as tuberculosis, but must also have the stamina, energy, and emotional stability to work under the demanding conditions created by a group of healthy, active children.

It should be at the discretion of the operating agency to determine under what circumstances release time from work and assistance to meet the expense incurred for the annual examination and tests can be covered by program funds. Each operating agency should keep in a central file current medical reports on all members of the day care staff and regular volunteers.

The administering agency must arrange for health education services for children in the day care program and their parents, and for the staff in operating agencies, which is designed to disseminate accurate knowledge about health, how to cope with health hazards and resources for health services, and to promote personal responsibility in establishing good health habits.

The attainment and maintenance of good health is not something which can be limited to those hours during which the child is in the day care setting. It is greatly influenced by the health conditions of other members of the family with whom the child lives; the amount and kind of foods which are served at home; personal health habits practiced in the home as related to frequent bathing, washing of hands, brushing of teeth; and the condition of the residence itself, whether it has heat and water and is clean and safe.

Through the use of films, posters, speakers, leaflets and discussions, each using the language best understood by the adult and child many educational opportunities regarding good safety and health habits can be brought into the day care experience. In addition to the safety and health activities carried out in the day care setting the parent and child can be encouraged to share experiences at home such as the removal of potential fire hazards by clearing the house and yard area of paper, boxes and other debris; and the planting of a fruit and vegetable garden and preparation of its healthful yield.

NUTRITION SERVICES

The administering agency most provide for annual review of the nutrition program of operating agencies by a qualified nutritionist or food service specialist, trained nutrition paraprofessional under the supervision of a qualified nutritionist or food service specialist. The administering agency must assure that operating agencies have access to the consultation of a qualified nutritionist regarding the nutrition program of the operating agency.

It is conceivable that an operating agency may be faced with food planning, preparation and serving for infants and children of markedly different areas or dietary requirements. Even when special situations do not exist, the nutrition program for each day care setting must have available consultation from a qualified nutritionist regarding foods and feeding of infants, toddlers, and older children, including the composition, preparation and storage of formulas; serving of foods, compensatory feeding of nutritionally deprived children; and needs of children with poor eating habits or cultural preferences.

The administering agency may have a qualified member of the staff available for consultation services to the operating agency or may contract for such services or otherwise make arrangements to utilize services of the staff of the Department of Public Health, Department of Agriculture, Extension Service, and local colleges. The paraprofessional nutrition worker could be the parent of a day care child for whom the position would be the appropriate next career step and should be involved in the development of a service plan for centers and day care home programs and have opportunities to lead work shops and assist cooks in the selection, preparation, and storing of food and demonstrate how tasty nutritious foods can be prepared at less expense.

An operating agency must provide adequate and nutritious meals and snacks appropriate to the age and ethnic background of the children served and time of day they are in attendance, which are prepared in a safe and sanitary manner. Consideration must be given to the special dietetic needs of children as prescribed by a qualified physician.

Because it is known that the value of food is both physical and pyschological, the nutrition program for each day care setting whether a home or center must be planned with considerations given to the cultural,

social and emotional meaning of food for children.

The operating agency should be prepared to provide evidence of menu plans, purchasing procedures, and meals that are planned sufficiently in advance in a thoughtful manner so that they meet the test of good nutrition. The administering agency may choose to observe periodically food preparation, serving and eating at a day care operating agency.

The administering agency must arrange for nutrition education services for children in the day care program, their parents, and the staff in operating agencies, which is designed to disseminate knowledge about food, its nutritional value, its preparation, meal planning and purchasing.

Balanced nutrition is basic to the attainment and maintenance of good health for the adult as well as the child. When the body is furnished with foods which contain the vitamins, proteins and minerals necessary to feed growing tissue it is better able to function at its optimum level and ward off infections and physical and mental fatigue, thus allowing the adult and child to pursue his work, studies or play with enthusiam and energy.

The administering agency should solicit suggestions from parents, school age children and staff regarding the type of nutritional workshops they would consider interesting and important. They should draw on the resources of companies, agencies and colleges which make available personnel and material for nutrition education as well as the talent of parents who have skill and knowledge in preparing nutritious meals utilizing ingredients which may have ethnic and cultural appeal.

D. Social Services

The administering agency must assure that social services are available to parents of children participating in the day care program to assist in determining the appropriateness of day care, and the best type of arrangement for a particular child or family, to assess with the parents the child's adjustment in the day care program and to assist parents in utilizing resources in the community to meet the family's needs.

It is the prime responsibility of social services in a day care program to help families maximize their strengths and to resolve their problems, be they emotional, social or economic, which have an adverse effect on the quality of family life. It is toward this end that social services are extended to families of children receiving day care in home or center settings.

This requirement may be met by the administering agency in a variety of ways. When an operating agency has social services as a part of its program of services, the administering agency should provide technical assistance, when requested, to improve service, bring new knowledge to the attention of the operating agency, and periodically evaluate the social services component to recommend ways of strengthening the program. For those parents with children in operating agencies without social services, the administering agency may provide these services directly or provide for them through a third agency. In some communities, a central unit provides social services for families using any of the day care operating agencies in the community.

Social services must be under the direction of a qualified staff person, trained social service paraprofessionals must be used in productive roles to provide social services.

Important requirements for the person selected by the administering agency to plan and develop the social services and training and experience in the counseling of children and adults; the knowledge and ability to utilize the resources of agencies; knowledge of the language and culture of the families served in the day care program; and the ability to coordinate and direct volunteers and social work aides and the motivation to help people overcome their problems. The administering agency may wish to establish specific requirements as to type and length of training and experience which is indicative of accomplishment of skills. Exceptions to such specific requirements should be allowed, however, in order that competent persons who are able to adequately manage the tasks of the job are not prevented from doing so because of prohibitive stringent requirements.

When an administering agency serves less than sixty children in an area, a staff person having other responsibilities may be assigned responsibility for directing the social service program. Operating agencies providing social services as part of their day care program, administering agencies providing social services directly, and third party agencies providing social services through arrangement with the administering agency should keep on file in its office a record of the training and experience of the staff members with responsibility for the social service program as evidence that this requirement is met.

E. Staffing

The administering agency must assure that methods of recruiting and selecting staff to work in the day care program ensure equal opportunity for all interested persons to file an application and have it considered within reasonable criteria and that priority in employment is given to persons in low-income families.

Of the various aspects of a day care program the most important to the children and their families are the members of the staff. They are the people who safeguard the children, help plan the program, carry it out, handle day-to-day emergencies, influence attitudes, and together make the day care experience either a good or poor one for the children. Thus it is important that all persons who have the demonstrated ability and the temperament and desire to work with children be considered for employment opportunities in day care.

The administering agency should establish policies relative to the selection of staff and should periodically review the operating agency's procedures for the advertising of available jobs, and interviewing and hiring of employees. The administering agency should review the records maintained by the operating agency relative to the application and selection process.

The administering agency must assure that required staff ratios are met and maintained by operating agencies (as indicated in this section), that operating agencies have adequate advance arrangements for substitute staff and that, when an operating agency employs more than one person, written job descriptions are given to each employee.

It is usually only through small group and one-to-one exchange that the maximum benefit of day care experiences can be derived. Thus encouraging attentive listening, conversation, knowledge of the child's life outside of the day care setting, warmth, individual rapport, and affording a child the opportunity to identify closely with at least one adult. The administering agency must assure that capable staff in the recommended ratio is always present and that each member of the staff has a clear understanding of his responsibility as explained in orientation sessions and provided in a written form.

On the following page are listed the required qualified adult-to-child ratio for day care programs utilizing federal funds. However, operating agencies may find it necessary and desirable to exceed these recommendations and have more adults as regular members of the staff working with the children. Influencing factors are not only the ages and numbers of children and whether the day care setting is a home or center, but also special features of the program, such as the enrollment of handicapped children and, to some extent, the physical features of the facility. Recruitment and involvement on a regular on-going basis of day care parents and community volunteers can be an invaluable method of augmenting staff capabilities while also providing these adults with a worthwhile experience. When community volunteers are utilized in fulfillment of the staff-child ratio requirements, such volunteers must be in regular attendance on a pre-planned basis functioning as if they were an employed member of the staff.

In regard to those staff members directly responsible for supervising children, an operating agency must maintain the staffing ratio indicated, which is appropriate to the type of day care arrangement provided by the agency.

In-home day care: One adult over age twenty-one is required. No more than one family of children may receive care.

1 adult for a total enrollment of one family of children.

Family day care homes: One adult over age twenty-one is required. No more than six children under the age of fourteen, including the children of the caretaker, under age six, may receive care at any one time, except that no more than two children under the ago of two may receive care at any one time. Children over age fourteen who receive care must be siblings of the younger children in care.

1 adult for a total enrollment of 6 children.

Group day care homes: One adult over age twenty-one is required, assisted by an additional adult over the age of eighteen when more than six children receive care at any one time. No more than twelve children may receive care at any one time.

1 adult for a total enrollment of 6 children.

INFANTS AND TODDLERS

Day care centers: When a child under the age of three receives care in a group, one adult over the age of twenty-one is required for every twelve children, assisted by one adult over the age of eighteen when more than four children under the age of three receive care and a second adult over the age of eighteen when more than eight children under the age of three receive care in the group.

1 adult for a total enrollment of 4 children.

1 adult and 1 aide for a total enrollment of 5 to 8 children.

1 adult and 2 aides for a total enrollment of 9 to 12 children.

PRESCHOOL

When a child over the age of three, but under the age of six, receives care in a group, one adult over the age of twenty-one is required for every fifteen children, assisted by one adult over the age of eighteen when more than eight children receive care in the group.

1 adult for a total enrollment of 8 children.

1 adult and 1 aide for a total enrollment of 9 to 15 children.

SCHOOL AGE

When children over the age of six receives care in a group, one adult over the age of twenty-one is required for every thirty children, assisted by one adult over the age of eighteen when more than fifteen children receive care and a second person over the age of fifteen when more than twenty-five children receive care in the group.

1 adult for a total enrollment of 15 children.

1 adult and 1 aide for a total enrollment of 16 to 25 children.

1 adult and 2 aides for a total enrollment of 25 to 30 children.

STAFF TRAINING

The administering agency must provide, arrange for, or otherwise assure the provision of orientation, continuous inservice training, and supervision for all persons, paid or volunteers, working in the day care program, including those persons working in operat-

ing agencies. Training content must include general program goals as well as specific program concerns in the areas of nutrition, health, child growth and development, educational guidance and remedial techniques, and the relation of the child to his parents and the community.

Proper preparation and continuous training of the total day care staff concerning both programmatic and administrative topics will better assure development and maintenance of high quality day care services. Such training will also contribute to the development of a viable work force in the field of child development and prepare staff for increasingly responsible roles in the day care program.

The talents and resources of the entire community should be drawn upon in meeting this requirement. Community colleges, universities, local school systems, voluntary and professional groups, and Federal, State and local public agencies may all have resources and an interest in participating in the training program. By providing training on a community-wide basis, persons working in homes and those working in centers will have an opportunity to share ideas, learn from each other while learning a common set of information through the training program and thus be in a better position to provide a consistent plan of developmental services when a child moves from a home to a center or when a family of children receive care in both a center and a home. Such integrated training will also provide a basis for persons to move in employment from a home to a center and vice versa.

The administering agency must assign responsibility for developing and coordinating the orientation and training program to a specific staff member who shall involve persons working in the operating agencies in designing the program.

Staff orientation and training activities are meaningful to the participants when they offer the information and opportunity to learn skills which are considered to be important by them in carrying out their day care responsibilities and attaining career goals. In order to assure that the orientation and training programs developed by the administering agency are relevant to the needs of the staff the administering agency must assign a person who has the experience, interest, and ability to work both with employees of the program and representatives from the community agencies and institutions in planning and developing orientation and training. The administering agency may wish to establish specific requirements as to type and length of training and experience which is indicative of accomplishment of skills.

Exceptions to such specific requirements should be allowed, however, in order that competent persons who are able to adequately manage the tasks of the job are not prevented from doing so because of prohibitive stringent requirements.

When an administering agency serves less than sixty children in an area, a staff person having other responsibilities may be assigned responsibility for developing and coordinating the orientation and training program. The coordinator should have continuous contact with the staff in order to solicit their suggestions and understand their training needs. Depending on the size of the total program this contact could be maintained through regular conversations, written questionnaires, and/or the formation of a training advisory committee which should include the minimum of one representative from each operating agency.

F. Parent Involvement

The administering agency must assure that every parent of a child receiving services in the day care program has an opportunity to communicate their ideas, concerns, and suggestions for the day care program. Parents must be provided with clear and understandable information regarding to whom and how their interests are to be communicated. All written communication and a record of all verbal communication must be maintained in a central file and made available to Federal officials upon request.

The physical and emotional involvement of parents in day care programs is based on the belief that parents are interested in and capable of fulfilling their responsibility for the provision of services to their children. The attitudes, opinions, and actions of those persons involved in the planning, implementation and maintenance of day care programs must reflect this belief in their manner and actions, so that parents participate as full partners in all aspects of the programs.

There are many ways of encouraging effective parent involvement including participation in the process of developing policy and making decisions about the nature, development, and conduct and overall direction of the program; employment as paid members of the day care staff in both center and home settings; involvement in activities whether educational or recreational which they help to plan and carry out according to their own interests as parents and as individuals; regular conferences with members of the staff to discuss the development and needs of their child. An interesting and important way for parents and guardians to be involved in the child's day care experiences is to observe him while he is at the center or day care home. This can be done as a visitor. However, a way which the parent can be of even more value is as a volunteer worker. As a volunteer, he can be involved in the activities of the day care program right along with the child and have an opportunity, not only to understand better the things children in day care do and learn, but to participate in staff orientation and training activities thus possibly leading to new employment and career opportunities.

The administering agency must have an advisory committee composed of parents of children in the day care program and representatives of professional organizations or individuals who have particular knowledge or skills in children's and family programs. Not less than fifty per cent of the committee membership shall be parents of children in the day care program who are selected by the parents themselves in a democratic fashion.

In order to provide maximum opportunity for parents to be involved in policy and decision making roles each administering agency must have an advisory committee made up of at least 50% parents of children who are eligible to receive federally supported day care services, as elected by the parents in a democratic fashion. To assure the broadest involvement of services and expertise the remaining membership must include representatives of major public and private agencies and organizations, operators of proprietary and non-profit day care programs who have a strong interest in the provision of high quality day care for children of low income families. The day care policy setting committee must be a separate body from any other which the administering agency may have. It is recommended that if an administering agency does have a separate Board of Directors membership on that Board be open to a duly elected representative of the parents serving on the policy advisory committee.

The responsibilities and privileges of the advisory committee encompass those which are not exclusive to the advisory committee of the operating agency. Whereas the attention of the advisory committee of the operating agency is focused directly on what occurs in the program in that particular facility, the policy advisory committee of the administering agency must maintain a broader perspective which embraces all of the operating agencies and the provision of services to them, i.e., training, coordination, program quality control and monitoring, training and technical assistance.

The responsibilities of the advisory committee should include participation in the assessment of need for day care in the total community; development of plans appropriate to meet identified needs; determine the number and kinds of day care facilities for which the administering agency should contract and to which eligible agencies grants and contracts should be made for the enrollment of children; participation in the development of criteria for the selection of day care personnel both for home and center settings; procedures for the recruitment and hiring of staff; plans to utilize all available resources; participate in the development of procedures for the monitoring and evaluation of programs in terms of the Federal Day Care Requirements and/or State and local requirements; and development of procedures to ensure the democratic representation of parents in all phases of the development of policies which effect their children and families. In addition, the advisory committee present suggestions for program improvements and receive feed back from the staff regarding the implementation of such suggestions; create a procedure for hearing and resolving staff grievances and complaints as received from the community, from those at the applicant agency level, and from staff and parents of the operating agency when they are of such a nature or magnitude that the operating agency chooses to present them at the administering agency level; review and approve contracts or grants for the provision of supportive services such as staff training; participate in the nomination of the program director and approve decisions to hire or fire the director; participate in the selection of the major staff hired by the administering agency, i.e., those persons responsible for the planning and development of the educational services, social services, training, and health and nutrition; develop and carry out a program of public relations which provides information and education to the community regarding day care services, promoting greater understanding and support for programs related to the needs of children and their families; approve enrollment procedures, fee schedules and methods for collecting fees from parents; assure that the available day care services are provided to the children with the greatest need, that parents have a choice in selecting the kind of program and day care facility they wish for their child. The advisory committee should also advise and assist in the development of programs to meet the needs of the parents as expressed by them.

An operating agency with more than 25% of its total enrollment constituting children whose care is provided for through federal funds must establish an advisory committee composed of parents of children receiving care in the operating agency day care program and representatives of professional organizations or individuals who have particular knowledge or skills in children's or family programs. Not less than fifty per cent of the committee membership shall be parents of children receiving care in the operating agency day care program and not less than one half of the parent members shall be parents of children whose care is provided for through federal funds.

Both the profit and non-profit operating agency can benefit by the guidance and support of parents and the community which results from an active advisory committee. Such a committee provides the opportunity whereby the participating parent can express himself in a positive way, resulting in services which please him and meet the needs of his family and in turn make him supportive of the operating agency and what it strives to do. In addition, the inclusion of

professional and community representatives add strength to the program, whether proprietary or not, by bringing to it community resources and support. The ultimate greatest benefactor being the day care child.

The advisory committee of the day care operating agency whether a home or center program should be concerned specifically with the administrative and program aspects which influence the actual day care program in which their children participate.

The responsibilities of the advisory committee should include assisting in the planning of the program with particular attention to ethnic and cultural considerations; educational trips; the number and type of meals to be served; and maximizing the delivery of health services. It is important that the advisory committee communicate through its representative(s) to the administering agency's advisory committees the needs of the operating agency working diligently to help develop the policies set at the administering agency level so that those policies and subsequent services realistically meet the needs of the children and families served. In an operating agency of non-profit status the advisory committee should participate in the selection of the staff hired and participate in the nomination of the program director and approve decisions to hire or fire that director; also for an operating agency of profit-making status advise in the selection of Program Director and staff.

The advisory committee should create a procedure for hearing and resolving staff grievances and complaints as received from the parents and community; encourage and assure maximum participation of all parents in the day care activities not only as observers but workers and paid employees.

G. Administration and Coordination

The administering agency must assure that operating agencies give priority in enrollment to those children with the greatest relative need for day care who are eligible for services under the regulations of the Federal administering agency. Criteria for determining relative need must be developed by the administering agency and provided to all operating agencies.

Funds are made available to administering agencies for specific purposes defined in Federal programs. The administering agency must assure that the recipients of the services are those for which the federal funds have been allocated and that established priorities are followed.

Eligibility for day care services differs under the various federally funded programs. In some cases; eligibility is clear and specific and provides little room for discretion on the part of the administering agency. In other instances, eligibility is broad and provides for some option on the part of the administering agency for establishing priorities for service. When such an option is provided, the administering agency should establish priorities on the basis of need, with those families having the greatest need for day care services being given highest priority. Staff members responsible for the enrollment of children should be trained not only to apply specific tests of need, but also to make evaluative judgments as to the relative need for service on a case by case basis.

The administering agency must develop and maintain all records and make all reports which may be required by the Federal administering agency.

An operating agency must develop and maintain all records and make all reports which may be required by the administering agency.

There must be maintained a complete set of written records which reflect the administration of the program, compliance with requirements, program quality and other information useful in assessing problems so that technical assistance can be provided and strengths so that those elements can be shared with other Agencies.

The administering agency and operating agency may develop records and applications suitable to their needs. However, the Federal Administering Agency may require the use of specific forms which will yield uniform data on a national basis.

The administering agency must evaluate each operating agency at least once a year to determine that these Federal day care requirements are met. Administering agencies may develop a coordinated plan for evaluation when they utilize the services of the same operating agency.

The administering agency which contracts for day care services is held totally responsible by the Federal administering agency for compliance with all requirements contingent to the use of the Federal funds.

Where more than one administering agency uses the services of the same operating agency they should coordinate their evaluation efforts so as to avoid duplication and making unnecesary requests of the operating Agency.

The administering agency must assure that all operating agencies comply with the specifications of title VI of the civil rights act of 1964, which requires that services in programs utilizing Federal funds are used and available without discrimination on the basis of race, religion, or national origin.

The Federal law prohibits discrimination on the basis of race, religion, or national origin and this particularly applies where Federal funds are used.

The administering agency is responsible for assuring that there is compliance with this requirement. A statement signed by the day care operator attesting to compliance, and kept on file in the office of the administering agency, is satisfactory evidence for initiating service. However, careful evaluation must be made regularly by the administering agency to determine that compliance is maintained. A procedure for handling complaints by parents regarding possible discrimination should be established by the administering agency and an operating agency found to be out of compliance must not continue to be used.

All administering agencies at the State level and at the local level in a State must coordinate their day care program planning and operation activities to avoid unnecessary duplication in service, to promote continuity in the care and service provided each child, and to maintain maximum efficiency of operation.

Because of the limited availability of funds for day care services it is the responsibility of administering agencies at all levels to pursue joint program pre-planning and continued coordination and to operate as efficiently as possible. Without coordination it is conceivable that eligible children could remain unserved in the midst of available resources.

Many mechanisms for coordination can be developed. The Federal design for coordination of Federal agencies and community resources related to day care services is the Community Coordinated Child Care (4-C) program. For further information, contact Director, Office of Child Development, DHEW, Washington, D.C. 20201.

IV. WAIVERS OF REQUIREMENTS

The administering agency may request waiver of a requirement when it can be shown that the requested waiver may advance innovation and experimentation and extend services without loss of quality in the program. Requests for waiver must be addressed to the federal administering agency providing the funds and to the office of child development. The Federal administering agency shall make decisions on requests for waiver.

On occasion it may be necessary and desirable to permit new and different things to be explored in the areas of child development and day care programs. Such endeavors may require a waiver of the Federal Day Care Requirements. Only the administering agency providing the federal funds can waive requirements relative to their use.

The administering agency must be cautioned that when it contracts with an operating agency which is also being used by different set of funds and following different guidelines, it is important that this be reported in writing to the Office of Child Development. The Office of Child Development will then attempt to resolve any difficulties encountered because of the multiple funding jurisdictions.

PROTECTIVE LABOR LAWS DISCRIMINATE AGAINST WOMEN

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. McCLORY. Mr. Speaker, in anticipation of the equal rights constitutional amendment coming soon to the floor of the House of Representatives, it may be of interest to recall that Illinois is one of only two States of the Union which has adopted "equality of rights" provisions in their State constitutions.

The new Illinois Constitution approved by the voters in November 1970, becomes effective on July 1, 1971 and contains the following specific provisions:

Section 18. No discrimination on the basis of sex.

The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts.

In line with the adoption of the constitutional provisions by the voters of Illinois, the Illinois General Assembly at its current session has been charged with revising the discriminatory State laws which deprive women of equal job opportunities, educational advantages and other inalienable rights to which they are entitled.

Mr. Speaker, it is reported that, notwithstanding this constitutional change, certain organized labor leaders in Illinois have sought to perpetuate the so-called "protective" statutes which discriminate so harshly against women.

The most recent and flagrant evidence of this discrimination appeared recently when a bill was called for passage in the Illinois House of Representatives to prevent discrimination against women attending trade and vocational schools. Labor union bosses fought the passage of this measure with the obvious fear that women might succeed to some of their exclusive jobs over which they are successful in maintaining title or control.

Mr. Speaker, it is noted in the news article which came to my attention that many of our State lawmakers who have poor records with the organized labor bosses have used this piece of legislation as a means for endeavoring to improve their labor records. Unfortunately, the women against whom this type of discrimination persists are the real sufferers and evidences a further disregard of the women of our Nation to en-

joy equality of rights as set forth in the proposed constitutional amendment sponsored by the gentlelady from Michigan (Mrs. GRIFFITHS) and many others.

"GAME PLAN" A DISASTER

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. MONAGAN. Mr. Speaker, for many months I have been advocating the establishment of a system of voluntary price-wage guidelines to exercise some restraint on rising prices and wages through the enactment of H.R. 2502, my Emergency Guidance Board bill, and I am pleased that Chairman of the Federal Reserve Board, Arthur F. Burns, pointed to the necessity of such a program in testimony yesterday before a subcommittee of the Joint Economic Committee.

Mr. Burns' testimony followed closely the President's statement on Tuesday that he would not establish a price-wage review board, and that he was sticking to his economic "game plan." With 2.5 million more unemployed persons now than when President Nixon took office, I believe it is apparent to the vast majority of people in this country that the administration's "game plan" is a complete failure, and that it is now necessary to take extraordinary action to stabilize prices and wages.

The administration's "game plan" has been revealed to be nothing more than an economic policy without direction, and it is incumbent upon Congress to act positively to restore economic stability.

My proposal, the Emergency Guidance Board bill, is being cosponsored by Messers. MCFALL, DONOHUE, BOLAND, BURKE, SIKES, HECHLER, MIKVA, HARRINGTON, LEGGETT, SISK, DINGELL, MORSE, GUBSER, CARTER, HAWKINS, REES, DENT, MILLER of California, TIERNAN, BRADEMAS, ROYBAL, and ULLMAN. The bill creates a temporary Emergency Guidance Board to set and administer a program of voluntary price and wage guidelines for certain concentrated industries and large labor organizations.

Under the terms of my bill, the Board would be composed of five members appointed by the President subject to Senate confirmation, and would represent business, labor and consumers. The Board is empowered to monitor adherence to its published guidelines by requiring large industries and labor organizations to file economic justifications indicating how a price increase of wage settlement complies with or departs from the price and wage guidelines. The Board is empowered to publish economic justifications filed with it, negotiate with corporations where the guidelines appear likely to be breached, hold hearings, subpena witnesses and records, and announce findings and recommendations with respect to inflationary departures from the guidelines. The life of the Board is limited to 18 months, except that its life could be extended for an additional 18 months by a concurrent resolution of Congress.

I believe that enactment of my proposal will effectively stabilize prices and wages and will form the foundation for a complete economic recovery. I urge my colleagues to join with me in working for passage of the Emergency Guidance Board bill in this session.

I am inserting a copy of a June 30 Washington Post article concerning Mr. Burns' remarks before the Foreign Economic Policy Subcommittee of the Joint Economic Committee, for the benefit of my colleagues. The article follows:

BURNS RAPS NIXON WAGE-PRICE INACTION

(By Frank C. Porter)

Federal Reserve Board Chairman Arthur F. Burns disagreed sharply yesterday with President Nixon's flat rejection of wage-price action and warned that without it the United States risks reigniting the fires of inflation.

He also hinted broadly that the Federal Reserve System will soon slow the rapid growth in the country's money supply that Mr. Nixon's game plan depends upon for accelerating recovery from the 1970 recession.

Burns' views in favor of an "incomes policy"—and specifically a review board to consider individual wage and prices on an ad hoc basis and to issue general guidelines for price and wage behavior are well known.

But the President's decision announced Tuesday to stick with present economic policy and Burns' candid testimony before a Joint Economic subcommittee yesterday appeared to widen the ideological gulf between Mr. Nixon and his friend and former top domestic adviser.

The President had surprised observers Tuesday by naming Secretary of the Treasury John B. Connally as his chief economic spokesman. Connally promptly slammed the door on accelerated tax cuts or increasing spending to stimulate the economy on a wage-price review board, and on mandatory wage-price controls.

Despite this, the White House apparently has not abandoned its limited efforts in "jawboning"—attempts to persuade management or labor to forego outsized price or pay increases.

Presidential Press Secretary Ronald L. Ziegler revealed yesterday that Mr. Nixon has invited steel management and union leaders to the White House July 6 to discuss their current negotiation before they reach the final stages.

Mr. Nixon appeared to be in hot water with some of his own party members on Capitol Hill yesterday. Sens. Jacob K. Javits (R-N.Y.) and Charles H. Percy (R-Ill.) both backed Burns' call for a review board and Javits called the Connally statement "very dismaying."

Time and again during the hearing, Burns returned to the theme of inflationary "psychology" and "expectations." These expectations, he suggested, are helping to reinflate interest rates and the latter in turn could jeopardize the upsurge in residential and state and local government construction which he identified as principal stimulants in the economic recovery.

In discussing inflation, the Fed chairman said "I fear conditions may become worse if we don't make the effort" to institute an incomes policy through such devices as a price-wage review board.

As for the monetary expansion on which the Nixon administration has largely relied upon to pull the country out of recession and achieve its target of a $1,065 billion Gross this year. Burns observed:

"I think and I have thought for some time that the Fed has done its job and has done its job fully."

Rep. Henry S. Reuss (D-Wis.) asked if maybe the Fed hadn't "gone overboard a bit" in expanding the money supply.

Burns conceded that the rate of money supply growth has "been much too high." It increased at an annual rate of about 9 or 10 per cent this month, 15 per cent in May and 11 per cent since the first of the year, he said.

"I can assure you, it's not going to last indefinitely," he told the hearing.

Reuss asked why such a rapid growth in money hadn't provided more stimulus to the economy.

Burns said there has been hesitation on the part of consumers and business to use the extra funds available. But there is a time lag and ultimately it will be picked up and provide a greater stimulus, he said.

In the past, Burns has called on greater reliance on fiscal policy to shoulder part of the burden now borne by monetary policy in helping the economy recover. But he surprised observers yesterday by declining to endorse proposals for stimulative tax reductions at this time.

PROGRESS AND PROSPERITY

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. ASHLEY. Mr. Speaker, far too often the American people have equated progress and prosperity—and thus happiness—with almost any kind of growth. In a recent speech before the Missouri Chapter of the American Institute of Planners, Mrs. Marcella Bothwell points out that the lack of a coherent growth strategy in this country has resulted in both overpopulation and underpopulation, frustrating the ability of governments to function effectively and of people to interact positively in healthful and creative ways.

Mrs. Bothwell clearly recognizes that community growth is a public problem, requiring a public solution. Thus, she recommends public planning—on the national level and on appropriate State and local, as well as regional, levels—as a strategy for overcoming the defects of mindless, haphazard growth patterns. In particular, Mrs. Bothwell says that new communities—with their marriage of Government and private enterprise—could contribute much toward improving the quality of life.

Mr. Speaker, I think this speech suggests many positive ways to deal with our urban problems and I commend it to the attention of my colleagues:

SPEECH BY MARCELLA L. BOTHWELL

After awhile the fun of thinking of myself as a "speaker" passed and the more certain need for deciding how we might proceed in this discussion became a reality. For me to talk to you about planning would be like sticking more legs on a centipede—an encumbrance to you and a bumpy ride for me. So, perhaps we can proceed with the assumption of our mutuality of interest.

Well, I think most people are well-intentioned but without the information needed to examine alternative ways to live together in today's world. Continued reliance on intuition may even increase dissatisfactions—the ordinary, well-intentioned citizen who gets information via television and most daily papers is simply boxed out of the discussion. He tries to fit spot news and im-

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mediate experience into a conceptual framework that no longer fits, and he is frustrated by the conflicts between what he sees and what his instincts tell him.

For instance, my instincts whisper seductively about my freedoms and rights to act in my own interest, to profit by my own enterprise, to shape and develop whatever I can wherever I want to. But what I *see* tells me that my personal decisions may have very serious consequences for other people and that I should be concerned about whether I have the right to lay such a burden on my fellows.

What I see suggests that we need statewide planning and zoning in Missouri in conjunction with regional planning and inter-state compacts, the consolidation of counties and the kind of creative local government that might initiate action with a sister city to meet mutual problems of overpopulation and underpopulation.

We need the designation of a number of new towns, with the fiscal energies of government and private enterprise directed toward their success. We need to reconsider the validity of the property tax, which has become truly regressive for many older people and inadequate in any case to meet municipal needs.

We need a policy whereby industrial location is actively guided to assist economic recovery in rural areas and training and re-training programs and housing for workers to encourage people to stay away from urban concentrations and to get them out of urban concentrations.

We need to build communities instead of tract developments, we need civic development corporations that can retain for the community at least some of the fruits of development.

We need new concepts of land tenure, less emphasis on private rights so narrowly conceived as to diminish freedom rather than to extend it. And we need a new vision of America that favors people—and the will and political energy to implement it.

But if my instincts are going to be upgraded to accommodate what I see, then of first importance is a need for information. We need a broad and constructive program of education that will reduce the level of anxiety and lessen fear by presenting realistic choices for examination.

Both my instincts and what I see tell me that.

Dropping out, paranoia, self-indulgence are not the natural avenues of action—they are simply the best we can come up with—employed with such sadness as substitutes for the thrill of accomplishment and the warmth of good fellowship.

You are perhaps occasionally as traumatized as I by the complications of everything being part of something else. Be assured that I appreciate the difficulties you confront daily as you are held accountable for so much about daily living over which you have only limited control.

But then neither do I have control nor does it appear that anyone else has, and it is the feeling of mindlessness in the present that makes it all so frightening.

Awareness of the problems and their complexity creates its own special problem—and one that is even larger than the sum of the separate parts: It goes under the general title: Concern for the Quality of Life. And the mere contemplation of it is almost paralyzing.

One way or another we opt out of effective action. We are not sure in our own minds what we think society should do and why, and we lose sight of some things being more important than others. Without a feeling of confidence that we (society) know what we are about, people turn to all kinds of erratic behavior. It is a syndrome that results in turning down well-conceived bond issues needed for public improvements, to seeing political dissent as revolution, to dropping out of the on-going processes of government in favor of the mystical awareness of Consciousness III as described by Professor Reich. *The Greening of America* is a good-humored book without the hard anger to which we have become accustomed, but soon after reading it the euphoria passes—the sure knowledge intrudes that problems must be dealt with in terms of policies implemented by programs.

Perhaps finally the most interesting thing about *The Greening* will be the way it has touched a nerve in this country and one wishes that John Gardner and Common Cause had the benefit of it.

Of course there are political absurdities in the land. Absurdities that mask the real problems which deepen even as we talk about them now. But the only real hazard to the on-going of the Republic is that ordinary people will allow themselves to panic, to over-react to the rhetoric instead of the problems.

Well, I certainly don't want to be an apologist for the status quo—nor its advocate for that matter. The ordinary middling American who has simply supposed it would all work out has discovered that he, too, is the object of social, economic, political and legal forces over which he has no control.

To an adult, the feeling of helplessness is very frightening. And we do feel helpless with regard to the environment, with regard to the continuing war, with regard to how and where one earns his living and has his house.

What must we do to penetrate the pall of gloom? the fear of Apocalypse? the willingness to opt out?

I think we must engage in those discussions and actions that require the most rigorous kind of analysis and down-to-earth pragmatism including forums of adult education where priorities are discussed. We must have goals that will see us through crisis episodes and viable programs in pursuit of those goals. We must be attentive to what works, and people need information that honestly describes alternative ways of doing things. In modern America—

Segregation and discrimination don't work;

Over-crowding doesn't work;

Environmental pollution doesn't work;

Bad housing doesn't work; and

Ignorance doesn't work.

And trying to make those things work is, in general, what is wrong with the quality of life these days.

The kernel from which most dissatisfaction grows is nourished at the community level where disappointments are real and very personal.

What do people want in community life? Not so very many relish the thought of a kind of continuous town meeting. Yet, neither do people want communities where they are foreclosed from taking part in the decision-making process. It is simply a fact of life that most people don't want an active part in government.

Perhaps the reason is that they doubt their individual usefulness, they reject being used as window-dressing for decisions that are made elsewhere. People like to do real work, come through when they are truly needed, or wanted, and feel a heightened sense of civic energy when they participate under those conditions.

The voters' demand for economy and efficiency may be only the final gasp of a disheartened constituency—if you can't make it good at least make it cheap—that seems to be what we are saying. But would we be willing to invest public money in community development if we believed that we might actually experience better communities?

Central to a healthful, creative attitude is the need for a cohesive sense of community and the lack of it aggravates all of our apprehensions about modern life. It is both part of the problem and part of the solution.

The construction of independent new towns, the reasonable development of balanced satellite communities that are related to bigger urban concentrations but not bedrooms for them, and greater emphasis on the growth of rural centers could contribute much toward relieving those apprehensions.

Whole new towns that have economic balance and that are relatively self-contained can function as counter-magnets to slushy urban growth. Of course, the Housing Act of 1968 recognized that and the Housing Act of 1970 expanded the idea of new communities as a part of national urban policy.

Unfortunately, in spite of the talk, it seems about the smallest part. I suspect one reason is that potential customers for new towns simply don't know what they are missing; others mindful that all towns were once new simply think, "so what?"; others confuse new towns with "demonstration cities" relabeled model cities in an effort to blunt association with places of political turmoil, and don't want any part of it. There is just a terrible communications gap with regard to the functions and possibilities of the new town idea.

In England, the decision to build new towns—that is to pursue a policy of decentralization of people and industry came as one of the earliest decisions of the post-war government. Confronted with the need to rehouse thousands of people undoubtedly hastened the Parliamentary deliberations and, as you know, the decision was not quite that simple or quick.

There had been the gathering momentum of informed opinion which embodied ideas of creating communities by limiting population size, greenbelts, community participation in the return on capital investment—ideas that had provided the building blocks for Ebenezer Howard in Letchworth and Welwyn Garden City. The ecological relationships of urban life had been described by Patrick Geddes. The Town and Country Planning Asociation had been formed and was vigorously pressing the case.

Several Royal Commissions, (most importantly the Barlow Commission of the Distribution of Population and Industry and the Uthwatt Committee on Compensation and Betterment,) had been dealing with the problem. All of these had helped to prepare the ground for the decentralization policy which could be discussed in the specific terms of the Abercrombie Plan(s) for Greater London in the last days of the war. In the midst of the crisis, planning was going on. The three reports of the Reith Committe culminated in legislation that became the basis for designating the 30 new towns now in some stage of development, completion or planning.

The various strands finally converged into a viable policy—there was consensus about what to do.

Whether private enterprise or the welfare state brings greater happiness to man is a question that some people find electrifying. Others, less afflicted with the desire for ideological purity, prefer to get on with what's to be done. Howard himself declared without embarrassment, "I've taken a leaf out of the book of each type of reformer and bound it together with a thread of practicality."

The most important thing is that some aspects of community development are best carried on by the public in the public interest, others best yield to the techniques of private entrepreneurs. In other words, the economic mix with which we are all familiar.

At the time of the New Towns legislation there was reconsideration of the arrangements of that mixture—the declaration ahead of time about how big, where and for what.

After the first World War the Town and Country Planning Association had tried very hard to guide the location of 4 million new dwellings, but "homes for heroes" built on the old ideas of ever bigger cities drowned out their plea for consideration of the principles of the garden city idea. But the British *do profit from experience,* and the post-World War II legislation was a serious effort to rebuild with the idea of creating liveable communities—including whole new towns, which would also let the cities breathe again.

Uppermost was the idea of a government development corporation for each new town that would have broad powers to assemble land, including compulsory purchase if necessary, to build houses and factories, etc.—financed with 60-year loans from the national treasury that carried the prevailing interest rate—payments being forgiven at the start. (And it was funded.) Comprehensive plans required approval of the Ministry but also the Treasury which was to determine the likelihood of the government getting its money back—even in the euphoria of post-war idealism the government was pretty middle-class about that. The new towns are now regarded by many as the best investment the government ever made.

Within that structure of government sponsorship then market forces were expected to operate rather freely and generally did so in spite of a certain mythology about centralized planning. There was an effort to achieve centralized planning—to sort things out, but such efforts will be thwarted in a society so imbued with individualism as Great Britain (and America) it can be counted upon. There were sensitive spots, especially in the relationship between the development corporations and the local authorities; eventually criticisms that the towns were one-class places that took the cream of the working class; that they are architecturally undistinguished; that residents suffer from "new town blues"; and there is a desire for more private ownership.

The criticisms are interesting at least in part because they indicate very high aspirations; even if the original concept is finally diluted and the new towns become more like ordinary towns, I think much more will have been gained than lost—at least for those lucky enough to have a job and a house in them.

The new towns respond to the fortunes and misfortunes of the national government, of course. But after that, they have helped to thin out urban congestion—at least those of the London ring have helped that city retain its mystique. (Unlike New York, Chicago, St. Louis—London is beautiful and creative and civil). They have provided private investors with business opportunities, and in turn jobs for people and houses, recreation, schools and a socially reinforcing quality of life.

In this country the public's interest has been less easily conceived than private rights—environmental questions are now forcing an examination of conflicts of interest that went unquestioned during the developing stages. Community growth, urban policy and *economic* pollution should be a part of that discussion.

What is the alternative to strips of economic pollution like Springfield's famous Glenstone strip? People are beginning to ask. And, Harold Haas shows great restraint in using the I-told-you-so reply. Of course, he has so much to be proud of in Springfield—Glenstone only serves to keep him humble.

The location of business and industry, the location of streets and highways, the location of medical facilities, of government offices, suburban development, the need for training programs, protection of resources, the use of rivers and forests, of agricultural land—all are intermingled, organic. Decisions affecting one cause change in the relationships between the others.

Yet, we seem to proceed with that knowledge in a very haphazard way.

As one looks the scene over, there is not a lot to suggest that government decisions are much better than private ones; important, however, is that government decisions are supposed to be based on what is in the *public* interest and that it should stimulate private initiative when it contributes toward those larger goals and restrain it where it is actively detrimental to them. Mostly we think of government as restraining and preventing, rather than stimulating and encouraging. If planning is to have a positive value, in contrast to being a set of prohibitions and restraints, it must be demonstrated that government and private investors can enter into a productive association that will profit the whole community. The most tender spot is land development—speculation. That cost is so interwoven with ideas of growth that it can hardly be examined.

And so long as physical growth goes undefined and unchallenged as being progress we are pretty well sunk. Growth, progress and prosperity seem to represent the trinity—

So long as planning is thought of in negative terms—as prohibitions and restraints on initiative, it suffers a kind of guilt by association—the way to *avoid no* growth and *no* prosperity is to have *no* planning. People are not very consistent, for planning is recognized as a necessity for all private endeavors and the lack of adequate planning is assailed as the first cause of failure. The economies of scale and the far end of that idea, diseconomy, are part and parcel of business decisions. They are factors that can only be identified by the use of planning, and that is accepted.

But something happens when the conversation turns to community planning. Almost any kind of growth is as good as any other kind—it is evidence of progress which is surely the door to prosperity—and prosperity, the capacity to accumulate ever more of the world's goods, is the maternal uncle to happiness.

It goes on and on and suburbs spread farther and farther, and people drive longer and longer distances and the pollution increases, and the living expenses including taxes get higher. Leisure time is spent on the road, not in personal travel to holiday places, but on the journey to work, the automobile becomes a morning office, then a home and finally a coffin.

But, God are we happy! We are growing—happy as a child with bigger feet and longer legs. To my 5-year-old one of the curiosities of growing up is that you stop getting bigger. "If I just keep eating and eating I will grow so big that I touch the ceiling, and then what happens?", she asked. I explained there was a convenient and happy size for one's body to be and that's about how much one would grow.

I think that can be said for towns, too That there is a convenient and happy size for a town to be. Small towns that are too helpless and dependent are as deadening to initiative as urban places that are too big and suburbs that spread too far. And they are even less capable of solving the problems of viable community development than cities—nobody notices, except to say "how ugly."

No matter how well intentioned individual decisions, they simply cannot affect the problem of community growth on sufficient scale to see improvement. It is a public problem and must have solution by the mechanism of public decision-making—that is, government. That is how we function as a group in matters that effect us as individuals. Government is not merely to prohibit individual action, it is a devise that permits people to have a group consciousness and to act on group problems and aspirations.

Yet where is the leadership that points this out? The leadership that finds ways for people to sense themselves as the *subject* of life, and very much less the *object* of forces upon which they have such a slippery grasp?

HEALTH MANPOWER NEEDS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. PRICE of Texas. Mr. Speaker, this afternoon the House is voting on the Comprehensive Health Manpower Training Act of 1971. This act is needed; its passage is overdue. I urge my colleagues to give it and the amendments that will be proposed to it their closest attention.

The needs for health services and health manpower have reached such critical proportions there are those in and out of Government who are advocating that this Nation turn to socialized medicine—as though socialized medicine were some sort of cure-all or panacea. In my mind, the experiences other countries have had with socialized medicine are such that from an operational point of view, I doubt whether socialized medicine could meet this Nation's health needs. Moreover, on the basis of the principles on which socialized medicine is based, I think any attempts to impose this system on our present framework of public and private medical assistance would create significant problems for health services and for the Nation.

Mr. Speaker, I believe the health services and health manpower needs of this Nation can be met without resorting to socialized medicine. Part of the problems we face in these areas could be productively attacked by the enactment of the Comprehensive Health Manpower Training Act of 1971.

In general terms, the proposed Comprehensive Health Manpower Training Act of 1971 authorizes a Federal financing program designed to alleviate critical shortages in the several health professions. It addresses the manpower problems of our health care delivery system in terms of four major needs: The need for increases in total numbers; the need for altering the distribution of types of medical skills; the need to alleviate the current geographical imbalance in medical services and personnel; and the need to provide a greater opportunity for a larger cross section of our population to obtain adequate health services.

With regard to categorical expenditures, moneys under this act would, among other things, be directed toward increasing the supply and improving the geographical distribution of critically needed practitioners of the medical arts. Schools of medicine, osteopathic medicine, dentistry, optometry, pharmacy, podiatry, and veterinary medicine would be provided construction assistance. Support for educational purposes would be derived through institutional and special project grants. Students of the medical arts would benefit through loans and scholarships. Construction assistance for schools of public health would be provided.

In closing I would emphasize that this act is not an end in itself. It is but part of the means to the end which we all seek—adequate health services tailored to fit the financial and medical needs of the American people.

ARMY LEADERSHIP IS INEFFECTIVE

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. HARRINGTON. Mr. Speaker, as the Pentagon study shows, our involvement, and the reasons for our involvement in the Vietnam war are mistaken. But recently, Col. David H. Hackworth, the most decorated man in the Army, has reaffirmed me another reason for opposing the war.

The modern Army, simply, has been incapable of dealing with a guerrilla war. The Army is filled with upper echelon officials who, instead of having a realistic knowledge of combat, derived their backgrounds from management. The Vietnam war then became some sort of analysis project, and worse, a chance to exploit combat in exchange for rapid promotion.

While the majors, colonels, and generals sat safely behind the lines, the draftee, the grunt, as he is called, took the brunt. The officers were promoted, but the reward for the grunt was injury or death.

Colonel Hackworth, a 5-year veteran of Vietnam, speaks with experience. His combat record, his distinguished service cannot be questioned. I think we can all gain from what he has to say. For that reason, I am inserting a column he wrote for the Tuesday's Washington Post.

[From the Washington Post, June 29, 1971]

"THE WAR WAS WINNABLE"—ARMY LEADERSHIP IS INEFFECTIVE

(By Col. David H. Hackworth)

The reason we have lost the guerrilla war in Vietnam is because the U.S. Army did not have leaders who were skilled in their profession. The current crop of Army leaders were trained in management, not guerrilla warfare. An eminent military sociologist, Morris Janowitz, foresaw this dilemma in 1954 when he wrote: "The military professional is confronted with a persistent dilemma, and this dilemma is deepened by the growth of automated warfare.

"The profession must recruit and retain officers who are skilled in military management for its elite, but at the same time, many of its officers, including the most conspicuous ones, must be able to perpetuate the traditions of the heroic leader. The martial spirit continues to give the military profession its distinctive outlook, and to mold even its military managers. Modern trends make it difficult to imbue the fighter spirit in the next generation of officers, and the civilian population is often ambivalent about its implications. While the civilian leaders may be able to control the strategic policies of the military establishment, they cannot dispense with heroic leadership."

I believe that the U.S. Army's long obsession for training high-level military managers for "automated warfare," and its failure to provide, as Mr. Janowitz says, "the traditions of the heroic leader," has rendered the Army incapable of dealing with Vietnam. The Army is now saying that our policy in Vietnam was "no win." I hold that the war was winnable, and that ineffective Army leadership is the root reason why the Army is now crawling out of that war-wracked country with its tail between its legs. It is also why thousands upon thousands of fine young officers and noncoms are quitting the Army. It is the key factor why the Army is beset with staggering problems of dope, discipline, disinterest, and disenchantment.

The Army seems thunderstruck by it all and is openly looking outside the institution to fix the blame. It's as if once upon a time there was a good Army and then suddenly overnight a curtain went up and Mylai, drug abuse, high desertion, and an equally high quit rate among officers and senior noncoms flashed on the screen. I disagree that it just happened. I think the sickness that now infects the Army has been around for a long time and is not, as General Westmoreland recently said, due to "the unpopularity of the war in Vietnam," or "because the Army is a reflection of our society and the ills of our society inevitably overlap into our ranks." Certainly the unpopularity of the war and the society from which the military is recruited contribute to the Army's illness but only like a boil on a gangrened leg. The real illness is something far more serious because it has to do, not with external cause, but with misplaced values within the Army itself.

It was sometime after the Korean war that I noticed the chant from the Pentagon was, "become a manager." I maintain that this emphasis on management rather than leadership is the reason the Army of the 70's has virtually lost its effectiveness as a military force.

The post-Korea Army placed almost fanatical emphasis on graduate degree training, on high level staff assignments, on attendance at advanced Army training schools, and lastly, on diversification of assignments for its ambitious officers. Duty with troops was looked upon as a necessary evil for the ambitious prince, only to be obtained to fulfill the minimum requirements of command. "Get in there and get your command and get out before you're burned" became the byline. This policy designed to produce managers became a deadly serious Army game popularly called ticket-punching, which caused officers to scurry wildly about frantically getting the right "punches" (assignments and/or schools) on their tickets. It became accepted belief that the number of stars on the shoulder related directly and entirely to the number of "punches" on the card.

This system produced officers who held impressive graduate degrees from prestigious institutions and had broad high level management experience, but in the main, did not understand the motivation of soldiers, and what soldiers expect from their leaders.

Almost simultaneously with the introduction of the ticket punches came the computer managed Army. Levels of officers efficiency were expressed by the computer in terms of Office Efficiency Rating (OER) index. Now, officers worrying about getting the right punch on their ticket had to worship, and become the robots of, the personnel manager's officer efficiency report, an odious rating system that tended to produce yes men. Department of the Army personnel officers next started spouting a diatribe of riddles and cliches on how to move up the management promotion ladder quickly and snap up those critical punches—"you're not competitive with your contemporaries" or "you need a high level Pentagon staff post to broaden and diversify you" or "God, man you've been with troops for two years straight. Get on the General Staff right away before you are ruined."

Obviously, such a system produced officers who knew a little bit about a lot of things, but not really much about anything and far too little about their trade as a combat leader.

One cannot blame the officer corps for this system, for they were just awash in the tide of the system; to fight it meant banishment to Fort Nowhere and a guaranteed end of a career. A few bold ones fought the system. They lost and quit or became housebroken. The smart ones bought it because it was their cup of tea, and the majority went along with it because it had little choice and didn't know better.

So our failure in Vietnam was that we did not know how to fight the war. We can't entirely blame the Officer Corps, for they were trained as managers, not as combat commanders. Who could expect managers to develop tactics and strategy in other than an automated war? Next came the open revolt in the Army ranks evidenced by collective disobedience; units in Vietnam refused to follow orders. Staggering desertion rates followed, along with common drug abuse, and a complete breakdown in the traditional elements which make an effective Army: Discipline, respect for leaders, fighting spirit and pride in unit.

Some people will say I am wrong and that the U.S. Army has never had better leaders. Some will agree with Westmoreland that "the ills of our society inevitably overlap into our ranks." Obviously I disagree and I offer my experience as a U.S. parachute battalion commander in Vietnam during 1966 as Exhibit A: The battalion was composed entirely of tough professionals. They were good. No mission too tough. No sacrifice too great. I offer my experience as a U.S. battalion commander in Vietnam during 1969 as Exhibit B: The battalion was an ordinary, footslogging, non-glamorous infantry battalion composed entirely of tough draftees. They were good. No mission too tough. No sacrifice too great. The point is simply that the American soldier of the 1970's is smarter, stronger and better than I was 25 years ago. He will produce for good commanders; he thirsts for challenge and responds well to the demands placed upon him by leaders he respects, just as his forefathers did at Concord, Lexington, Gettysburg, the Alamo, St. Lo, and Heartbreak Ridge.

The draftee soldier of today cannot be blamed for the Army's failure to recognize the nature of the Vietnam war and adjust its tactics accordingly, and its failure to speak out when it became obvious that Vietnam was cutting into the heart of our nation with the deadliness of a dagger. This soldier will not become a dedicated spartan trooper by drinking beer in the barracks, or wearing sideburns to his knees, or never pulling another day of K.P. But he will produce for the leader who is a professional, who knows his job, who is willing to defend his men even if it means the end of his career; who will love his soldiers and, if required, die for them; and lastly, who will never place his ambitions above the security and welfare of his troops. Give this soldier a leader that he respects and the U.S. Army will once again be proud and strong.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

IT'S TOUGH BEING A TOKEN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. CLAY. Mr. Speaker, in the Washington Post yesterday, columnist William Raspberry wrote a most interesting article which I want to share with my colleagues. His article entitled, "It's Tough Being a Token" highlights the frustrations which blacks attempting to work within the system constantly encounter.

Mr. Raspberry's article focuses on the views of one individual, Robert Lee Grant, who is special assistant to HUD's Assistant Secretary for Community Development. Mr. Grant cites the frustration of the congressional black caucus in attempting to meet the President as an example of his "major apprehension" concerning this administration.

He states the problem with this administration is that it "is not as responsive to minority Americans as their need demands"—a problem which the black caucus has consistently pointed up. He adds:

As long as the needs and aspirations of these groups—black, poor and the youth—go ignored, it will be in vain to attempt to bring this nation together.

The communication gap between the President and black Americans stems from the fact that he has failed to appoint any blacks in the White House office to major policymaking positions. Mr. Grant notes that the President has employed a black as his special assistant, however, his position does not lend itself to formulating policy decisions. Grant adds:

It's the old game of giving a minority a job but no power.

It brings us back to the old game of numbers—but no matter how many blacks are employed on the White House staff, unless they are given positions of power and can get to the President to alert him of the problems facing black America—it will always prove futile.

Mr. Grant concludes:

The problem is that not enough is being done and that there exists a confidence gap. In short, this administration has not made a moral commitment to social justice, to stemming poverty, to tapping the spirit of the young.

Until the time the administration is ready to make this commitment we will continue along the same—stagnant—course.

I commend Mr. Raspberry's article to the attention of my colleagues.

[From the Washington Post, June 30, 1971]

WILLIAM RASPBERRY—IT'S TOUGH BEING A TOKEN

It may get him in trouble with the administration, but the speech Robert Lee Grant made last Friday in his hometown, Hempstead, L.I., affords a revealing peek at what it is like to be a "token."

Grant, special assistant to HUD's assistant secretary for community development, describes himself as "probably the youngest and poorest black Republican appointee in the Nixon administration."

His is a "good" job in terms of pay and prestige and access to bureaucratic amenities. But it was to have been his attempt at "working within the system" for change, and in that regard it has been near-constant frustration.

In his private remarks at an NAACP scholarship fund-raiser, Grant cited the frustration of the congressional Black Caucus as an example of his "major apprehension concerning our administration."

Despite six months of effort, the black congressmen succeeded in getting an audience with the President only after creating national embarrassment with their boycott of his State of the Union Message, Grant recalled.

The problem with the administration, he said, is that it "is not as responsive to minority Americans as their need demands.

"Not only is this the case for minorities, but it is also the case for the poor and for the youth of the nation. These are the neglected Americans, my people. As long as the needs and the aspirations of these groups of Americans go unfulfilled or ignored, it will be in vain to even attempt to bring this nation together."

What is at work, he believes, is not so much "benign neglect" as the near-total absence of dialogue.

"There is not one top White House official *who enjoys the confidence of the President* with whom they can identify," he said (emphasis added).

"Think about that for a moment. There are more than 35 million minority Americans, 26 million of whom are black. There are over 25.5 million poor Americans. Over half of all Americans—more than 100 million—are under 35 years old.

"In spite of these significant numbers, there is not one spokesman of this administration who enjoys the confidence of the President with whom we can identify."

There is a black special assistant to the President, he noted, but he is far removed from the level at which basic policy decisions are made.

"It's the old game of giving a minority a job but no power," Grant said. "We know who keeps the power."

Much of the real power and influence in the White House staff is vested in counselors to the President. Grant said that when he learned that a fifth counselor would be appointed, he urged an influential White House official to use his good offices to see that fifth counselor would be a minority member.

Or failing that, perhaps the President would appoint a minority ambassador-at-large for domestic affairs or an ombudsman.

"My conversation and proposals seemed to be well received by the White House official," Grant said. "Months later, a fifth counselor to the President was appointed. He was not of a minority. To date no other appointments have been made. Everything else is status quo. I can't help but feel disappointed."

Why, if his frustration is so constant, has he stayed on?

"I have spent many a day during my stay in Washington questioning in my own mind whether my present role provides the opportunity for me to muster a maximum effort for the cause of equality and justice for my people. I am still not sure that my present role is the best one for the cause . . .

"(But) it is my opinion that the time for sit-ins, bus-ins, illegal actions and other actions outside the system passed with the decade of the '60s. I firmly believe that the challenge before us in the decade of the '70s is to join the system and make it work for us."

And if that is easier to talk about than to accomplish, it is not because the Nixon administration is anti-Negro, antipoor or anti-youth, or that nothing is being done, he said.

"The problem is that not enough is being done and that there exists a confidence gap. In short, this administration has not made a moral commitment to social justice, to stemming poverty, to tapping the spirit of the young."

That is precisely what is wrong, and no number of "good jobs" for individual poor, black or young people can set it right.

THE SUPREME COURT DECISION ON THE PENTAGON PAPERS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, I have read with interest the concurring and dissenting opinions of the Supreme Court Justices in the Post-Times case involving publication of the Pentagon papers, and I wish to commend the Court on its decision which comes down strongly on the side of the first amendment right to a free press. Justice Marshall, in his concurring opinion, observed that our Constitution provides that the Congress shall make laws, the President execute laws, and the Court interpret laws. He went on to say:

It did not provide for government by injunction in which the courts and the executive can "make law" without regard to the action of Congress.

Justice Marshall went on to point out that the Congress has provided the Executive with broad powers to protect the Nation from disclosure of damaging State secrets, but that these powers do not include prior restraint against press publication. In reviewing legislative history, Justice Marshall found that on two occasions the Congress specifically rejected proposals to prohibit by statute the publication of materials relating to the national defense which might be useful to the enemy. In 1917, during the debate over the original Espionage Act, the Congress turned down a proposal to give the President such prior restraint authority over publication in time of war or threat of war. Again in 1957, the Congress defeated a legislative recommendation of the U.S. Commission on Government Security to make it a crime to disclose, for any purpose whatever, information classified "secret" or "top secret." In light of these two instances, Justice Marshall concluded:

It is not for this court to fling itself into every breach perceived by some government official nor is it for this court to take on itself the burden of enacting law, especially law that Congress has refused to pass.

In another concurring opinion, Justice White wrote:

At least in the absence of legislation by Congress, based on its own investigations and findings, I am quite unable to agree that the inherent powers of the executive and the courts reach so far as to authorize remedies having such sweeping potential for inhibiting publications by the press.

Justice White went on to say:

To sustain the government in these cases would start the courts down a long and haz-

ardous road that I am not willing to travel at least without congressional guidance and direction.

Beyond the narrow legal issues involved, Justice Stewart, in his concurring opinion, addressed himself to the larger question of the role of a free press in a free society, and the people's right to know. Justice Stewart noted that under our system of government, the Executive enjoys enormous power in the areas of national defense and international relations, that this power has necessarily grown in this, the nuclear age, and that it is "largely unchecked by the legislative and judicial branches." In one of the most poignant and profound paragraphs of his opinion, Justice Stewart continues:

In the absence of the governmental checks and balances present in other areas of our national life, the only effective restraint upon executive policy and power in the areas of national defense and international affairs may lie in an enlightened citizenry—in an informed and critical public opinion which alone can here protect the values of democratic government. For this reason, it is perhaps here that a press that is alert, aware, and free most vitally serves the basic purpose of the First Amendment. For without an informed and free press there cannot be an enlightened people.

Justice Stewart goes on to say that confidentiality and secrecy are essential to the successful conduct of international diplomacy and the maintenance of an effective national defense, but that the responsibility for this must be where the power is—with the Executive. In his words:

The executive must have the largely unshared duty to determine and preserve the degree of internal security necessary to exercise that power successfully.

To quote Justice Stewart further:

It is an awesome responsibility, requiring judgment and wisdom of a high order. I should suppose that moral, political and practical considerations would dictate that a very first principle of that wisdom would be an insistence upon avoiding secrecy for its own sake. For when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion. I should suppose, in short, that the hallmark of a truly effective internal security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained.

Mr. Speaker, I think Justice Stewart has put his finger on what is truly at issue in this whole controversy over the publication of the Pentagon papers. There is a tendency in government to overclassify and to keep from the people, and the people's representatives, information which is essential to the proper functioning of a democratic system. When there is secrecy for the sake of secrecy, or for self-protection or self-promotion, then credibility is seriously undermined and the real security of that system is strained to its very limits. We must recognize and proceed on the assumption advanced by Justice Stewart that an enlightened citizenry—an informed and critical public opinion—is vital to the protection of democratic values.

VIETNAM TESTIMONY

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. MITCHELL. Mr. Speaker, there is an abundance of speculation currently over the effect that the publication of the Pentagon papers will have upon the future course of American policy in Vietnam. Many of these assessments have foreseen action by the Nixon administration to speed up its troop withdrawal timetable. It is imperative that all our troops be removed immediately and unilaterally from this illegal and immoral conflict—not on the basis of the whims and calculations of political advisers whose only concern is the public standing of the administration in November of 1972, but because of this war's devastating effect upon the unmet needs of the American and Vietnamese peoples.

Yesterday, I had the privilege of submitting a statement on the war in Indochina before the Subcommittee on Asian and Pacific Affairs of the House Foreign Affairs Committee. I thank Mr. GALLAGHER, the distinguished chairman of the subcommittee, for the opportunity to express my views on this issue, and include at this point my testimony before the subcommittee:

STATEMENT BY CONGRESSMAN PARREN J. MITCHELL BEFORE THE HOUSE FOREIGN AFFAIRS COMMITTEE, JUNE 30, 1971

It is reason for encouragement as well as dismay that so many Members of Congress are testifying on the war in Indochina before the Asian and Pacific Affairs Subcommittee of the House Foreign Affairs Committee. This is a heartening event in that it demonstrates yet again the overwhelming opposition to this senseless conflict on the part of both this Nation's citizenry and their elected representatives in this Congress.

At the same time we must be discouraged by the futility of such an outpouring of opinion against the destruction and violence here and in Indochina which has consumed the lives of thousands of Asians and Americans. It is an expression of disgust that has been largely ignored by those who are capable of putting an end to this military folly and who have compounded their error by seeking to prevent the American people from learning the true nature of the decisions which have resulted in this horrid course of events.

Beyond the nature of the disclosures concerning the executive branch decisions that have led us to the situation that we face today, the controversy surrounding the publication of the Pentagon study on Vietnam demonstrates that many Americans have lost their faith in the Government which purportedly represents them and that the Government is fearful of letting the people know what it has done in the past and is still doing today. It is our responsibility to restore the faith of the American people in our Government.

We cannot speak piously of a system of laws and then blithely disregard those limitations upon excessive governmental authority when it suits us. We cannot expect our young citizens to keep their actions within the law if we fail to do so ourselves.

Those who argue that the revelations in the Pentagon papers should come as no surprise to the American people are correct. We have long been aware of the Government's misleading of the public in the inflated body counts which included dead animals as well as the enemy. The pride taken in the week's "kill" also demonstrates the coldness and indifferences towards the destruction we are inflicting in Indochina which has come to characterize and to plague the American psyche.

The Pentagon papers have also revealed that the CIA told the present administration in 1969 that the domino theory was not applicable to the situation in Indochina. Yet the president still speaks of a Communist threat to the stability of the entire subcontinent. If the President should change his line of argument in defense of our continued support of the discredited Thieu-Ky regime, that will not be anything new either. We have already heard far too many different justifications for our support of various regimes and for our involvement in the war. As each of these arguments has been successively knocked down, a new one has sprung up in its place.

Neither is the executive branch's disregard of the first amendment and its protections against prior restraint of the press a recent outgrowth of this military folly. Soldiers, congressmen, and ordinary citizens have been watched by the FBI in a vain and illegal attempt to limit the outpouring of dissent which this war has engendered. It cannot be considered traitorous to oppose this illegal war which has destroyed the people and land of Southeast Asia and torn our nation asunder. We must exert all our efforts to end this war.

Along with twelve other Members of the House of Representatives, I have filed a suit challenging the constitutionality of the President's waging this war without the consent of the Congress. The declaration of war clause of the United States Constitution (Article I, Section VIII, clause 11) is clear proof of the founding fathers' intention that the executive alone should not be able to take this nation into war. Only the Congress has the power to declare war. The exigencies imposed upon the conduct of foreign affairs and war-making with the advent of the atomic bomb in no way permit the President to perpetuate the extended involvement of American men and money which we have squandered in Vietnam. Nor can the executive claim that Congressional votes to continue appropriations for the soldiers who are in the battlefield and to extend the draft which sends them there are in any way equivalent to a congressional declaration of war.

Our case was dismissed last week by judge William Jones of the United States District Court, Washington, D.C., without our lawyers' presenting any oral arguments on our behalf, but we have already appealed the District Court decision to the Appellate Court. In its motion to dismiss, the Government contended that the President's powers as chief executive are sufficient to uphold his taking us into this war in the manner in which it has been done. The Justice Department has also argued that as congressmen we lack the standing to bring such a suit against the government. The doctrines of separation of powers and checks and balances will be mere charades if there is not a full airing of the issues we have raised in this case.

Our legal protest of the manner in which this war is being conducted is but one of many outcries against this slaughter. Despite this growing clamor for a change in our policy, President Nixon has widened the war into Laos and Cambodia, claiming victory and continued success for his Vietnamization program when the evidence clearly indicated otherwise. The much heralded Vietnamization of the war will mean that yellow-skinned people will do the dying in-

stead of white, black, and brown-skinned Americans. Over 50,000 Americans have alread died in this war. Three hundred thousand Americans have been maimed and wounded. We must not let those numbers get any higher. Neither can we permit the total of Vietnamese dead and wounded to mount any further.

What is at stake is not the stability of the Thieu-Ky regime we have been upholding for too many years. What is at stake is the credibility of our own system of government and the future course of our nation. We cannot continue to ignore the problems that are before us. We cannot forsake the common good for the concerns of special interest groups. We cannot seek to place the blame for our difficulties upon false scapegoats.

As elected representatitives of the American people, we must restore faith in our system of government and society. That can only be done by putting an end to this ghastly war immediately and by insuring that Vietnam marks the end of an America that is insensitive to and ignorant of the real needs of its people as well as those of other nations.

THREE CHEERS FOR THE PLYMOUTH REVIEW, OZAUKEE PRESS, RIPON COMMONWEALTH-PRESS, AND BERLIN JOURNAL

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, this is a victorious week for America's press, and it is easy for small victories to go overlooked.

I cannot allow the week to go by without paying tribute to a remarkable achievement by four newspapers in the Sixth Congressional District of Wisconsin. These four papers have just been given seven awards—more than any other congressional district in the United States—from the National Newspaper Association.

First place for the best editorial page for newspapers over 4,000 circulation went to the Review in Plymouth, Wis., edited and published by Robert S. Johanson. The Review received a second award of honorable mention for community service.

The Ozaukee Press, edited by William F. Schanen III, in Port Washington, Wis., won second place for best use of photographs in newspapers over 4,000 circulation. Vernon Arendt of the Ozaukee Press also received honorable mention for the best pictorial series in one issue.

The Ripon Commonwealth-Press, published by Doug Lyke in Ripon, Wis., won second place for best sports picture and third place for best feature story.

The Berlin Journal, published by Orvel Bicking in Berlin, Wis., received honorable mention in the best sports picture competition.

Nationwide there were 3,400 entries in the NNA competition this year. Only 156 newspapers collected first-, second-, or third-place awards. Mr. Speaker, we in Wisconsin's Sixth Congressional District take pride in noting that four of these major awards went to Plymouth, Port Washington, and Ripon.

VACANCIES AMONG NEW ENGLAND COLLEGES

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. O'NEILL. Mr. Speaker, it has recently come to my attention that there are still a large number of vacancies for next year among the New England colleges. This has special relevance now, when many qualified applicants are being turned away from the colleges of their first choice. A recent study conducted by the National Association of State Universities & Land Grant Colleges revealed that applications to State universities in 1971 had increased 5.4 percent over 1970, while freshman enrollments were expected to increase only 3.8 percent. The situation is especially crucial in New England, where applications are reported up 10 percent while freshman enrollments are expected to remain constant.

In response to this educational crisis, the New England Board of Higher Education made available a listing of vacancies for freshmen and for transfer students among the New England colleges. In Massachusetts they are as follows:

Two-year colleges admitting freshman only:

Becker Jr. College, Bradford Jr. College, Dean Jr. College, Franklin Institute of Boston, and Leicester Jr. College.

Four-year colleges:

Boston University, Lowell State College, Lowell Technological Institute, Massachusetts College of Optometry, and Worcester State College.

Two-year colleges admitting transfers only:

Lasell Jr. College, and Massasoit Community College.

Four-year colleges:

Amherst College, Boston College, Regis College for Women, Simmons College, Wentworth College of Technology, and Worcester Polytechnic Institute.

The following colleges are accepting both freshmen and transfer students:

Two-year colleges:

Aquinas Junior College, Bay Path Junior College, Bristol Community College, Bryant-McIntosh Junior College, Cambridge Junior College, Endicott Junior College, Fisher Junior College, Garland Junior College, Graham Junior College, Greenfield Community College, Middlesex Community College, New England Institute of Anatomy, Sanitary Science and Embalming, Northampton Junior College, Northern Essex Community College, Quincy Junior College, Springfield Technical Community College, Wentworth Institute, and Worcester Junior College.

Four-year colleges:

Anna Maria College, Assumption College, Babson College, Bentley College, Berklee College of Music, Berkshire Christian College, Boston Conservatory of Music, Cardinal Cushing College, College of Our Lady of the Elms, Curry College, Eastern Nazarene College, Emmanuel College, Gordon College, Hampden College of Pharmacy, Hebrew College, Hellenic College, Lesley College, Massachusetts College of Pharmacy, New England Conservatory of Music, Newton College of the Sacred Heart, Nichols College of Business Administration, North Adams State College, Northeastern University, Southeastern Massachusetts University, Stonehill College, Tufts University-School of the Museum of Fine Arts, Western New England College, Westfield State College.

It is my hope that prospective students may benefit from this informaiton.

TECHNOLOGY GAP IN HEALTH

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. NELSEN. Mr. Speaker, last week the gentleman from California (Mr. PETTIS) spoke to a joint meeting of the Pharmaceutical Advertising Club of New York and the Midwest Advertising Club of Chicago. In his address, Mr. PETTIS warned that the United States, in a quest for absolute safety that can never be attained, is becoming the victim of a technology gap in health. As a result, he said, medical and pharmaceutical advances available in other high-technology countries are being denied to the American people.

In specific terms, our colleague pointed out, 70 new drugs have been marketed in England in the last 5 years which are not yet available to physicians and patients in the United States. He acknowledged that most of the 70 are probably not lifesaving breakthroughs or even important drugs, but said:

The fact remains that the practicing physician in the United Kingdom has a more extensive arsenal of chemical weapons with which to treat the sick than does his American counterpart.

In his discussion of the technology gap, Mr. PETTIS noted a steady decline in approval of new drugs by the U.S. Food and Drug Administration—from a high of 63 in 1959 to 16 in 1970. He cited estimates that it now costs as much as $7 million and takes 8 to 10 years to develop a product and clear it through the FDA licensing system.

For the reference of the Members of the House, I include the complete text of Mr. PETTIS' speech in my remarks at this point:

THE TECHNOLOGY GAP IN HEALTH—IT HAS TO BE CLOSED

(By Jerry L. Pettis)

I was very pleased to receive the invitation of your New York Club's president, Bernie Smiler, to address this audience of pharmaceutical marketing leaders who are gathered here for the American Medical Association meeting.

As some of you may know, I have been deeply interested in and closely associated with the health field for many years in private life. As a member of Congress, my assignment on the House Ways and Means Committee keeps me more involved than ever, since the Committee is in the process of shaping major Social Security, Medicare, Medicaid and welfare reform legislation and is getting ready to start work on that thorny issue of national health insurance.

While here in Atlantic City, I hope to exchange views not only with you, but also with some of my physician friends at the AMA meeting, who are debating many of the same issues that concern us here.

These discussions and debates are a vital part of the democratic process. And, make

no mistake about it, legislation may well be enacted during the 92nd Congress—before the end of next year—that will determine the structure of the health care delivery system for many years to come. So you'd better get involved.

With that bit of unsolicited advice off my chest, I want to zero in on the first of two major points I'd like to make today—the technoolgy gap.

Evidence is accumulating all around us that the United States no longer holds its long-unchallenged world superiority in technology, indeed, that we are already sliding into a technogoly lag.

A recent article in *U.S. News and World Report* pointed out that Research and Development spending in this country has been dropping since the mid-1960s as a percentage of Gross National Product.

Other nations are outstripping us in the training of scientists and engineers. Russia, for example, in the last 10 years has graduated nearly twice as many as the U.S.

Applications for patents—a prime measure of nation's inventiveness—are more numerous per capita in West Germany, Sweden and The Netherlands than in the U.S.

Productivity is increasing faster in many other countries—60 percent more rapidly in Western Europe; 70 percent faster in Russia; three times as fast in Japan.

Finally U.S. export sales of such high-technology items as computers, aircraft and electronic products have been practically stagnant since 1965. At the same time, such exports by other industrial nations have more than doubled.

Though there is little or no public awareness of the fact, the same sort of decline has been occurring in the field of your great interest, drug research and development.

I'm concerned that in a quest for *absolute* safety and *total* effectiveness in drugs—neither of which can ever be fully attained, our society may perhaps be on the way to erecting unjustified regulatory roadblocks that will prevent the use of *relatively* safe, *relatively* effective new drugs which, prudently used, could ameliorate illness or even save life.

This is a frigtening prospect, with life itself at stake.

As a former airline pilot, safety always comes first with me. But a demand for absolute safety means we can never move ahead.

In the transportation field, we could never fly, never drive a car or ride a bike, if we wait for the absolute.

It's no different with drugs. Penicillin has saved hundreds of housands of lives, but some have died from anaphylactic shock. Asprin tablets, used by millions with safety, can cause gastric distress, even abdominal bleeding if you have an ulcer.

For every benefit, man must take some risk. I'm afraid we are nearing the point of diminishing returns, to the detriment of man, with this obsession against reasonable, conservative risk.

Those of us in public life have got to point this out. We must take great care not to deny the public some great potential benefit because of short-term political concern or political gain. When a public official badgers a popular whipping boy in industry or the professions, he gets his name in the news. You've had it done to you.

This year, aero-space is catching it the most. The people who put man on the moon and were heroes are "Peck's bad boy" today. Whose turn will be next?

It's anamalous that our government, on the one hand, is mounting a vast new cancer research program, in the hope and belief that we are near to discovering the biological or biochemical keys to that dread disease, while at the same time that same government is saying to medical and pharmaceutical scientists, you may not do this, you may not try that.

For whatever reasons, there has been a steady decline in New Drug Approvals by the Food and Drug Administration in recent years—from a high of 63 in 1959 to 16 in 1970. The cost of discovery, development, and obtaining FDA approval is now estimated at as much as $7,000,000, and I have been informed that it takes from eight to 10 years from the time of basic discovery to clear a new product through the FDA licensing system.

Meanwhile, while this has been happening, the investment by American industry in drug research and development, though still far the highest of any U.S. industry, has been leveling off, with a noncomitant increase in R&D spending overseas by American drug companies.

I can be quite specific about the effect the above conditions have produced.

For example, 70 new drugs have been marketed in the United Kingdom between 1966 and 1970 which are still not available to physicians and patients in our own country.

Admittedly, most of these are probably not life-saving breakthroughs, or even extremely important drugs. Some may be important, others not. But the fact remains that the practicing physician in the U.K. has a more extensive arsenal of chemical weapons with which to treat the sick than does his American counterpart.

It wasn't always this way, and I can speak from experience. When I was in the Pacific Theater during World War II, I picked up a severe fungal infection that hung on and on for years. I lost all my fingernails and toenails. The doctors, in the Army and out, tried every drug they could think of. But nothing helped much.

Years later, I was teaching economics at Loma Linda University, and I saw a little item in that great medical publication, the Wall Street Journal, on the experimental use in England of a new fungicide.

When I called this to the attention of my faculty colleague, our professor of dermatology at Loma Linda School of Medicine, Dr. Mollerous Couperous, he got in touch with the British pharmaceutical house and obtained a supply for a clinical trial. The new drug worked. The infection cleared up, and within 60 days my nails began to grow back.

I'm sure you all know I'm talking about griesofulvin. In preparation for this meeting I looked up the product's history. I learned that it was isolated in 1939 and was first used in England as an agricultural fungicide.

Nearly 20 years later, in 1958, someone got the idea of trying it out in man. Its first use in humans occurred that year, in England, Germany and the U.S. I was a case history in an NDA.

Griseofulvin was marketed in England in April 1959. Two American companies obtained approval for U.S. marketing in July 1959, and a third the next December. Thus, this important drug was promptly available to American physicians. There was no technology lag at that time.

I'd like to think it can be that way again. Because it would suit me better, next time, to have an R.A.F. pilot go to a British medical school and ask his doctor to get him some promising investigational drug from the U.S., instead of the other way around.

Incidentally, in the course of my "research," I ran across the fact that the Food and Drug Administration, on April 17, stated in the Federal Register that griseofulvin is effective in the treatment of a wide range of fungal conditions. I feel much better now that it's official.

Seriously, this official FDA finding was made in connection with the National Academy of Sciences/National Research Council Drug Efficacy Study. I'll come back to the NAS/NRC in a minute.

Two other vivid examples of technology lag have just come to my attention. In the last five years, many Americans with broken or damaged hips have had to leave this country and go to England for surgical repair of their injuries. Why?

The procedure, developed by Dr. John Charnley in Manchester, involves joint replacement with high density polyethylene plastic and metal. The high density plastic is a "drug" under U.S. law, and may be used only on an "investigational" basis with specific approval by the FDA.

No doubt this is a radical and still controversial surgical procedure. Orthopedic surgeons in this country have been trying for almost 10 years to obtain FDA approval for use of the plastic material developed by England's Dr. Charnley. It's unclear when—or whether—this will happen.

One wonders whether it's in the public interest to so long deny the potential benefits of this new procedure to victims of broken or damaged hips, most of whom are aged and condemned to a bedfast existence if conventional surgery will not do the job.

Older people live with constant concern over slipping and falling, and breaking a brittle bone. My own mother is 88 and I know her very real concern. At every misstep, fear of a broken hip can cross the mind of an elderly person. Often it's already happened to a friend or acquaintance. We must help, not deprive, our older population group.

My second example relates to research being conducted by scientists at the University of Pennsylvania who are developing an advanced kind of intravenous feeding solution for seriously ill, hospitalized patients. The total intravenous feeding technique, which is called hyperalimentation, can provide all the nutritional requirements for long periods through the veins.

Great strides have already been made in this award-winning project, but I fear that even greater progress would have been accomplished were it not for a too rigorous application by FDA of regulations governing the use of "investigational" drugs. Have lives been lost that might have been saved? We do not know, but these regulations should be reexamined in their application to research of this kind.

Going back to my original point, research of a similar kind is moving more rapidly outside the United States. In Europe, new crystalline amino acid solutions which provide high potency nutrients to post-operative patients are already on the market. In Germany alone, they are being used by physicians at the rate of 500,000 bottles a month. The scientific literature testifies to their safety and effectiveness. Yet they are not available to the Amercan people.

In order to use these solutions in this country, I have been told, all of the basic animal experiments and the original studies proving efficacy and safety in human patients will have to be repeated here. This will not only delay the distribution of the solutions in the United States for at least another two years, but will cost millions of dollars and thousands of man hours to repeat already published data. Not only is this a waste of money and of the time, energy and ingenuity of our scientific community in the United States, but it is an insult to the integrity of the research of scientists abroad.

In this context, and because of my references to Germany, the thalidomide tragedy and its origin in that country may have come to the minds of many of you. But this development program contains no seeds of another thalidomide.

Yet, unfortunately, current federal law and the practices and policies of the Food and Drug Administration make no distinction between a solution of nutrients and a potential teratogen, or, as another example, between a solution of nutrients and a new anticancer drug, with a high incidence of serious side effects, which may be balanced with a potential for extending useful life or ameliorating pain in a terminal disease.

Thus, I am informed, even with the most

miniscule change in the type or amount of vitamin, mineral, sugar or animo acid in a nutrient mixture, the mixture immediately becomes classified as an entirely new drug which must then undergo the same rigorous, extensive, and expensive investigation in animals and in human volunteers for at least another costly two-year period before this mixture can be approved for clinical use.

As with the Charnley surgical technique, this nutrient solution developmental program is of utmost importance to our elderly people—a segment of the population that is increasing rapidly both in number and in ratio to total population.

One out of every 10 Americans living today is 65 or older, and custodial care of the elderly and infirm, the provision of needed nursing homes, is one of the biggest challenges our health system and our society face, as my work on the Ways and Means Committee made clear to me. One of the biggest problems nursing homes have is intravenous feeding. So we're back full circle again.

It is my intention to discuss with the Food and Drug Administration its handling of these two specific situations, and also its overall management of the FDA "investigational new drug" and "new drug" regulatory programs. Perhaps this agency can be encouraged both to improve its procedures and to moderate inflexible attitudes that stand in the way of progress.

Evaluating the safety and effectiveness of new medical and pharmaceutical advances is only part of an overall problem of assessing the risks-versus-benefits of all technological advances our society generates.

We must find a reasoned approach to technology assessment, with appropriate balancing of benefits to risks, or the United States will lose its world leadership in innovation in many fields, with great injury to the health and well-being of the American people. Admittedly, technology itself has caused many of the problems society faces today. But the answers will only come, too, from technology.

So much for technology lag. I'm sure it grieves marketing people as much as R&D types, for innovation is the name of the game, in both R&D and in marketing.

What about products you're marketing today? How well are you doing? Are you convincing the audiences you try so hard to reach?

An article in the May-June issue of *Harvard Business Review*, "Businessmen Look Hard at Advertising," is gloomy reading. By Stephen A. Greyser and Bonnie B. Reece, it reports that executives, while still respecting ads as a selling tool, are "increasingly uneasy" about the truthfulness and social impact of advertising.

This research paper compares executives' attitudes today with those of nine years ago. I commend it to your thoughful reading.

I want to quote one crucial comment from this paper:

"One of the most dramatic changes in opinion uncovered by this study deals with views of the truthfulness of ads. Only 30% of the respondents believe that 'advertisements present a true picture of the product advertised'; 60% agree with the reverse form of the statement. That 30% represents a decline of 24 percentage points since 1962, the largest single shift in attitude from the previous study. Perhaps it helps to explain some of the anti-advertising sentiment noted elsewhere; businessmen apparently find it hard to feel as much economic satisfaction with advertising when so many question its content."

Are you reaching your listeners? Or are they turning off their hearing aids? Remember, this study involved *not* the man in the street but your peers in the business community.

This Harvest study poses a general challenge to the advertising fraternity. You in pharmaceutical advertising face an even greater one, on your home grounds, with serious implications for your industry, for the medical profession and for the public health and welfare.

I refer, of course, to the June 8 regulation by which the FDA will require the disclosure, in prescription drug advertising and labeling, of any NAS/NRC Drug Efficacy Study Group evaluation that a product is less than "effective" in a recommended use.

To summarize this regulation as I understand it, it will require the labeling and advertising of about a thousand drugs to carry a boxed statement that, for one or more claims, a ruling of "probably effective" or "possibly effective" has been handed down in the NAS/NRC Drug Efficacy Study. The only real alternative is to drop the questioned claims.

No matter that many of these products have been long and widely used by the medical profession with beneficial effects for their patients; no matter that "probably effective" and "possibly effective" have no consistent meaning as applied by 30 different panels of NAS/NRC.

And, most important, no matter that these terms do not mean that each of these products *is* ineffective, that many in fact *are* effective, will be shown to be so, will remain in good standing in medical practice and regain good standing with FDA.

As I further understand it, these terms reflect a decision by FDA under the 1962 drug law, that there is a lack of evidence of effectiveness as newly and inflexibly defined in FDA regulations just a year ago. With these evaluations, FDA gives a year to make up the "evidence gap" for "probably effectives" and six months for the "possiblies."

If safe and effective drugs are needlessly denied to medical practice by administrative fiat, more than sales of pharmaceutical manufacturers will suffer. The medical profession will lose useful tools and patients useful therapies. All of us will suffer.

I'll leave you with a challenge: You must search for a way to communicate these required new warnings without adding to the medical profession's already frightening exposure to malpractice liability. I hope that you can find it.

Many pharmaceutical companies, I've been told, are conducting extensive controlled clinical trials to substantiate the effectiveness of questioned products. Cannot this fact, too, be told to the professions? Like an NAS/NRC finding, it seems a "material fact."

There's another side to this coin. If you should know in your hearts that they've right—that a "possibly effective" can't be proved effective and you're not even going to try, should you drop that claim or drop that drug right now, before your six months are up? Or should you milk the last dollar out? I think we all know the answer.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 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.

MORE THAN ITS SHARE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HUNGATE. Mr. Speaker, the following article demonstrates that the Government is not the only organization that benefits from 20–20 hindsight:

MORE THAN ITS SHARE

(Commentary by Howard K. Smith on ABC news, June 23, 1971.)

Everybody by now has read the New York Times' account of how we got into Vietnam in 1964 and '65. It adds something to the understanding to quote excerpts of what the New York Times itself was writing in those same years.

In June, 1964, a Times editorial said, "The use of additional American military and economic resources to disabuse Mao and Ho of their illusions that they can subvert South Vietnam is entirely justified."

In August, 1964, reporter Neil Sheehan, author of the present Pentagon Papers Digest, wrote in the Times—"The fall of Southeast Asia . . . because of an American defeat in Vietnam would amount to a strategic disaster of the first magnitude."

Early the following year, February, 1965, the Times military expert, Hanson Baldwin, wrote in the Times that we should put a million U.S. GIs into Vietnam to hold it, if necessary.

Two months later, in April, 1965, James Reston wrote in the Times—"If [the Communists] succeed in Vietnam, nobody dares assume the same techniques will not be applied in all the Communist rimlands from Korea to Iran."

There is much more, including the Times' praise for the assassins of Diem in Vietnam, on grounds they would make no deal with the Communists.

The Times later changed its mind, as it is entitled to do. But its story of how we got into Vietnam is misleading, without mentioning the stand-fast mood of the period. A mood to which the New York Times contributed more than its share.

A SELF-FULFILLING PROPHECY

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. MANN. Mr. Speaker, in all branches of life, one often gets what one most protests that one does not want, and this is because one acts in such a way as to bring it about. This is called realizing one's own worst fears. And it is not an uncommon experience, being studied in our most advanced college psychology departments under the course label, "Victimology." It is the study of how certain victims act in such a way as to enhance the chances that they will be victimized in particular ways. There is even some thought, along these lines, that soon it is not only repeating criminals who will have to be rehabilitated, but repeating victims as well.

Mr. Speaker, I would submit that one of the leading candidates for study in such courses should be the United States of America, especially as pertains to what we, in this Congress, are doing with respect to the ending of poverty. We have had a war on poverty, but during it poverty has grown by leaps and bounds. We have over the years provided a great number of programs calculated to boost incomes, but the number of those who live under the poverty line has swelled, not shrunk. And most recently, we have sought to have the whole welfare system brought under Federal control, which, I submit, will cause many heretofore proudly self-supporting people to succumb to the siren's song and the enveloping arms of the dole.

Leo Tolstoy had it right all along. Being a novelist of great ironic talents, he well knew the power of the self-fulfilling prophecy. He well knew that the more artificial contrivances you set up in society to destroy poverty, the more poverty will have a tendency to grow by leaps and bounds. I would submit that we all have a need to listen to the words of Tolstoy, as quoted in a recent editorial from the Greenville, S.C., News, if we are to stop our great Nation from becoming a victim and its own worst enemy on the question of poverty.

TOLSTOY ON POVERTY

When he received his diploma in 1848 Leo Tolstoy described himself as "knowing literally nothing." With that estimate of himself as a starter he went on to become one of the greatest novelists and possessed of some sound political and economic sense.

A few years before his death in 1910 he addressed letters to the Czar advocating representative assemblies and other government reforms. He was unheeded and his native Russia succumbed to communism.

He also had some ideas about the salutary influence of labor which seem applicable to this era when the welfare state idea is in the ascendancy. Not long before he died the noted novelist said: "The more is given the less people will work for themselves, and the less they work the more their poverty will increase."

And poverty is a commodity of which this nation has a growing surplus in the midst of plenty, notwithstanding the increase in giving.

THE NEW JUNKETERS: AGNEW IN KOREA, KISSINGER IN VIETNAM AND CIA IN ISRAEL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 1971

Mr. RARICK. Mr. Speaker, now that our decisionmakers have learned that the American people are oppcsed to the use of their young men to police every trouble spot in the world, many will be amazed to note that our great intellectual leaders have now promoted themselves to the position of world peacemakers. Some will never realize, much less acknowledge, that a nation which cannot even settle its own problems, can gain little respect or credibility in trying to settle the problems of foreign nations—regardless of how many U.S. tax dollars are spent or promised.

Yet, this week we find Vice President AGNEW in Korea, Henry A. Kissinger, President Nixon's Assistant for National Security Affairs, in Vietnam, and Richard Helms, Chief of the Central Intelligence Agency, in Israel.

And in Chile, while it is not certain which of our international diplomats consummated the friendship binding mission, President Nixon has given the Marxist regime of Allende of Chile $5 million to buy military equipment, apparently to help Allende and Castro in defensive aggression against their non-Communist neighbors.

Meanwhile, the wraps are still kept tight on the pending Presidential approval of the sale of 120 used U.S.-made commercial jets to Red China. Speculation has it that the Communist Chinese will assure us that the jets will not be used for military purposes.

I had earlier introduced House Joint Resolution 535, to provide for people-power over war to prevent our over-enthusiastic diplomats and presidential representatives from committing the use of American men to any future military endeavors to protect U.S. property in foreign countries. I include several related newspaper articles to be inserted at this point along with the text of my bill.

The articles follow:

[From The Washington Post, Thursday, July 1, 1971]

AGNEW ASSURES SEOUL ON AID

(By Selig S. Harrison)

SEOUL, June 30.—Vice President Spiro T. Agnew assured President Chung Hee Park today that the United States would continue to underwrite the cost of maintaining South Korean forces in South Vietnam and cautioned against "premature" troop withdrawals.

Aides to the vice president said only that the "warm and cordial" 50-minute meeting between the two leaders "covered a number of topics lightly and did not go into complex matters."

But informed sources said that the Vietnam withdrawal issue dominated the exchange.

[South Korean patrols tracked down and killed three North Korean infiltrators in a clash some 20 miles north of Seoul, at about the same time Agnew and other foreign dignitaries were attending a diplomatic reception, UPI reported.]

Defense Minister Jung Nae Hyuk announced today that the 52,000-man South Korean contingent in South Vietnam would be reduced by 15,000 between December of this year and June of 1972 "unless we are requested to reconsider this timetable by South Vietnam."

The defense chief said yesterday that all Korean forces would be withdrawn by the end of 1972, "since there would be no reason for us to stay after the U.S. has left."

The timing of the two statements has been widely viewed here as part of a bargaining process designed to bolster the South Korean hand in talks with Agnew and South Vietnam's Premier Tran Thien Khiem. The two leaders are among 170 delegates from 59 countries scheduled to attend Thursday's inauguration of President Park for a third term.

It is understood that South Korea has its eye on surplus military equipment stocks in South Vietnam left behind as the U.S. forces withdraw.

Military leaders here are anxious to obtain these as extra dividends over and above the $1.5 billion in aid for the moderation and maintenance of the Korean armed forces already projected over the five-year period ending in mid-1976.

Agnew is reported prepared to offer a grant of surplus equipment from Vietnam arsenals with a current market value of more than $100 million as an inducement to freeze South Korean plans for troop withdrawals.

Informed sources said that the White House has recently shifted from a relatively detached attitude on the Vietnam troop issue to an active interest in seeing the Korean forces remain for at least another two years.

One of the most important factors behind this change is believed to be a reappraisal of military needs resulting from U.S. withdrawal plans.

One of the reasons for the reluctance of Korean leaders to extend their troop commitments in South Vietnam beyond next year is a fear that the United States might suddenly back away from its support for the Korean forces under domestic political pressure.

Rather than risk the possibility of an awkward exit from Vietnam, some Korean leaders have argued, it would be better for Seoul to fix the timing and terms of disengagement on its own initiative.

In addition to the Vietnam issue, Korean leaders are also expected to press Agnew for a reaffirmation of military aid pledges given during negotiations on modernization of the Korean forces conducted intermittently for the past 10 months. But it was not clear whether this came up for more than passing mention today.

[From the Washington Post, Thursday, July 1, 1971]

KISSINGER ON MISSION TO VIETNAM, PAKISTAN

President Nixon is sending Henry A. Kissinger, assistant for national security affairs, to Vietnam and other countries for a first-hand foreign policy report, the White House announced yesterday.

Kissinger is scheduled to leave today for two or three days in Saigon. He will then visit Thailand, India and Pakistan, completing his trip with a stop in Paris to consult Ambassador David K. E. Bruce, chief U.S. delegate to the Vietnam peace talks.

Press Secretary Ronald L. Ziegler said that Kissinger would return to the United States about July 10 and report to the President and Secretary of State William P. Rogers at San Clemente, Calif.

The President will go to California Tuesday and stay about two weeks, Ziegler said.

While there he will work primarily on budget planning, but Rogers will be there part of the time for a foreign policy review, Ziegler said.

Ziegler said plans for Kissinger's trip had been under discussion "for some weeks." He insisted that no major change in policy was indicated by the visit and that no untoward developments at home or abroad prompted it.

There was widespread speculation, nevertheless, that the President wanted to explore possible new moves in the Vietnam war. Official sources, however, maintained that the trip was one more attempt to bring information up to date on Vietnamization, Hanoi's military intentions, the economy and prospects for the presidential election Oct. 3.

Kissinger is expected to confer with President Nguyen Van Thieu, but officials here discouraged speculation he may also meet with Communist officials at the Paris peace talks.

The stops in India and Pakistan will enable Kissinger to obtain the latest information on the Pakistan refugee problem and to express the President's hope for a peaceful solution to the problem.

Ziegler said that en route to California Tuesday Mr. Nixon would stop in Kansas City to brief Midwestern editors and publishers on his domestic legislative proposals.

Among officials who will confer with the President in San Clemente will be, in addition to Rogers and Kissinger, Secretary of the Treasury John B. Connally and George P. Schultz, director of the Office of Management and Budget.

Ziegler said that "the President used this period last year" in San Clemente to work on the 1972 budget, which he sent to Congress last January. He will begin work on the 1973 budget on this trip, the press secretary said.

[From the Washington Star, July 1, 1971]

CIA CHIEF LEAVES ISRAEL AFTER 3 DAYS OF TALKS

TEL AVIV.—Richard C. Helms, U.S. Central Intelligence Agency director, slipped out of Israel today as quietly as he had arrived, after three days of talks with Israeli leaders.

Helms and his aides left aboard the U.S. jetliner that brought them here Monday.

News of Helms' secret visit to Israel leaked out Tuesday night. Yesterday, the Foreign Ministry confirmed he was here to meet with Prime Minister Golda Meir, Foreign Minister Abba Eban and Defense Minister Moshe Dayan.

As Helms departed, Israeli newspapers blossomed with front-page reports the Israeli government is again under strong American pressure to adopt "a more flexible attitude" toward a Middle East settlement.

Haaretz reported there have been hints the United States may withdraw its support in the U.N. Security Council unless Israel shows more leeway, particularly on the question of withdrawal from the Arab territory it captured in the 1967 war.

Up to now there has been a tacit understanding between the two countries that the United States would use its influence to prevent Israel from coming under attack in the Security Council, political sources said.

Haaretz said there also have been hints the United States may have to accede to Soviet pressure for a big-power statement on the Middle East.

Israel is opposed to four-power intervention in efforts to reach a settlement with the Arabs.

In a report from its Washington correspondent, Davar said American officials are predicting a resumption of fighting this fall unless a breakthrough can be made. The report stated they were using this argument in efforts to get a more flexible Israeli approach.

(The Associated Press reported from Moscow that Egyptian Foreign Minister Mahmoud Riad and his Soviet counterpart, Andrei A. Gromyko, discussed Soviet-Egyptian relations and the Middle East situation yesterday. Riad arrived in Moscow on Tuesday for a five-day official visit.)

[From the Washington Post, July 1, 1971]

NEED FOR COMPROMISES SEEN—U.S. FORMULATING "IDEAS" FOR INTERIM SUEZ ACCORD

(By Marilyn Berger)

In an effort to narrow the negotiating gap between Egypt and Israel before the U.N. General Assembly meets in September, the United States has started to formulate a number of ideas designed to reconcile the opposing views.

The hope in Washington is to arrive at an interim agreement by the end of the year to reopen the Suez Canal. The United States is trying to reestablish some momentum in negotiations so that they can move into high gear when the foreign ministers of all the states will be in New York in September for the General Assembly.

The "idea," U.S. officials insist, fall short of proposals. But it is clear that the United States is planning to submit suggestions to both sides to move them off their current negotiating demands.

Both sides will be required to make adjustments in their positions," said a U.S. official yesterday. "Both sides will need to be more flexible if common ground is to be achieved."

Maariv, the Israeli mass circulation evening newspaper, reported yesterday that the United States was preparing a number of "proposals" including:

Israeli withdrawal to a line running about 35 miles from the Suez Canal to allow the reopening of the waterway. According to Maariv, this is said to be a compromise between Israel's reported suggestion for a 25-mile pullback and Egypt's demand for a 116-mile withdrawal.

Crossing of the canal by Egyptian civilians only, except for a token Egyptian military force within the framework of a U.N. force to supervise the cease-fire or as part of mixed Israeli-Egyptian patrols.

Extension of the cease-fire for as long as possible, in terms of years, a compromise between Jersualem's demand for a permanent cease-fire and Cairo's call for a very limited one.

Israeli officials, meanwhile, confirmed that the chief of the Central Intelligence Agency, Richard C. Helms had arrived for talks with top Israeli leaders, including Premier Golda Meir, Defense Minister Moshe Dayan and Foreign Minister Abba Eban.

There was speculation that Helms' visit was connected, in part, with Israel's request for further military aid. Israeli officials have sounded an added note of urgency because of the assurances the Soviet-Egyptian treaty appears to provide for Cairo's military needs and the implications for the balance of power in the region. Israeli has a request in for additional Phantom jets that has not been acted upon in Washington. Delivery on all the aircraft promised was to have been completed by the end of June.

In Washington a spokesman at CIA declined any comment on Helms' trip. "We do not comment on any of our peoples' travels, including the director," the spokesman said.

In Amman, meanwhile, Jordanian officials rejected Israel's plan to pay $100,000,000 to Arab residents of East Jerusalem in compensation for property they lost in 1948.

[From the Washington Post, July 1, 1971]

U.S. GIVE $5 MILLION CREDIT TO CHILE

The State Department said yesterday the United States has agreed to extend to Chile $5 million in credits for the purchase of military equipment.

Department spokesman Charles W. Bray said the credits were extended in response to a request by the Chilean government and that the credit level is similar to that of recent years.

Bray said the funds would be used by Chile to buy a new C–130 transport aircraft and what he described as paratrooper equipment.

The decision to extend military credits to Chile was the first such gesture by the Nixon administration toward the eight-month-old Socialist government headed by President Salvador Allende.

Chile's request was seen as an indication of Allende's desire to maintain the traditionally friendly relations between the two countries.

[From the Evening Star, Washington, D.C., Mar. 6, 1971]

UNITED STATES AGAIN BIDS TO IMPROVE RELATIONS WITH RED CHINA

* * *

However, a New York firm, James Ryan & Son, said Wednesday it is attempting to negotiate a deal with China for sale of about 120 used U.S.-made commercial jets. Government approval would be needed for the sale because of the U.S. embargo.

* * *

H.J. RES. 535

Joint resolution proposing an amendment to the Constitution of the United States for a referendum on war

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several states within seven years after the date of final passage of this joint resolution:

"ARTICLE —

"SEC. 1. Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war or to engage in warfare overseas.

"SEC. 2. Congress shall have the power to carry out this article by appropriate legislation."

THE NEW U.S. POSTAL SERVICE

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. BAKER. Mr. Speaker, an unprecedented event takes place today, July 1, 1971. This is the date the new U.S. Postal Service begins operations.

Everyone agrees what American citizens need, and rightfully deserve, is a modern mail system. With postal reform, I feel the time is at hand when this urgent need will be fulfilled at long last. We are seeing important changes every day.

I am convinced that the Postal Reorganization Act, signed last August by President Nixon, represents a new charter for improved mail service, and more importantly, a new bill of rights for the more than 700,000 postal employees who are to be commended for their dedication and loyalty.

While working conditions have virtually remained unchanged and modern

techniques overlooked, the volume of mail has drastically increased during recent years. However, these employees have proved their efficiency by continuously moving the mail in the best possible way.

Now comes the time for these faithful public employees to enjoy the benefits which have been denied them for so long while being possessed by their fellow employees in private industry.

So, it is with a great amount of admiration to the postal work force that I call your attention to "U.S. Postal Service Day," July 1, 1971, and solicit your best wishes to these public servants as they enter into a new era of postal operations.

INTERAMERICAN ASSOCIATION FOR DEMOCRACY AND FREEDOM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. FRASER. Mr. Speaker, I am associated with the Inter-American Association of Democracy and Freedom at 20 West 40th Street in New York City. Frances R. Grant, secretary general of this organization has, for many years devoted herself to exposing and protesting the activities of dictatorships in the Americas. The road she traveled has been rocky but she has continued her public efforts.

The following article explains some of the problems facing the association presently. I commend this to my colleagues.

"WE SURVIVED"—MAY 1950–MAY 1971, A FRANK APPEAL TO NORTH AND LATIN AMERICANS WHO STILL BELIEVE THAT DEMOCRACY AND FREEDOM MAY BE SAVED IN THE AMERICAS

(By Frances R. Grant, Secretary General)

This month, May 1971, the Inter-American Association for Democracy and Freedom marks the twenty-first year since it was founded at the historic meeting in Havana.

It was the Abbé Sieyes who, when he was asked how he had served the French Revolution, answered, "We survived."

There are times in human history when sheer survival is an achievement. For men must pit their courage, compassion, integrity, hope and even desperation against the unremitting forces which would destroy men's freedom and pursuit of happiness.

Yes, we survived. But we wonder whether the North and Latin American friends of democracy and freedom have ever considered the price of that survival for the few—the very few—who shared our responsibilities in this period of augmenting tyrannies.

During these 21 years, the IADF has again and again protested and exposed the oppressions by Latin American dictators; it has been the constant advocate for help and the release of the thousands of political prisoners in Latin America, men and women robbed of their freedom, constantly subjected to torture and frustrated in their just demands for juridical redress. In these 21 years thousands of political exiles from Latin American tyrannies have turned to us for help in obtaining political asylum; in their immigration problems; in their lack of work, and, as much, in their need for friendship and moral fortifications against indignities which beset fighters for freedom in alien lands, when deprived of their country and their birthright.

The IADF has played many roles in this "coming of age." And the struggle is now more intense, in a present moment when there are not only the overt tyrants, but also the amorphous and anonymous foes of freedom, who cross all boundaries and all continents to vitiate the individual's right to dignity and happiness.

However, this appeal is not intended as a paean for self-glorification. For already, the democratic leaders of Latin America, who bore the brunt of the struggle against the dictatorships—Venezuela, Colombia, Argentina, Peru, Cuba, Honduras, Nicaragua, Haiti, the Dominican Republic, Brazil, Paraguay—have given their testimony to the past and present role of the IADF in their struggle.

Instead this Appeal is directed to the needs of the present struggle and to all who would save Democracy and Freedom in the Americas that they join us in an Army of Survival, so that liberty may not be stifled in the Americas.

For ourselves—and there are still, alas, too few—we are determined not to leave the field of battle nor lose the war by default. But we ask all friends of democracy and freedom in the Americas, to stand up and be counted, and help us in the struggle ahead.

CALENDAR OF EVENTS OF THE NATIONAL GALLERY OF ART

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to introduce into the CONGRESSIONAL RECORD the calendar of events taking place at the National Gallery of Art for the month of July 1971. The calendar follows:

CALENDAR OF EVENTS: NATIONAL GALLERY OF ART, JULY 1971

EAST BUILDING EXHIBIT

An exhibit of a model, plans and renderings of the East Building of the National Gallery of Art and the remodeling of the existing building is currently on view in the Rotunda area on the main floor of the Gallery. The exhibit was designed by the architects of the East Building, I. M. Pei & Partners of New York.

Work is in progress on the site, where the major axes of Pennsylvania and Constitution Avenues merge with the Mall at the foot of the Capitol. Digging for the foundation, rerouting Fourth Street, and putting up protective fences are among the first steps in the project. The foundation will begin approximately 40 feet below grade, in a stratum of green soil where a primeval seabed, 60,000,000 years old, underlies the city of Washington. Completion of the new building is planned for 1975.

Visitors entering through the portal of the East Building will find themselves in a spacious, skylit central court. Besides providing a setting for sculpture, the space with its greenery, will serve as an easy transition from the Mall park, and act as a natural orientation space.

From there, visitors will move to one of three "house museums," each containing about 12,000 square feet of gallery space on four levels and each connected to the others by exhibition bridges. On the lowest or concourse level will be galleries for changing exhibitions, a cafeteria, an auditorium, and sales areas for art reproductions and publications.

The new construction will also house a Center for Advanced Study in the Visual Arts, and much-needed space for expanding educational, scholarly, and administrative functions.

DÜRER EXHIBITION EXTENDED

Owing to the enormous interest in *Dürer in America: His Graphic Work*, which was mounted by the National Gallery oh the occasion of the artist's 500th birthday and which opened in April, this exhibition has been extended to July 5. The exhibition catalog and poster will continue on sale in the Gallery's Publications Rooms after the exhibition closes.

THE INFLUENCE OF REMBRANDT ON 19TH- AND EARLY 20TH-CENTURY LANDSCAPE PRINTS

An exhibition of etchings with drypoint, by Rembrandt van Rijn (1606–1669) and 19th- and early 20th-century French, British, and American artists, is installed in the prints and drawings gallery (G–19) on the ground floor of the Gallery, where it will remain on view through September 12. The exhibition was organized by Katharine Shepard, acting curator of graphic arts, to point out specific relationships between prints by Rembrandt and those of later admirers. Included are works by Muirhead Bone, Francis Seymour Haden, David Young Cameron, James McBey, Childe Hassam, Jean-Baptiste-Camille Corot, Alphonse Legros, Théodore Rousseau, Charles-François Daubigny, and Auguste Lepère.

SUMMER AUDITORIUM LECTURES

Sunday lectures given during July and August will concentrate on nine European and American cities which have nurtured artistic creation at particular periods. Beginning with the 14th-century Siena and concluding with 20th-century New York, the series will cover the social backgrounds, artistic concepts, and architectural monuments of each city. The lectures will include many of the National Gallery's paintings and sculpture produced in these cultural centers. Besides pointing out the importance of each city to its century, the chronologically arranged series will form a history of western art from the late middle ages to modern times. Illustrated by slides, the talks will be given by members of the National Gallery education staff on Sundays at 4 o'clock.

SUMMER EVENING FILMS

A select group of art films is being shown at the Gallery during July and August for the summer evening visitor. Four museums, the Louvre, the Prado and the National Gallery in London, and the National Gallery of Art in Washington are subjects for the films being shown in July on Mondays, Wednesdays, and Fridays at 6:00 and 7:15 p.m. The rest of the summer's program will be announced in the August Calendar of Events.

The BBC film series, "Civilisation," began again on June 15 and is being shown on Tuesdays, Thursdays, and Saturdays at 6:00 and 7:15 p.m. A different film is being shown each week

SPECIAL SUMMER EVENING HOURS

Until Labor Day the Gallery will be open Monday through Saturday 10 a.m. to 9 p.m. and Sunday 12 to 9 p.m. Dinner will be served in the cafeteria, which will be open Monday through Saturday 10 a.m. to 7:30 p.m. and on Sunday 1 to 7 p.m.

MONDAY, JUNE 28, THROUGH SUNDAY, JULY 4

Painting of the week: Sassetta and Assistant. *The Meeting of Saint Anthony and Saint Paul.* (Samuel H. Kress Collection) Gallery 5. Tues. through Sat. 12:00 & 2:00; 3:30 & 6:00. 11" x 14" reproductions with texts for sale this week—25¢ each. If mailed, 35¢ each.

Tour of the week: *Dürer in America: His Graphic Work.* Central Gallery. Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda. Mon. through Sat. 11:00 & 3:00; Sun 5:00.

Sunday lecture: *Fourteenth-Century Siena. Speaker:* Suzanne S. Stromberg, Staff Lecture, National Gallery of Art, Auditorium 4:00.

Films: "Civilisation," III—*Romance and*

Reality, Tues., Thurs. & Sat. 6:00 & 7:15. *The Louvre*, Mon., Wed. & Fri. 6:00 & 7:15.

MONDAY, JULY 5, THROUGH SUNDAY, JULY 11

Sculpture of the week: Nino Pisano. *The Archangel Gabriel* and *The Virgin Annunciate*. (Samuel H. Kress Collection) Gallery 17. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00. *Color postcards with texts for sale this week—10c each, postpaid.*

Tour: *Introduction to the Collection*. Rotunda. Mon. through Sat. 11:00, 1:00 & 3:00. Sun. 2:30 & 5:00.

Sunday lecture: *Fifteenth-Century Florence. Speaker:* Jeffrey Ruda. Staff Lecturer, National Gallery of Art, Auditorium 4:00.

Films: "Civilisation," IV—*Man, The Measure of All Things*, Tues., Thurs. & Sat. 6:00 & 7:15. *The Prado*, Mon., Wed. & Fri. 6:00 & 7:15.

MONDAY, JULY 12, THROUGH SUNDAY, JULY 18

Painting of the week: Master of Flémalle and Assistants. *Madonna and Child with Saints in the Enclosed Garden*. (Samuel H. Kress Collection) Gallery 35. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour: *Introduction to the Collection*. Rotunda. Mon. through Sat. 11:00, 1:00 & 3:00. Sun. 2:30 & 5:00.

Sunday lecture: *Fifteenth-Century Bruges. Speaker:* Adrienne Gyongy, Staff lecturer, National Gallery of Art, Auditorium 4:00.

Films: "Civilisation," V—*The Hero as Artist*, Tues., Thurs. & Sat. 6:00 & 7:15. Mon., Wed. & Fri. 6:00 & 7:15.

(For reproductions and slides of the collection, books, and other related publications, self-service rooms are open daily near the Constitution Avenue entrance.)

MONDAY, JULY 19, THROUGH SUNDAY, JULY 25

Painting of the week: Picasso. *The Lovers*. (Chester Dale Collection) Gallery G–13. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour: *Introduction to the Collection*. Rotunda. Mon. through Sat. 11:00, 1:00 & 3:00. Sun. 2:30 & 5:00.

Sunday lecture: *Sixteenth-Century Venice. Speaker:* William J. Williams, Staff Lecturer, National Gallery of Art, Auditorium 4:00.

Films: "Civilisation," VI—*Protest and Communication*, Tues., Thurs. & Sat. 6:00 & 7:15. *National Gallery of Art, Washington, D.C.*, Mon., Wed. & Fri. 6:00 & 7:15.

(Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to (202) 737–4215, ext. 272.)

PROMINENT BOSTON LAWYER WILL BE MISSED BY ALL

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, one of Boston's prominent lawyers recently passed away and will be missed by many.

Anthony Oswald Shallna, was an honorary Lithuanian consul in Boston since 1939. The son of a Lithuanian immigrant, he had helped hundreds of Lithuanians immigrants to adjust to this country while he served as consul. He was appointed to the post by the Republic of Lithuania and confirmed by the U.S. Government a year before the Communists took over the Baltic states.

After being graduated from Cornell University in 1916 and from Georgetown University Law School, he studied at Georgetown's School of Foreign Service. He entered the U.S. Army during World War I and became a second lieutenant.

He practiced law in Boston for 50 years in partnership with his wife, Attorney Susanne Puishea Shallna.

He was a member of Boston Commandery, Knights Templar; Aleppo Temple-Shrine; American Legion Post 27, Cambridge, Mass; Cornell Club of Boston; Boston and Cambridge Bar Associations; Rotary Club of Boston, and Delta Tau Delta fraternity.

As a former trustee of the South Boston Savings Bank, and well-known member of the community, Mr. Shallna, will be missed by all who knew and respected him.

RESULTS OF HANNA POLL

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HANNA. Mr. Speaker, I rise today to inform the House of the results of the most recent questionnaire I sent to my constituents. I received over 35,000 responses representing the views of over 70,000 of my constituents. It is imperative that the Members find effective and frequent channels of communication with their constituents especially in a time when Congress is in session almost the year round. I have found the mailed questionnaire to be a device well suited to facilitate this necessary communication. It has been my practice to poll my constituents in this way several times each year. I have always had a large return and have found the results more information and useful. I heartily recommend this technique to my colleagues for their consideration.

On the basis of the questionnaire, I find the most pressing concern of my constituents to be the current economic problems facing not only my district but the entire country as well. Forty-nine percent ranked unemployment or inflation as having the highest priority. This figure can be compared with 44 percent who felt this way in my last questionnaire which I reported on September 28, 1970. The Indochina war ranked second, as it did last September. The environmental crisis ranked third.

With respect to unemployment, over 51 percent of my constituents feel that the aerospace workers—the hardest hit in my District—should be retrained. Opinion was almost equally divided on the other alternatives.

I. WHAT TO DO ABOUT UNEMPLOYMENT

	Percent
Retain aerospace workers	51.3
Government should be "Employer of last resort"	16.4
Approve Public Service Employment Act	13.6
Continue present policies	12.7
Others, no response	4.2

The importance of this type of communication was clearly demonstrated on the Indochina war issue, especially in light of the recent House votes on the Defense bills. Nearly 60 percent of the respondents are in favor of either immediate withdrawal or setting a date for withdrawal. To be specific, 37.2 percent indicated that they approved of an announced date for withdrawal. Another 22.4 percent indicated that they were in favor of immediate withdrawal. Some 35.3 percent were in favor of continued support of the President.

II. INDOCHINA WAR

	Percent
Announce date for withdrawal	37.2
Support the President	35.3
Immediate withdrawal	22.4
Others, no response	5.1

Included in this questionnaire was a question dealing with the financing of local government. Most responses, 41 percent, indicated that they are in favor of a change in the tax laws allowing States to get a larger share of taxes initially. Thirty-five percent of the sample want the Federal Government to take over all welfare costs.

II. FINANCING LOCAL GOVERNMENT

	Percent
Change tax laws so States can get a larger share	41.0
Federal take over all welfare	35.0
Share $5 billion in Federal revenue	12.1
Congress fund 100 percent of Federal grants-in-aid	5.3
Others, no response	6.0

SUCCESS OF THE ROTC PROGRAM AT DAVIDSON COLLEGE

HON. CHARLES RAPER JONAS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. JONAS. Mr. Speaker, at a time when many question the viability of our country's ROTC program and when others doubt the feasibility of voluntary recruitment of men to meet our military manpower needs, I would like to cite one example of a fine liberal arts college in the ninth district of North Carolina where ROTC is certainly not in disfavor with students. The ROTC program at Davidson College continues to attract nearly half the members of each class.

This summer 96 of Davidson's 230 seniors, 42 percent of the class, received commissions as second lieutenants. Sixty-six were commissioned on Saturday, June 5, into the Army Reserve. Two others joined the Regular Army, and one became the first Davidson ROTC graduate to be commissioned directly into the Air Force, also as a second lieutenant.

In addition to these 69 men, 27 other graduating seniors will receive their commissions in the Army Reserve upon successful completion of ROTC camp at Ft. Bragg this summer. Col. Virgil Foster, head of Davidson's ROTC program said:

I think ROTC can succeed at prestigious liberal arts colleges like Davidson when the program stresses leadership and individual initiative rather than drill and rifle-cleaning.

In addition we offer a kind of insurance that many students see as an advantage—if you are drafted into the Army, you can serve as an officer instead of as an enlisted man.

A TRIBUTE TO MAYOR DOUGLAS F. DOLLARHIDE OF COMPTON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. ANDERSON of California. Mr. Speaker, many of our older cities in America are decaying at their cores, but the century-old city of Compton, Calif., in the 17th Congressional District, is being rebuilt because of the strong, warm hearts of its leadership. Much of the credit for this phoenix-like rebirth can be ascribed to the soft-spoken but firm leadership of Mayor Douglas F. Dollarhide.

You may reeall the widespread national news coverage that followed the election of Mayor Dollarhide in June of 1969, when he became the first directly elected Negro mayor of any city west of the Mississippi River.

Since Dollarhide's election as mayor, the assessed valuation of the city has risen dramatically because of the construction of new industrial plants and warehouse facilities in the Cabot, and Forbes Industrial Park. Even though much of the advance planning for this project took place before Dollarhide's election as mayor, he was still deeply involved with it as chairman of the finance committee of the city council.

This construction program, along with an aggressive policy of annexation of surrounding lands, has been a major contributing factor to the increasing economic stability of the city government. As a result, Compton has been able to proceed with its long-proposed development of a $15 million Civic Center in a joint effort with the county of Los Angeles. Acquisition of additional land adjacent to the present civic center and various design processes for the new civic center are already underway.

Compton is also proceding with the rejuvenation of the western area of the 10-plus square-mile city with Federal aid through the model cities program of the Department of Housing and Urban Development. Major street improvement and landscaping projects have already been completed. Innovative programs in police services, such as the employment of poverty-level college students as community service officers, have been undertaken and proven successful. As recently as mid-June, the city received approval from HUD for the acquisition of a site in the model cities area and the construction of a neighborhood center for community services.

In all of these activities, Mayor Dollarhide has been a prime motive force. A gentle, tactful man, he has nevertheless been a strong advocate for the improvement of his city—and an equally strong advocate of civil rights and employment opportunities for his race.

Mayor Dollarhide attributes the development of his personality and leadership abilities to three persons—his wife, his oldest brother, and an elder sister. Born on March 11, 1923, as the last of 12 children of Thomas V. and Daisy Williams Dollarhide of Arcadia, Okla., Dollarhide was orphaned at an early age. His sister, Mrs. Lenora Stubbs, now of Detroit, guided his childhood years by implanting deep religious convictions and molding his courteous and tactful mannerisms.

Later, in 1940, at the age of 17, he went to live with his brother, Emmitt, in San Jose, Calif. One of the leading civil rights advocates in the San Francisco Bay area, Emmitt Dollarhide became his brother's ideal—the man after whom he modeled his own concern for the rights of all minority races.

The third person who greatly influenced the development of Mayor Dollarhide is his wife, the former Ruby Thomas, whom he married in 1943. A constant source of inspiration, confidence, and motivation, Mrs. Dollarhide is often referred to by the mayor as "the girl that God sent me."

The same year he was married, Dollarhide entered the U.S. Army, serving with Gen. George Patton's "Rolling Hell Cats" who slashed their way across central Europe from the beaches of Normandy to the heart of Germany. After his honorable discharge, Dollarhide returned to California where he settled for a time in Los Angeles and worked at the Los Angeles Post Office before becoming a successful private businessman. The Dollarhides moved to Compton in August 1956.

Even before he was elected to the Compton City Council—the first black to serve on the city's governing body—in 1963, Dollarhide was deeply involved in community activities.

He is a charter member and past master of T. A. Harris Lodge No. 69, F. & A.M., Prince Hall Jurisdiction. For 4 years, he served as president of the Compton chapter of the NAACP, as well as being first vice president of its southern area conference in 1963, and chairman of the NAACP's Freedom Fund Committee. He is also a member of the Urban League, the Los Angeles District Council of the Boy Scouts of America, Compton Council on Human Relations, St. Peter's Methodist Church, and the South Bay Area Welfare Planning Council.

California Gov. Edmund G. "Pat" Brown, appointed Dollarhide to the Planning Advisory Committee of the State of California and to the Area Coordinating Committee of the Los Angeles Regional Transportation Study.

Since being elected to the city council and then as mayor, Dollarhide's activities have only increased with such duties as representing Compton on the League of California Cities, the Southern California Association of Governments, the National Conference of Mayors, and many other organizations.

Mr. Speaker, on July 18, the people of Compton will pay tribute to Mayor Dollarhide. I would like to extend this added tribute from the U.S. Congress not only because Douglas Dollarhide is a worthy and respected leader of his city and his race, but because he is a close and esteemed personal friend.

ADDRESS BY DR. ROBERT C. EDWARDS OF CLEMSON UNIVERSITY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. DORN. Mr. Speaker, Clemson University, which is located in my congressional district, recently celebrated her 75th graduation ceremony. Dr. Robert C. Edwards, Clemson's outstanding and dynamic president, addressed the graduates. His comments relating to environmental problems are most timely and I commend the entire speech to the attention of my colleagues:

THE BRINK OF ENVIRONMENTAL CATASTROPHE?

(By Robert C. Edwards)

I congratulate the young men and women seated before us for the perseverance and diligence that have enabled them to be honored by this Graduation Ceremony. Many have just crossed the threshold marking the end of formalized and regulated instruction, and will soon embark upon the goal which persuaded them to come to this campus.

Perhaps it is presumptious to assume that you all were predestined to some profession or occupation which drove you to seek your education, and if so, it would be well to ask yourselves now, "where am I going?—what are my goals?" Think of the plight of the frustrated airline pilot who announced to his passengers, "I have some good news and some bad news; the good news is we are making rapid progress at 530 miles per hour—the bad news is we are lost and have no idea where we are going."

* * * * *

There are those who say we, as a Nation, are headed for a disaster. Our air is choking our cities; our rivers and steams contaminate the countryside; our concern for noise has canceled the SST development; we are overpopulated, underemployed; we have racial unrest, campus unrest, and a society growing devoid of moral values infected with drug abuse and record crime rates. A frightening confrontation? Yes, it is—enough to strike fear and panic in the hearts of an entire generation. This is a new brand of "brinksmanship"—America is on the brink of a catastrophe and only a revolution can save us! Thus the cry of the "dooms-dayers," the revolutionaries who would destroy in order to rebuild their way. What they wish to destroy is faith—that God-given gift which has enabled man century after century to pull back from the brink of catastrophe and emerge a wiser and more creative individual to preserve his life and achieve its greater quality.

Let us not lightly dismiss these problems which face us—particularly those associated with the environment. Who would have predicted the ground swell of public concern about the environment that preoccupies Americans who have discovered that our Country is running out of clean air and water? Suddenly we all understand smog, noise, congestion, highway carnage, oil stained beaches, junk graveyards, ugliness, and blatant commercial advertising which not only offend our senses but also threaten our health and our very own lives. The physical environment is, of course, only one dimension of the quality of human life. We must also consider important social and psychological factors as order and security, social mobility and the social participation or alienation of the individual. These along with income, health and educational opportunity, constitute man's total environment.

To understand the environmental crisis, one needs only to look at our cities. The public Health Service reported recently that every community with a population over 50,000 has an air pollution problem. One environmentalist spoke of the urban garbage problem: "We are running in front of an avalanche and it's already beginning to bury us." Dr. Knudsen of the University of California has found that exposure to a noise level of 90 decibels can flush the skin, constrict the stomach muscles, and shorten tempers. Others suspect that noise may be a hidden factor in heart disease, high blood pressure, allergy, nervousness, and even mental health. In New York City, ordinary street noises regularly exceed 100 decibels.

Three basic forces have operated to degrade the urban physical environment: population concentration, rising affluence, and technological change. The tendency of people to concentrate in cities has led to traffic congestion, crowding, overloading of transportation, lack of marketing and housing facilities, delays and loss of time, as well as rising levels of air, water, and noise pollution. Urbanization clearly brings benefits to people—wider job opportunities, richer educational and cultural fare, more individual freedom from social constraints—or else it would not have been so powerful and enduring a movement. Yet beyond some levels of population size and density, the total costs of urbanization begin to exceed the total benefits. Discovery of the optimum size of cities and optimum density of their populations are vitally important tasks confronting national planners.

Rising affluence has likewise been a prime mover in environmental change. As real incomes have mounted, each person has bought and consumed more tangible goods, thrown them away more quickly, and generated solid waste. Each person has traveled more miles per year and rapidly expanded his usage of energy. With the number of urbanites doubling, and per capita incomes quadrupling every forty years, the problem of supplying urban amenities is exploding. One shudders to contemplate the environmental problems if 525 million Indians, crowded 400 per square mile, spent as much as Americans living only 60 per square mile. India seeks affluence—but could she stand it?

Environmental degradation is not, of course, inherent in rising affluence. Only the particular forms and methods of production and consumption to which our society has become accustomed degrade it. Rising affluence can and should be a source of environmental enhancement.

The third source of the environmental problem is technological change. Technology has expanded the variety of products available for consumption, made products more complex, raised rates of obsolescence, and added immensely to the per capita consumption of physical materials and energy. We are no longer consumers—but mere users of products. We buy, we use, we dispose. Americans produce solid waste at the rate of over five pounds per capita per day! That amounts to one billion pounds of trash every twenty-four hours! Technological change is, like rising affluence, a two-edged sword; it can be used to improve as well as degrade the environment. It can reduce material consumption and recycle harmful wastes. It has provided us with air conditioned offices and homes, paved freeways, underground utilities and transportation. Environmental preservation, therefore, calls for a redirection of our technological efforts as well as a restructuring of patterns of consumption.

How can we rescue our environment? Let us first look at a few superficial solutions.

The Doomsday School hold that the problem of environmental degradation is insoluable. It is already too late to arrest man's inexorable march to racial extinction through overpopulation, malnutrition, famine, and disease. Others claim that the accumulating carbon dioxide in the atmosphere will change the earth's temperature with consequent melting of the polar ice cap and other disasters. An apocalyptic view of the future should be rejected if only because it leads to despair and inaction.

The Minimalist School on the opposite end, hold that environmental deterioration is a minor problem compared with such issues as poverty, civil rights, and school integration. They argue that political leaders calling for a better environment are "eco-escapists," seeking to divert public attention from their failure to resolve primary issues. What the Minimalists overlook is that the United States is already making progress on the so-called "primary issues," and is losing ground in arresting the decline of the urban environment. Also, the poor stand to gain the most from environmental enhancement of central-city areas.

There is also the Socialist School who view environmental deterioration as an inescapable consequence of capitalistic "exploitation." If only private enterprise, market competition, and profit incentives were replaced by central planning and state ownership, they contend, the problem would disappear. They fail to recognize that the socialist countries are also facing environmental problems which, in reality, are somewhat independent of political systems. A free enterprise system, however, is more likely to respond to public pressures than its socialistic counterpart.

Other groups propose such solutions as "zero growth," "austerity," and a restructuring of "public priorities." Zero growth is inconceivable, since as long as Americans remain thinking animals, they will advance technology and increase the productivity of work. The austerity solution demands that we convert ourselves from a society of "waste-makers" to one of "string savers"; that is, conserve our resources, limit production, and consume less. And lastly, the restructuring of public priorities would contract our defense and space budgets and expand the expenditures for environmental protection.

Perhaps there is no single solution, and possibly there are grounds to reject each new solution that is proposed. But our greatest enemy is apathy. Our goal as we leave this assembly today should be to create a legacy for the future; reject those who say we are irrevocably doomed; and build a future which embraces a greater quality of life. Look not upon this moment in time as one in which we are on the "brink of catastrophe," but rather, one in which we stand on the threshold of opportunity to meet and subdue our environmental crisis—what greater challenge could we have!

WHO ARE THE REAL AMERICAN PATRIOTS?

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. CULVER. Mr. Speaker, among the most respected voices in Iowa and in the journalistic community is Lauren Soth's. His writing brings a special distinction to the editorial pages over which he presides. Recently he contributed a thoughtful and arresting essay giving his analysis of the distinctive character of American patriotism. It has aroused much comment and deserves a wide readership.

The material follows:

WHO ARE THE REAL AMERICAN PATRIOTS?

(By Lauren Soth)

What is patriotism? Who is a patriot? Conventionally, a patriot is one who "answers the call of his country" and does not question whether the cause for which he fights is right. A patriot salutes the flag and stands for the Star-Spangled Banner.

Can a person be a patriot and also a conscientious objector who refuses to bear arms for his country? A better question might be, Can a person who objects to conscientious objection and who would suppress dissent, to the Vietnam war for example, be a true American patriot?

Harlan Fiske Stone, later an associate justice and chief justice of the United States Supreme Court, wrote in 1919:

"The ultimate test of the course of action which the state should adopt will, of course, be the test of its own self-preservation; but with this limitation, at least in those countries where the political theory obtains that the ultimate end of the state is the highest good of its citizens, both morals and sound policy require that the state should not violate the conscience of the individual.

"All our history gives confirmation to the view that liberty of conscience has a moral and social value which makes it worthy of preservation at the hands of the state. So deep in its significance and vital, indeed, it is to the integrity of man's moral and spiritual nature that nothing short of the self-preservation of the state should warrant its violation; and it may well be questioned whether the state which preserves its life by a subtle policy of violation of the conscience of the individual will not in fact ultimately lose it by the process."

OBLIGATED TO QUESTION

Justice Stone is saying, as I read him, that true patriotism in America is not the "my country right or wrong" variety of patriotism. If the doctrines of free government and individual liberty mean anything, they mean that a real American patriot is obligated to question his country's policies.

Once a decision has been made democratically to fight a war or not to fight one, a patriot is duty-bound to accept that decision and to do his part in carrying it out (except for bearing arms if that violates his conscientious principles). But that does not mean he must quit thinking or questioning or seeking a change in policy he believes is wrong.

That is patriotism as the great American patriots and leaders have seen it. By this standard, the showy kinds of patriotism, the flag-waving, wearing flag pins on lapels, sticking flag decals on car windows, proclaiming your patriotism by signs saying "America—love it or leave it", are not real patriotism. They demonstrate a fear, a feeling of insecurity which requires one to advertise "I am a patriot," because of self-doubt or guilt as to his true Americanism.

Men who dodge the draft in wartime, not by overt action but by taking advantage of quirks in the law or its enforcement, often are the loudest "patriots." Men who were dragged into the Army after trying to escape the draft, once they return home and become members of a veterans' organization, often are fierce super-patriots.

OPPRESSIVE COMMITTEE

The most ardent patriots often are those who would deny individual liberty to nonconformists, who would stifle freedom of religion, of speech, and expression. One of the most notorious examples of this may be found in Congress itself—the U.S. House Internal Security Committee, formerly the House Un-American Activities Committee.

Its oppressive tactics against dissenters whom the U.S. Constitution protects, led it to being called the House Un-American Committee, which indeed at times it has become.

These thoughts were inspired by two new books on patriotism, written by friends of mine. I think they are good reading for this time of year, between Memorial Day and Independence Day. "Patriotism in America" (American Heritage Press) is by John P. Pullen, a former newspaper reporter and advertising man now a free-lance writer, whom I knew in the Field Artillery School at Fort Sill, Okla., in 1943. "The Many Americas Shall Be One" (W. W. Norton & Co.) is by Harrison Salisbury, former Russian correspondent of the New York Times and now editor of the Times opinion page opposite the editorial page, whom I also have known for many years.

"Patrotism in America" is a well-balanced discussion of the distinctive character of American patriotism. Pullen tells the sordid and the unsordid sides of the love-of-country mythology. The un-American deeds done in America in the name of patriotism tend to be overlooked. Pullen brings many of them to light but without diminishing the deeds of true patriotism.

SUPERIOR HEROISM

Pullen makes a strong case for heroism in the Vietnam war being superior to heroism in other wars. I think he is right. Most soldiers in earlier wars have been surrounded by a climate of the "rightness" of the fight, despite the cutomary griping of the troops. They have felt they were doing something important for the security of their country, because that was the general attitude of the troops around them. But in Vietnam, since 1966 at least, there has been no such spirit. To do one's job in battle when the men around you think the war is a mistake calls for a higher devotion to duty than was required in World War II.

Pullen compares patriotism in America during the various wars of our national history. He reminds us of the strong dissents in earlier wars and of the sometimes disgraceful suppression of dissent. He compares the actions of presidents in various wars and finds that Presidents Lyndon Johnson and Richard Nixon stand up very well by comparison in meeting their responsibilities.

Harrison Salisbury's book is a sort of personal memoir, not strictly about patrotism, but the author's own love of America and understanding of what true patriotism means come through in nearly every chapter.

REVOLUTIONARY BANNER

"If the flag should become in America a symbol of that tyranny which the Republic was founded to oppose," writes Salisbury, "of those who forget or do not believe in the principles of the American revolution (how many now realize that the Stars and Stripes are the very emblem of revolution, the oldest, most honored revolutionary banner in existence, long antedating the Johnny-come-lately Red flag?), who reject the dream which for a century made the Statue of Liberty the beacon of world hope—then this would truly mean that we as Americans have lost our will and our faith in what America is all about.

"The flag is not to be cheapened. It is not an advertising trademark to be used to peddle gasoline, a premium to promote magazine sales, a decal of cheap emotion or anti-Americanism. The flag is all of us. To diminish it is to diminish America, and in so doing we diminish each of us as an American."

Salisbury argues that, bad as the times are, serious as our national troubles may be, we can overcome them by practicing true Americanism.

"Let's go back to the beginnings," he says. "Washington and Jefferson and Hamilton and the rest invented a good product. We are the ones who debased it. Let's give it a new shine. I can't tell you how much I distrust the futurists who make up brand-new game plans, laboratory visions, or new constitutions, new ways of organizing society. I believe in change, even radical change, but only after peering deeply into the past in order to understand the present more clearly."

NO BETTER DREAM

Salisbury is worried about the militarization of American foreign policy. He writes that great military establishments in the past have invariably led to the downfall of the country in which they rose. He thinks the U.S. military budget is swollen far beyond security requirements and should be greatly reduced, with the resources devoted toward assuring realization of American values at home.

Patriotism too often is equated with support of the military, and is related to military glory. Salisbury argues that the highest patriotism in the American value system is not military.

Salisbury writes that he is old-fashioned in his views of the country:

"The old American dream may not be the last, best, bright hope of humanity. But find me a better one. The problem is not the dream; it is its realization."

That's a good patriotic thought.

GI DRUG ABUSE

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. DORN. Mr. Speaker, yesterday the House Veterans' Affairs Committee reported out two vitally needed bills dealing with the health and welfare of the entire society. One of these bills, H.R. 9265, would authorize a treatment and rehabilitation program in the Veterans' Administration for servicemen and veterans suffering from drug addiction or drug dependency.

One of our finest and oldest newspapers, the Charleston, S.C., News and Courier recently addressed itself to this urgent national problem of drug abuse among veterans, and I commend this excellent editorial to my colleagues' attention:

JUNKIE COMES HOME

Along with the dead, the wounded and the prisoners of war now comes another kind of casualty from the war in Vietnam. He is the dope addict, returning home by the thousands with an expensive habit that causes him agony and in some cases leads him to crime.

From the role of defender of his country, the criminal addict becomes an enemy of his own people—an ironic legacy from a well-meant war that backfired on the United States.

Some of the sickening details appear in the National Observer under the doleful title, "Junkie Comes Marching Home." Instead of bands and confetti, the homecoming troops are greeted by efficient processing clerks. Within 24 hours the soldiers are civilians again. The National Observer's account says:

"The heroin addict is on the streets too. He has his $5-a-day-Vietnam habit that will suddenly cost him from $100 to $150 here. What happens to him next?

Some will die from overdoses or needle infections. Others will turn to crime to support their habit, eventually going to penal institutions. The most fortunate will finally decide, probably during the agonies of "cold turkey" withdrawal, that he'll "clean himself up." It isn't easy. In fact, it's a 6-to-18-month process in a self-help clinic. Sometimes even that effort won't kill his habit.

"The key to his survival is the strength of his will power. His motivation to learn to live without the "pleasures"—and to the addict it is that—of heroin. Army doctors believe most of the men who got the habit in Vietnam won't even consider cleaning up until they've been home for six months or a year.

"How many veterans are involved? Each month the Army is separating about 15,000 Vietnam veterans from active duty, and its surveys indicate that about 2,400 of them curently use heroin and that another 1,350 had used it regularly during their tour in Vietnam but somehow cleaned themselves. Heroin use among U.S. servicemen in Vietnam is an exploding phenomenon just one year old. The best guess today is that 60,000 of 255,000 men there now smoke or sniff it; a lesser number inject."

Not all homebound veterans learned to take dope in Vietnam. The Army says 10 per cent of them used heroin before they went to war. The rest got the habit overseas. About a third try desperately to shake it before returning home. Whether they stay off dope depends in some degree on what they find at home. If the girl friend has deserted and no job is available immediately, they may take to dope again.

No easy solution has yet been devised. Not even a sure method of treatment is known.

Not all addicts, of course, are returning service men. Some never served in uniform. The drug problem in America is said to be pandemic. Whether it is a symptom of deteriorating people or a secret weapon of the enemy, dope is sapping national vitality and poisoning some of the flower of youth. No region is free from the menace. It may last for years and the public will have to live with it till the addicts die or get well.

THE PRESIDENT'S OFFENSIVE AGAINST DRUG ABUSE

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 30, 1971

Mr. KEATING. Mr. Speaker, I would like to personally take this opportunity to commend the President on the success that was announced today in his diplomatic offensive in the area of drug abuse.

Today it was announced that the Turkish Government has agreed to stop the growing of opium. Dr. Jerome Jaffe, testifying before Subcommittee No. 4 of the House Judiciary Committee, stated that over 60 percent of the heroin coming into the United States has Turkish opium as its source. This development will be a large step in the President's effort to stop the Nation's growing drug abuse problem.

Yesterday I joined with the other members of the Republican Task Force on Drug Abuse in cosponsoring a concurrent resolution supporting the President's diplomatic efforts in this area. The decision of the Turkish Government clearly demonstrates that this effort can bring tangible results.

I urge the Congress to help the President by passing this resolution of support at the earliest possible date. The Congress and the President must work hand in hand in solving this problem.

AN ENVIRONMENTALIST VIEWS THE ENERGY CRISIS

HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent statement entitled "An Environmentalist Views the Energy Crisis," an address to the American Nuclear Society by Mr. Michael McCloskey, executive director, Sierra Club, at Boston, Mass., on June 15, 1971.

Persons concerned about the energy situation in this Nation would do well to give careful consideration to the thoughts expressed by this outstanding American.

In our concern for the needs for power, this Nation might well give thought to the other consequences of power generation and the byproduct thereof.

The address follows:

AN ENVIRONMENTALIST VIEWS THE ENERGY CRISIS

(An address to the American Nuclear Society by Michael McCloskey)

In discussing any public issue, one is always confronted with the problem of defining what the issue is. What is the nature of the issue embodied in the "energy crisis?"

The industries supplying energy would have us believe that the problem is one of expanding supplies and reducing constraints on growth. As an environmentalist on the other hand, I submit the problem is one of excessive pressures for growth in consuming energy.

I submit that present rates of energy growth are unrealistic, that they are environmentally damaging, and that they are artificially induced. I submit further that these rates cannot long continue, that our main task ought to be to bring these rates of growth under control, and that there are reasonable ways of doing this.

UNREALISTIC GROWTH RATES

Present rates of energy growth are unrealistic for a variety of reasons. Basically they are unrealistic because these compounding rates of growth cannot be projected very far into the future before they run up against all sorts of limits—mathematical, physical, biological, and qualitative ones. Let us look at these rates and the limits they confront.

Today we consume fifteen times the energy we did one hundred years ago, though our population has only tripled in that time. Over the past decade the average growth rate in the consumption of energy in all its forms has been more than 4 per cent annually, climbing to about 5 per cent annually over the last five years. Growth has been particularly phenomenal in the electrical energy sector, at about 7 per cent annually in recent years. Projections based on that rate of growth call for a doubling of electric power production about every ten years.

With these growth rates we may soon find that we are running out of space for power plant, to cite just one example. It has been calculated that even with large 1,000 megawatt power plants each requiring an area of only 1,000 feet on a side, in less than twenty doublings—less than 200 years—*all* the available land space in the United States would be occupied by such plants! In California where power production is expected to double every eight years, if power were to be supplied by 110 megawatt plants on 80-acre sites, the entire land area would be covered in only 122 years. Similar startling projections could doubtlessly be made for other forms of energy use; e.g., at projected rates of growth, how much space will need to be paved over to accommodate our automobile-oriented transportation system by various dates?

Other limits to proliferating energy use can be cited. For example, by the end of the century, if growth continues as projected at current rates, one-third of our total freshwater run-off might be required for power plant cooling purposes if only once-through cooling is used. If once-through cooling is superseded by cooling ponds and towers, then even more land is needed and the space crunch will come sooner.

Ultimate limits to growth in energy use also obviously exist in the finite nature of our fuel resources. The fossil fuels now provide by far the greatest part of our energy sources (e.g. almost 96 per cent in 1969). Whatever the true situation as to immediate supplies, it is obvious that ultimately these nonrenewable resources will be depleted. Optimistic estimates predict that our fossil fuels as a group will be exhausted within a few hunderd years at best, possibly much sooner. A recent National Academy of Sciences report, for example, predicts that within another fifty years or so the great bulk of the world's initial supply of recoverable petroleum liquids and natural gas will be exhausted, while recoverable fuel from the oil shales and tar sands might extend the lifetime of the petroleum group to a century or so. With respect to coal, the report estimates that if used as the principal source of energy at projected demands, it willl last no more than two or three centuries.

Though nuclear power is expected to play a major role in future electrical energy production, electrical energy is of course only a part of the total energy consumed (presently, about one-quarter). And the supply of uranium 235 from high-grade ores is limited. The NAS report indicates that the production of nuclear power using the present type of reactors and uranium 235 as the principal energy source can be sustained for only a few decades. Another estimate gives high grade uranium ores a lifetime of under fifty years. Breeder reactors could extend these fuels, but it is not clear what the costs may be and operational and environmental problems are unsolved. And a practical method of producing electricity from fusion is still only a possibility.

Hydroelectric power has its own finite limits in the availability of suitable sites, and is of small importance in the supply picture. While only one-fourth of the potential hydro sites have now been developed in this country, these are the best sites and the rest are mainly hypothetical and not economically usable.

Ultimate limits to energy growth will also be set by the problem of dissipating the heat resulting from the production of energy. It has been said that with energy consumption increasing at 5 per cent a climatological heat limit—the point at which global climate would be drastically altered—could be reached in less than a century.

At projected growth rates, by the year 2000 energy produced may approximate 30 per cent of solar input. Our population centers will turn into giant heat radiators affecting local climates. Increasing attention has also been given to the possible role of two byproducts of energy production—carbon dioxide and water vapor—in long-range climatological change. Each year fossil fuel combustion adds to the atmosphere an amount of carbon dioxide equal to about .25 per cent of the total carbon dioxide in the atmosphere. If the present growth rate in fuel use continues, there will be an increase of about 170 per cent in the carbon dioxide level in the next 150 years. Many scientists fear that the "greenhouse effect" (the trapping of heat energy leaving the earth by acrbon dioxide in the atmosphere) will have serious repercussions on the world climate. For differing reasons, concern is also expressed over adding substantial amounts of water vapor to the atmosphere. Though more research is imperative, these considerations may also place ultimate limits on unrestrained energy consumption.

DAMAGING ENVIRONMENTAL IMPACT

Long before these ultimate limits are reached the environmental impact of unrestrained energy growth may become unbearable. We do not know where the dividing line between environmental deterioration and irreversible catastrophe may lie, but at the least, we can foresee that galloping energy consumption will have a continuing and cumulatively destructive impact upon the environment.

At every stage of energy production and use unacceptable environmental degradation occurs. At the first step of extracting fuels from the earth, defacement and pollution occur in the source area. For example, by 1965, 3.2 million acres of United States land had been surface-mined, 41 percent for coal. And, as we deplete our high-grade reserves we increase our destruction of the land: the strip-mining method of producing coal has been steadily increasing, from 29 to 36 per cent in the last ten years. Today, strip mine benches in nine Appalachian states extend for 20,000 miles.

Uranium mining and milling has its own special hazards of radioactive wastes, in addition to the usual effects of mineral extraction. A typical uranium mill must dispose daily of about 10 curies of radium in its process wastes, a considerable amount. Of 26 mills operating in 1963, for instance, 10 were still discharging the effluent from their tailings directly into streams. In the late 1950's, for example, consumers of untreated water along the Animas River in Colorado below the Durango mills were receiving 300 per cent of the recommended "permissible" daily intake of radium. The production of uranium has also resulted in the accumulation of mill tailing piles—in sizes up to several million tons in the Colorado River basin, for example. In most cases, for many years no containment measures were undertaken, and these piles were left exposed to erosion by wind and rain.

Fuel extraction has polluted our waters as well as defacing our lands. Coal mining has degraded 12,000 miles of Appalachian streams alone, through mine acid drainage. Extraction of oil also seriously pollutes the source area; the Santa Barbara blowout and Platform "Charlie" in the Gulf are but two familiar examples of marine pollution from offshore oil wells.

The transporting of fuels from the source area to points of utilization and the handling and processing of these fuels, lead to further environmental degradation. Illustrations familiar to everyone are the numerous oil spills from vessels, marine terminals, refineries, storage tanks, pipelines, and so on. About 4,000 oil spills from all sources were reported to the Coast Guard in 1970, and of course many go unreported. Estimates put the actual number of oil spills into United States waters at about 7,500 annually, almost 21 per day.

Oil pollution illustrates not only the hazards of accidental spillage of oil transported as cargo, but also the intentional pollution resulting from current modes of operation within the marine transportation system itself. Current estimates are that approximately ten million tons of oil are spilled each year into the marine environment. Of this amount, two to four million are spilled accidentally, while six to eight million are intentionally dumped at sea, primarily through bilge pumping, tank cleaning and deballasting practices of the maritime industry. Severe biological damage is reported in main shipping channels as a result (one expert estimates that 40 per cent of all sea

life has already been destroyed by pollution of all types).

The extracting, processing and transporting of fuels which will be used to provide energy is only the beginning of energy's environmental impact. The production and use of energy in all its forms has created severe pollution and space problems which threaten to become overwhelming in the near future.

Air pollution is perhaps the most obvious environmental by-product of energy production and use. The fossil fuels presently account for almost all of our energy sources (96.4 in 1969), and the burning of these fuels creates the largest share of many of the common air pollutants. Motor vehicles lead the field, accounting for over 60 per cent of total air pollutants. Power plants, and industrial, residential and commercial use of energy all make their characteristic contributions to air pollution.

The visible or noxious air pollutants have received the most attention. In 1966, 28.6 million tons of sulfur dioxide were emitted; 11.5 million tons of particulates; and about 13 million tons of nitrogen oxide. Power plants, for instance, are responsible for a large share of these pollutants: an estimated 50 per cent, 25 per cent and 25 per cent respectively.

Another serious pollution problem generated by growing energy consumption is the thermal loading of our rivers and lakes. Electric power plants are major offenders accounting for about 80 per cent of the industrial waste heat discharged into our waters. Such plants are about one-third efficient in their use of heat to generate electricity, and most of the remaining waste heat is discharged directly into the cooling water source. The amount of waste heat involved is truely tremendous; for example, a typical 1,000 megawatt fossil fueled plant produces enough waste heat yearly to heat 300,000 Minnesota homes, and a nuclear plant, 400,000. At projected rates of growth, by 2,000, the waste heat from these plants might be sufficient to raise the temperature of our total run-off by an estimated 20° to 33°F. If controls on thermal pollution of our waters are not immediately imposed, we may expect serious short-term impacts on local environments as well as disastrous long-range effects.

Other types of energy-associated pollution are becoming of increasing concern as well. For example, some scientists estimate that coal fired power plants put 150 tons of mercury into our air every year. And chemicals such as chlorine, biocides, and various other compounds added during the power generation process are not now being recovered but are released into the nearest body of water. Some of these can cause serious disruption of aquatic environments, as well as rendering certain shellfish unfit for consumption.

The solid waste problems associated with energy production and use are tremendous. For example, by burning coal we produce an estimated 30 million tons of slag and ash every year, of which 8 million enter the air, the rest contributing to our mounting disposal problems. And the solid waste problems created by the soon-obsolescent products of our various industries are truly staggering.

As nuclear power assumes a greater role in the production of electricity, we may have to come to terms with a new and frightening form of pollution, that of radioactivity. It has been predicted that by the year 2000 nuclear power will account for about one-half of our power production. The A.E.C. projects perhaps 600 large nuclear plants in the next several decades—enough to produce every year radioactivity equal to one-half million Hiroshima bombs.

Nuclear plants may justly be called a still experimental form of power production. Though the chances of a major accident have been minimized by industry and government, such a possibility cannot be completely ruled out. The safety record of plants already built gives us cause for concern. By the end of 1968, 17 civilian plants and one military nuclear plant had been completed, and as recently reported in "Science", five of these had been shut down as uneconomic or unsafe; a sixth (Fermi) never operated properly and finally an accident took it out of service; a seventh (Humboldt) has operated within allowable radiation limits only by reducing power output. Others have suffered various difficulties, and in 1969 another was shut down.

Routine low-level radioactive discharges from nuclear plants are another source of concern. While the A.E.C. has just drastically reduced permissible discharges to meet criticisms, concern continues about accumulating radioactivity. At the Hanford installation low level wastes empty into open trenches, and reportedly if ducks drinking from this water were to be eaten by humans they would receive five times the "permissible" dose. In New York, levels in a creek were reported to be 30,000 to 100,000 times higher than A.E.C. limits.

Recent testimony before a congressional committee indicated that by the year 2000, nuclear plants and associated fuel processing facilities would be producing 470 million curies of krypton 85 annually, representing an increase in radiation exposure of about two millirems per year, or one to two per cent of natural background radiation. This assumes that it is uniformly diluted throughout the atmosphere, but exposures in the U.S. might be as much as ten times higher. Though much research needs to be done, some scientists predict that in 30 years, if growth projections are reached, radiation levels may be high enough to cause serious and unforeseeable effects on living things.

Another problem associated with nuclear energy is the management of the high-level radioactive wastes produced. These wastes are handled, transported and processed (which adds to the risk of accidental catastrophy), and must ultimately be disposed of. The storage problem alone is immense. Can we safely assume that this legacy of long-lived radioactive wastes can be contained by future generations for hundreds and thousands of years to come? One scientist reports that over 100 million gallons of high level wastes are already stored in underground tanks, of which 60,000 gallons have so far leaked into the ground. A "failsafe" storage system must somehow be devised if nuclear power is to be viable in the future.

Finally, we are confronted by grave space problems brought on by spiralling energy production and use. Short of the ultimate limits already noted, the amount of land used for energy-related activities may become environmentally unacceptable in the near future. Such uses include the paving of land for freeways to accommodate our auto-based transportation system and its related "needs," such as parking lots, gas stations and so on; the use of land to build more and more power plants and string more and more transmission lines; and covering our land by industrial installations of all kinds, each consuming energy and many turning out frivolous, wasteful or soon-obsolete "conveniences."

In the process, "open space" is diminished; wildlife habitats are pre-empted; many of our most scenic areas are visually impaired, and wild areas and rivers are destroyed. Difficult questions of optimum siting for those highways and plants which may be absolutely necessary emerge.

A few statistics on power plants and lines will illustrate the problem. In California, where power production is expected to double every 8 years, by the year 2,000 92 new plants of 4,000 megawatts capacity, *far larger* than any existing now, would be required; this amounts to one for every ten miles of coastline, if sited there as many urge. If 1,100 megawatt plants (San Orofre size) were built, 350 additional plants would be required in California by year 2,000.

There are now 300,000 miles of transmission lines across the Nation, occupying 4 million acres; by 1990, 200,000 more might be required, taking up another 3.1 million acres, twice the size of Delaware. Another projection estimates 11 million acres occupied by plants and lines by 1990, with visibility intruding on many more. Clearly this cannot continue.

ARTIFICIAL INDUCEMENTS TO GROWTH

It is no accident that we confront such bleak prospects in our energy future. We face cries of immediate fuel and energy shortages because the energy industry has contrived crisis situations, and the growing amount of interlocking ownership in the fuel industry facilitates this. And finally, the industry has contrived in many ways to have public policy artificially stimulate demand for energy. These factors act in concert to produce the so-called "energy crisis."

In the last few years, we have experienced all sorts of sudden fuel and power shortages. The price of residual fuel oil doubles in a year, ostensibly because of a cut-off in Middle Eastern supplies, despite the fact that most of it comes from Venezuela and other places. A sudden shortage in natural gas develops in 1969 when the gas industry decides to try to pressure the Federal Power Commission to grant it a 60 per cent increase. The gas industry will not reveal how many wells are capped awaiting higher prices. Coal becomes in short supply because of mysterious difficulties in production and delivery. Despite the fact that the electric utility industry has a reserve capacity of 27 per cent nationally, summer power crises are experienced as plants breakdown and interties fail.

None of these so-called crises is very plausible. The growing monopoly among energy companies helps explain how a few large corporations can suddenly contrive these crises. The oil industry has always controlled natural gas companies, but it is now on its way to controlling coal and uranium as well. At least 11 large oil companies have significant interests in coal. The two largest owners of coal reserves are oil companies, one of which is also the largest oil company (Standard Oil of New Jersey). The petroleum industry as a whole accounts for one-quarter of our coal production. At least 18 oil companies have invested in uranium development. The oil industry now holds 45 per cent of all known uranium reserves. A recent investigation by the House Banking Committee showed that 49 of our largest banks have interlocking directorates with 36 of our largest electric companies, with 28 gas companies, 15 coal mining companies, 17 oil companies, 58 coal-carrying railroads, and 27 companies which supply electrical equipment.

Not only is industry in a position to withhold supplies to wring concessions from government, it has also been fabulously successful in persuading government to stimulate demand in every possible way. For over a century, a pro-growth bias toward energy use has been woven into the fabric of public policy. The rate structures for electricity are distorted to provide discounts for large industrial consumers. Utilities are allowed to promote consumption through advertising charged off to rate payers. Nuclear power is subsidized through A.E.C. activities and the accident insurance afforded by the Price-Anderson Act. Hydro power is subsidized through virtually free licenses to use public water power sites. Public power is subsidized through exemption from income taxes and preferential interest rates. Coal mining is subsidized through failure to enforce strip mining and safety controls, with the result that social and environmental costs are not sufficiently internalized. The domestic oil industry is for all practical purposes subsi-

dized through depletion allowances and import quotas. The auto and oil industries jointly are abetted and encouraged through federal aid highway programs. Bulk fuel transport is encouraged through subsidization of continued barge canal construction. Railroads continue to receive a multitude of forms of federal support.

CONTROLLING ENERGY GROWTH

How then do we extricate ourselves from the dilemmas of this contrived pattern of exponential energy growth? While no simple answer exists, an interim strategy can be tried. It consists of making a number of simultaneous changes in public policy to reduce rates of growth. Acting together in a reinforcing fashion, these changes may be sufficient to put the problem in temporarily manageable form. At that point, we can then assess whether cutbacks in actual consumption levels in the long run are also needed.

A short-run strategy would involve the following types of changes in public policy: ending or reducing the many biases in public policies which provide incentives to energy growth; maintaining and strengthening environmental constraints on energy growth; reducing energy demands by educating the public to understand the importance of conservative use of energy; encouraging intensified research and development on ways of achieving greater efficiencies in energy utilization and in finding new, more environmentally acceptable energy sources; discouraging growth in industries that are the most profligate consumers of energy; and establishing new agencies in government to plan and regulate activities. Each of these changes involves efforts that go well beyond the traditional bounds of energy policy, and all can have profound economic and social impacts. Yet changes are already beginning to occur in all these fields, and the environmental movement is determined to promote them. While each needs detailed elaboration, I will simply try to sketch some of the central ideas here.

(1) We will never be able to cope with the crisis of energy growth until we root out the many incentives in public policy to such growth. What would happen if the diseconomies of all these subsidies were to be removed or reduced? Quite likely the actual impetus behind energy growth would drop sharply. We would no longer be artificially stimulating a false demand as if energy growth were a clear public good rather than a clear public problem.

(2) At the same time as artificial incentives are removed, positive constraints needs to be asserted to protect environmental values. These include restrictions of various sorts on the modes of developing, processing, and transporting fuels: establishment of onshore and offshore closures to drilling and mining because of overriding environmental values, as in areas for wilderness, parks, refuges, marine sanctuaries, and for future study; strict environmental operating controls on open areas; a ban on strip mining; deferred development of oil shale; stringent controls on marine oil shipping, including controls on the operation and design of super tankers; stricter controls on pipeline specifications and routing; and tighter controls on the handling, processing, and disposal of nuclear waste products. Simultaneously, environmental controls need to be extended further on the facilities which consume fuels: principally power plants, automobiles, and basic industries. Pollution controls on effluents and emissions need to continue to be tightened, with greater emphasis on toxic substance and by-product recovery and closed-plant recycling. With the move toward national land-use controls, the siting of plants, transmission lines, and highways will become increasingly constrained.

The rising costs associated with all of these constraints can be regarded as an internalizing of social costs. As costs rise and are passed on to consumers, demand should slacken and the rate of growth in the drain on energy resources should slacken too.

(3) As the public faces higher energy and product costs, a strong effort needs to be made to promote public understanding of the reasons behind these shifts. As consumers, we all need to begin to understand that we have not been paying the full costs of driving automobiles and of using electricity almost as if it were a free good. Instead of looking upon these rising costs as a new burden upon the consumer, we should look upon them as ending a "free ride" which we have been getting at the expense of the future and of the environment. Moreover, we should encourage even greater understanding of the need to end our wasteful habits in using energy. Changing cultural attitudes toward walking, bicycling, and mass transit can help break the omnipotence of the automobile as a symbol of fashion and prestige. Changing cultural attitudes can also help bring rising residential electrical use under control among the middle class; hopefully there will be a growing trend away from all-electric gadgetry as a status symbol.

Finally, however, it is important that steps be taken to make sure that rising prices do not block the aspirations of the poor. Particularly with respect to electrical rates, special steps should be taken to provide low rates for small residential consumers. Improved mass transit should also help low income urban residents. Other steps may need to be taken too to make sure that the poor are not penalized by these changes in public policy.

(4) Not only do we need to convince consumers to be more conscious of the need to be conservative in their use of energy, we also need to find better ways to conserve fuel supplies and to stretch their use further. Through gassification of coal, for instance, we may be able to achieve better efficiencies in the use of coal. Magnetohydrodynamics could also improve efficiencies in energy conversion. There may also be a limited but useful way to utilize solar energy for household heating in certain parts of the country. It may also be possible to use the heat from air conditioners and thermal discharges for some useful purposes to reduce energy demand. More research is needed on these and similar projects. The energy industry should be taxed to fund a new federal program for intensive Research and Development on possibilities of this sort. The aim should not be to provide a "technological fix" to allow us to continue our profligate ways, but rather should aim at helping us find ways to conserve our fuel supplies and to minimize the adverse effects of their use upon the environment.

(5) There may be a limited number of basic industries that are key consumers of energy and are also critical sources of many environmental problems. These may include the automobile industry, the aluminum industry, the paper industry, and the fertilizer industry. Because of planned obsolescence, the automobile industry consumes an inordinate share of the world's resources, and it produces vehicles which constitute one of our main sources of air pollution and which require highways that pose an increasing threat to the viability of cities and the integrity of our countryside. Environmentalists are shaping a variety of assaults upon the patterns of operation of this industry.

The aluminum industry is a prime consumer of electricity and is a major contributor of litter in the form of disposable beverage cans. Laws to require returnable containers could profoundly effect this industry, and have already been passed in some places. The paper industry also consumes significant amounts of energy and is a major polluter. Cultural trends away from the disposable way of life, built upon paper goods, could cut into the growth of this industry. Finally, if there is a trend away from inorganic fertilizers with emphasis instead on the use of animal manures, this could cut the energy demands of that industry. Through these separate programs of environmental reform, some of the dynamism may also be taken out of energy growth rates.

(6) To assure that many of these efforts are orchestrated, environmentalists are advocating a number of new governmental institutions and programs. In recent testimony before the House Committee on Interstate and Foreign Commerce, the Sierra Club advocated establishment of a new agency within the Interior Department to conduct basic energy studies and to prepare national energy plans. It also called for the establishment there of a separate agency to oversee basic R & D programs in this field. And it called for a third agency in the Department to administer a program of electrical reliability and safety. All of these might be grouped within the Energy Branch that the Administration has called for in its reorganization proposal for a Department of Natural Resources.

We called, too, for giving the Federal Power Commission general licensing authority over power plants of all sorts over a certain minimum size, with regional licensing boards composed of panels representing three agencies. To offset this increased authority of the FPC, however, we called for a requirement that various environmental and other agencies certify compliance with their programs before licenses could be issued. In other words, we opposed the so-called "one stop" licensing approach as out of step with our needs, and called instead for maintaining the integrity of our environmental and land planning programs. Basically, our proposal contemplates distributing various functions to the agencies that are most competent to handle them. In this way, each function can be accomplished authentically and will not be prematurely compromised. The functions of planning, research, reliability enforcement, environmental and land use control, licensing, and rate regulation would be vested in different agencies. A way is provided to integrate these functions, but not on the utilities' terms. We are still in the process of working out control programs for other energy sources.

There is no way to know what effect all of these changes might have. However, I would point out three things. First, many of these changes are already beginning to be made, and most have a rationale that allows them to stand apart from any over-all energy control scenario. Second, the strategy of orchestrating these changes allows many factors to be adjusted to help shape the final result. In other words, it allows a lot of room for experimenting to achieve different ranges of change. And third, the practical alternatives are not very inviting. Starkly put, these alternatives may be on the one hand a gruesome day of environmental reckoning when either the energy bubble bursts or the environmental burdens pass the breaking point, or radical and revolutionary institutional change on the other hand when such crises threaten to occur.

And the worst part of the dilemma is that we probably really do not know how far we are on the environmental limb. Certainly, we should lose no time in pursuing our best option in whatever time remains. Our choice does not need to be one of either blackouts or having the Federal Government tell us to turn off the lights. The more logical course open to us is to turn off the overheated and self-interested forces which are propelling us into the predicament.

HOW TO BE A GOOD CITIZEN

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. BELCHER. Mr. Speaker, I would like to take this opportunity to insert the following article by Mr. Finis T. Crutchfield, pastor, Boston Avenue Methodist Church, Tulsa, Okla.

I think this article is a good lesson in how to be a good citizen:

PASTOR'S CORNER

At the time of the writing of these words, no decision has been reached by the federal authorities concerning the busing and integration problem as related to the public schools in our community. Regardless of the fact that we do not know the specific shape or form of the issue, I would like to suggest the following to thoughtful Boston Avenue people.

First, the application of an unpopular problem of law may often become the occasion for subtle and unconscious lawlessness, even among sincere and good people. There is no doubt that the findings of our court will not be universally popular, whatever they may be, but as Christian people we should encourage the most astute and rigorous adherence to the law. It is likely that the application of certain federal laws will inconvenience and greatly penalize certain sections. This is still no occasion for speaking disrespectfully of the law, or of encouraging its violation in any form. If ever there was a time in history when law observance should take precedence over other considerations, this is that time. Some have already said to me, "But do you believe we should obey a law which is morally wrong? What about the Christians who were in violation of the Emperor's law and what about devout people under Hitler in Germany, what about faithful defiance in communist countries?" The only response that I have is this: we do not live in Hitler's Germany, we do not live in the first century catacombs, or in a communist nation. Our situation is entirely different and we live in a land whose government has been based finally upon reason and not passion, shaped upon law and not emotion, upon Judiciary decisions, and not personal preferences. In the long run, we, in our time, in our country, have far more to lose by not upholding the importance of the law than we have in insisting on the violation of something we think unfair. In this nation there are ways to change unpopular laws. We do not live in the midst of any tyranny. Let us all together uphold the majesty of the law, whatever its application may be. This nation needs an example in law observance and we can give it just now, all of us together.

Second, one should not try to find a scapegoat for the present situation unless he is willing to look in the mirror. When we get backed into a corner and seem to have no way out, we always hunt for a scapegoat, someone to blame, the fall-guy, a place where we can heap all our scorn, someone or some parties upon whom we can vent our spleen. Some people will want to blame the school board, perhaps others will want to blame the school administration, others will blame the Supreme Court, others the churches for meddling in the integration problem, still others blame the churches for not meddling enough. Some will blame the Democrats, others will blame the Republicans. When we are frustrated we like to find somebody to blame. When irritated we seldom step up and say, "I have some blame in this." The truth of the matter is that "the sins of the fathers have been visited on the third and fourth generations." This impasse, rooted in wrongs and grievances, expresses itself in situation after situation, event after event, across many decades. If ever there is a situation of corporate guilt, this is it. A study of history and current society clearly reveal it, examination of our conscience will confirm it. Much could be said at this point but we want to say just this: "Whatever comes, let's admit we are all to blame and not try to dump the blame on some person or persons. Let us make whatever situation is to be into a genuine social and spiritual venture. Let us take something we think improper, or even wrong, and make something good and right out of it. Let us take the worst (if that is what it is) and make it into the best. This cannot be done with fretting and fault-finding. Often what appears to be utterly disastrous turns out to be a great blessing. God is in every social crisis offering some gift, if we have eyes to see, ears to hear, and the willingness to accept that gift. Let us be open to it and seize it joyfully.

Third, let us offer our words, our deeds, and our labor in willing service to the leaders of the local school administration and the local school board chairman, and its officials charged with implementing whatever programs come. They are responsible, trained, dedicated people and in my opinion they can be thoroughly trusted. Let us move forward with them.

I hope you will be in church Sunday morning.

NUCLEAR POWER IS THE ONLY ALTERNATIVE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HOSMER. Mr. Speaker, if the critics of nuclear power plants were to have their way in banning them totally or substantially, where would the Nation go for its future power? The fossil fuels are exhaustible, and it is getting more difficult all the time to maintain a sufficient supply. Just in the past 25 years man has consumed half of all the coal and oil put to use since their value as fuel was first discovered. As new sources are needed, the costs go up.

Richard Peterson, executive vice president of California's Pacific Gas and Electric Co., points out that the demand for natural gas forces the company to go farther north and to depend on deeper, more costly wells. Supplements from coal and imports of liquified gas are more expensive than fuels transported by pipelines.

As a natural and inevitable supplemental source close at hand P.G. & E. has turned to nuclear power. Peterson points out that the utility will complete two generating units at its Diablo project in San Luis Obispo County in 1975. He says,

In that year, nuclear power will account for 15 percent of our electricity.

The company also expects to file applications with Federal and State agencies later this year for two units in its coastal site in Mendocino County.

And that's where the critics come in. A measure scheduled for the California 1972 State ballot would ban such construction for 5 years. Former Public Utilities Commissioner William M. Bennett has made it clear that he and his group of young law students are out to kill off nuclear power projects, period. There is no power shortage, he claims.

Which is not the point. Unless the Nation's utilities can plan at least 10 years ahead they will not be able to meet an electric energy need which is expected to increase six-fold in the next three decades.

Certainly, plans for construction of nuclear power plants must be fully studied. All tests for environmental and human safety, including the earthquake factor, must be passed.

But, with more than 100 reactor-years of operation without any serious accident, nuclear plants have proved themselves. And they are improving even on that record. They have a remarkably low pollution effect. Theirs is the only inexhaustible supply of fuel we have.

Fossil fuels will continue to be used, but without expanded use of nuclear energy we are in trouble.

JUDGE FRANK McBEE—THE LAW SOUTH OF THE COLORADO

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. PICKLE. Mr. Speaker, for many South Austinites, today marks the end of an era, for today, after 32 years on the bench, justice of the peace Frank Wilkins McBee, Sr., plans to retire.

During his years in office the life of this son of two Texas pioneer families has touched the lives of many thousands of citizens. It is estimated he has handled some 100,000 criminal and civil cases and performed over 4,000 marriages.

Get him started talking about his justice of the peace career and the anecdotes flow. Though he often crossed paths with crime, McBee considers "the opportunity to help people" as having been most important in his life.

He celebrated his own 50th wedding anniversary last year, and weddings were plainly his favorite duty.

After the first wedding I performed, the groom gave me 64 cents. I know darned well it was all he could afford.

In recent days, he says, the bride is likely to be barefooted, have on a granny dress, and be carrying carnations.

For most of the years of his career, McBee was available to city policemen and highway patrolmen 24 hours a day, 7 days a week, and many an accident or crime victim received first aid on his living room couch.

Judge McBee never went to law school, but when he decided to run for the justice of the peace he began his own private schooling in the law, aided by several Austin lawyers. His diligence and quick mastery of the law won him an election to the Travis County Bar Association in 1940.

Known for his honesty, his fair-dealing, and his helping hand, McBee never lost an election in 13 tries, and he rated high enough with the voters to draw opposition only twice.

His homemade, elaborately tooled cowboy boots will be hard shoes to fill, and we will miss his services greatly in Austin.

After he gets back from his first vacation, however, I will wager that coffee pot and homemade cake will be ready as always in his kitchen.

HOME ECONOMICS WEEK IN MASSACHUSETTS

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, for the first time in the history of Massachusetts, Gov. Francis W. Sargent, proclaimed May 9–16, 1971, as Home Economics Week.

In order to take advantage of this new and wholesome development, the Home Economics Department of the Boston Public Schools coordinated the talents and resources of its teachers to alert the public to many opportunities. All teachers responded in a variety of ways too numerous to list in this introduction.

However, the climax of this memorable week deserves special mention because of its dramatic quality. It was the brainchild of Miss Nancy Guzelian, a teacher at the Mary E. Curley Junior High School, who encouraged business—namely the Mennen Co.—to sponsor a contest.

In a search for a typical teenage girl who reflected the best ideals of homemaking, certain criteria were established. She had to first, be no less than a "B" student in home economics, second, have qualities of leadership and, third, submit a short theme about the subject.

Mennen Co. provided the funds for suitable awards and an elegant luncheon at a fine Boston hotel—which in itself delighted these youngsters who have become so accustomed to the eat-and-run mode of meals. They expressed delight in the beautiful surroundings and genteel table service. This alone was worth a hundred classroom lessons. To add to the importance of this occasion, a prestigious panel of judges included Congresswoman LOUISE DAY HICKS, Mrs. Kevin White, Mrs. Robert Quinn, Mrs. Augusta Bailey, and Mrs. Jeremiah Sullivan.

We consider this only a beginning toward establishing home economics as an acceptable field of study in an educational tradition that has been heavily classical.

The themes follow:

"WHY HOME ECONOMICS IS IMPORTANT"

(By Patricia Driscoll, Clarence R. Edwards School, First Junior High School Winner)

I can say Home Economics is important because I have had my own personal experience in running a house hold. Last August my Mother died suddenly. When she died she left behind my Father, my little sister, and brother, ages 3 and 5, and myself 14. Even though I was the oldest I didn't help out much before she died. All at once the responsibility of running the household was upon me. It was very important for me to try and do my best for the sake of the children, and it was really up to me since my Father was at work most of the day. At first it was difficult but when school began in September I took courses in Consumer Education and Foods. I realized it wasn't so hard. One night I sat down with my father and made out a budget, and now my meal planning is even better. Home Economics is far more than learning how to prepare meals and running a household. It has also helped me in forming my personality and with good grooming. It has helped a great deal in handling the children and bringing them up correctly and understanding their moods and needs.

I think Home Economics is good because many young girls may want to learn certain subjects in Home Economics but their mothers may not have the time or patience to teach them, so school is the only way they can learn.

Many teenage girls do not realize how important Home Economics is but they will soon learn when they have their own homes in the future.

WHY HOME ECONOMICS IS IMPORTANT

(By Paula Jones, William Howard Taft Junior High School, Second Junior High School Winner)

I think home economics is important because it shows us how to buy food that is nourishing and also how to economize. It isn't just a class to teach you how to cook; it teaches you how to become a better person. We learn to be considerate, kind, loving, generous. We find that deep within ourselves we are really capable of being understanding mothers, how to be able to cope with the pressures that are placed on the homemaker. The homemaker is an important part of everyday life. To play this part we must rehearse and in home economics this is what we do. We girls who are soon to be women, and from there possibly to new brides, have learned to sew and cook. Sewing and mending our own clothes can help us save money and stick to a family budget that is tight. Also we can save money on baby clothes. We learn safety precautions such as how to stop the bleeding of a cut, how to stop the pain of a burn, better yet, how to prevent these accidents.

We are taught how to fix a low-calorie meal that has all the nourishment of a high-calorie meal. We learn how to be an encouraging inspiration to our husbands, how to help solve family problems and bring cheer to them when they are depressed. We also learn these things which could help us in professions later in life. We are taught how to get along with people in case we join a community group. We have learned how to put on buffets and how to accept company which could really help your husband out if the company is his boss and wife. Children are very complicated things in a woman's life. She must know how to have fun with them and also how to discipline them. From the day these little creatures appear till the day they return to their maker they demand love, compassion, understanding, security, and time. An understanding mother will give this to a child, but only enough, not too much. You see a child is like a time piece—you have to know how, when, and where. Children should be handled with loving care and little more discipline. They should be taught respect, manners, and other things. All this is taught in home economics. To me these are only some of the many reasons home ec is important. It is a tough course but so is life.

"WHY HOME ECONOMICS IS IMPORTANT TO ME"

(By Davida Grimes, F. V. Thompson School, Third Junior High School Winner)

Home Economics impresses many things upon me. It impressed on my mind that the true family happiness depends upon what it's members are, not what they have. It taught me to be thrifty, industrious, and charitable in my family circle. It taught me that I will never stop learning how to become a better economist.

To become a better economist takes time like everything. It also takes practice. It taught me that, sure, I will make mistakes but practice makes perfect. It taught me how to be wise in spending money and judging values.

It taught me not to waste my time or to get frustrated when I make a mistake, but to stay cool and dig up my confidence and try over or to try to make the best of it. It taught me how to be a little woman or lady. I sometimes imagine my home as being my own home, after I'm married. It showed me how to cope with problems, to keep down arguments and keep peace in the family home. It taught me to make the best of work I don't like and to make a game of it and to really like work I didn't like before.

So now when we have vacations and I have to do work I didn't like before, the day goes by faster because I find joy in doing it.

People say doing work is a curse. People say they want to be an economist with no practice, but it can't be. It takes time. So don't be discouraged when you make a mistake. Try again.

Yes, Home Economics taught me a lot. It taught me to be the best I can be, to run a house, and make the best of it. It taught me to be the capable girl I am, the capable girl spoken of in Proverb 31:10–31.

What kind of a girl or woman are you???

"WHY HOME ECONOMICS IS IMPORTANT"

(By Debra J. Furlong, First Prize Winner, Roslindale High School)

In my life home economics has played a very important role. I have been taking some form of home economics since the Seventh Grade whether it has been clothing or foods, they have been very helpful in teaching me a lot about consumer protection, the arts of cooking and the arts of sewing. These courses have helped me in current years and I think they will help me even more in my future years when I have a home of my own.

In home economics I am not only taught how to stretch my dollar but also how to use the products I buy more efficiently. The consumer these days is not fully aware of the way they are being cheated by packaging and false advertising, having been versed ahead of time. In the future housewife and consumer will know and look for the best buys for my money.

In the making of my clothes I have become aware of the special techniques and finishing touches which make an article look like something more than home made. I think that since I do make a large portion of my wardrobe, the short cuts and the know hows will make it easier for me, in the future. I will also be able to select patterns, materials and other notions needed in making a wardrobe that looks fashionable and can be interchanged to economize on time and money and space. I think Home Economics has a great future and could be expanded to include more relevant issues to the housewife, tomorrow.

"WHY IS HOME ECONOMICS IMPORTANT"

(By Linda Benjamisen, Second Prize Winner, Hyde Park High School)

Home economics consists of clothing and foods which is important to everyone. If you are going to be a homemaker it is essential but it is also essential to the single person. A single person still has to cook his meals and mend his clothes.

Clothes are important. Fashions now-a-days change with each new year. Learning to sew helps you cut down on the expense of your wardrobe. In some store bought clothes

you have to make alterations. Sewing comes in handy. These classes show the different types of fabrics and weaves, the quality of the material and the texture.

On buying clothes the shopper is trained to look for chain stitching when you just pull the thread and it unravels or buttons that are all sewn with the thread running to one button to the next. Buttons and zippers sewn carelessly usually gives you the hint that the garment was sewn cheaply and the quality inferior.

Home economics in clothes teaches you to sew and to make things. Even if you hate sewing you still know how to sew buttons back on and to mend clothes.

In food classes you're taught how to plan meals. The color, texture, flavors, and balance of the meal are important to make a nutritious and attractive dinner. You are also taught the facts about vitamins and calories.

Food classes have interesting topics such as Consumer Education, where buyers beware or budgeting, where pinching pennies count.

International dishes are part of the class where we learn to broaden our cooking talents to more exciting dishes. French pastries are hard to make but delicious to eat. Italian foods are popular like pizza and lasagna. Desserts of any country are fun to make and eat.

All this is important so as not to have boring meals each day but something new. In our classes we are doing this and enjoying preparing it also.

Don't let the title fool you, it isn't just for girls getting married but for everyone. Home economics does mean the home but home can be a person and his house not just the family set-up. Everyone has to eat and sometime or another sew a button. So why not take home economics it is important but also fun in learning.

"WHY HOME ECONOMICS IS IMPORTANT"

(By Pat Driscoll, Brighton High School, third prize winner)

Young people today need to know about home economics. Home economics is the study and science of foods, the management of your house, the knowledge of planning your budget and the study of child care.

The study and science of food is important to people in the world today. We should know what food we need daily and why it is important to have this food. You should know how the food is to be prepared and how to cook food. When buying food you should know what to look for when you shop. Also you learn how to plan a diet for gaining or losing weight. Disease that are caused from food is important to know about.

Managing a house is important because you learn what things you buy are more of a necessity than others. You learn about the different brands of china, silverware and furniture. You also learn about different products to use around the house.

Today the cost of living is very high and it is important for us to know how to plan a budget. In planning a budget you must know how much money you have to spend on food a week, then you plan each meal for the week. With the rest of the money you put a certain amount away for rent and bills that need to be paid and other expense. Also you may have enough money to put in a savings bank.

Child care is also important for us to know so that we can be prepared when we have our own children later on in life. We will be prepared to know how to raise our children and feed them the right foods to keep them healthy.

DEMOCRATIC DINNER OUTSTANDING SUCCESS—SPEAKER CARL ALBERT STRESSES LEGISLATIVE ACHIEVEMENTS OF DEMOCRATIC CONGRESSES

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. EVINS of Tennessee. Mr. Speaker, the 1971 Democratic congressional dinner held in Washington this week was an outstanding success.

Some 3,000 enthusiastic Democratic leaders attended the dinner and there was an aura of confidence and victory in the air.

Speaker CARL ALBERT set the tone of the meeting with his special message, citing the progressive record of the Democratic Party and predicting victory in presidential and congressional elections next year.

The attractive program prepared by the Democratic Congressional Campaign Committee reviewed the many legislative achievements and accomplishments of the Democratic Party, for the people including:

The Social Security Act, the GI bill of rights, the Soil Conservation Act, Elementary and Secondary Education Act, Higher Education Act, the Federal-Aid Highway Act of 1962, Tax Cut and Reform Act, National Housing Act, Full Employment Act of 1946, Housing Act of 1961, Manpower Development and Training Act of 1962, Water Pollution Control, Crime Control Act of 1970, Medical Facilities Act, Omnibus Crime Control and Safe Streets Act.

Trade Expansion Act of 1962, Air Quality Act, Medicare, 18-year-old vote Constitutional Amendment, establishment of Federal Trade Commission, Clayton Anti-Trust Act, establishment of Coast Guard, prohibition of Interstate Commerce in Products of Child Labor, Adamson Eight-Hour Law, Immigration Act, Woman Suffrage, Civil Service Retirement, Merchant Marine Act, Agricultural Programs, Tennessee Valley Authority, Home Owners Loan, Federal Deposit Insurance.

The Twenty-first Amendment, Philippine Independence Act, Securities and Exchange Act, Communications Satellite Act of 1962, Public Works Acceleration Act, Drug Amendments of 1962, Civil Rights, Mass Transportation, Anti-Poverty Program, Wilderness System, Appalachian Regional Development Act of 1965.

Drug Controls, Voting Rights, Mental Health Research and Facilities, Reciprocal Trade Agreement Act, National Labor Relations Act, Federal Reserve Act, Fair Labor Standards, Lend-Lease, Bretton Woods Agreement, United Nations Participation Act of 1945, Atomic Energy Control Act, Legislative Reorganization Act of 1946, Greek-Turkish Aid, Foreign Relief Act, National Security Act of 1947.

Fair Labor Standards, National Science Foundation Act, Foreign Economic Assistance Act, Defense Production Act of 1950, Internal Security Act of 1950, Social Security Amendments of 1961, Peace Corps, Foreign Assistance Act of 1962, Omnibus Housing Act.

Department of Housing and Urban Development, Heart Disease-Cancer and Stroke Research and Facilities, Higher Education, Highway Safety, Department of Transportation, Demonstration Cities Act, Fair Packaging and Labeling Act, Social Security Amendments of 1967, Older Americans Act, Model Cities Funds, Teachers Corps, Outer Space Treaty, Veterans Pension and Readjustment Assistance Act of 1967, Truth in Lending—1968, Drug Abuse Control, Nuclear Nonproliferation Treaty, Elementary and Secondary Education Act of 1969.

Water Pollution Act of 1969, Coal Mine Safety Act of 1969, Tax Law Revision—1969, Legislative Reorganization Act of 1970, Urban Mass Transportation Assistance Act of 1970, Federal-State unemployment compensation program, and social security benefit increases, among others.

The special message by Speaker ALBERT, "Opportunities for Progress," was as follows:

OPPORTUNITIES FOR PROGRESS

(Statement of Speaker CARL ALBERT, of Oklahoma)

This dinner marks the kick-off of a concerted effort to return a Democratic majority to the Congress in 1972. It is none too early to begin, for the evidence indicates that the White House is focusing all of its attention on next year's election.

There is no question that the Democratic Party is the best hope of this nation for progress, reform, relevance, and redress of grievances. All of the great legislative initiatives of the past decade have been Democratic-sponsored, most of them passed over adamant Republican opposition. Severe as our country's problems are today, we may well ask ourselves where we would be without Medicare, the Elementary and Secondary Education Act, public housing programs, clean air and water bills, and a host of others bearing a clear Democratic imprimatur. Our Party is clearly the Party of opportunity for the American people—for participation in the political process, for candidacy for elective office, and for representation in the Congress.

The Nixon Administration has been totally unresponsive to the needs of the country and will burden Republican candidates for Congress with an inferior record to carry to the people. It has allowed its much-emphasized forgotten Americans to lose their jobs and to see their income eaten up by rampant inflation and recession. It has cut back vital health programs and undercut Congressional support for education. It has begun to dismantle the Office of Economic Opportunity and allowed more than a million Americans to slip back below the poverty level after a decade of Democratic success in this battle. It has made no commitment to the equal opportunity for all Americans that is the heart of the Democratic platform.

The American people cannot be fooled for very long. It must be our mission to expose the gap between Republican promise and performance and to spread the word of Democratic solutions for the nation's unmet problems. The opportunity has never been brighter, the need never greater, to return a Democratic majority to Congress and to elect a Democratic President in 1972.

PUBLIC EMPLOYMENT PROGRAMS AND PROPOSALS

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. PERKINS. Mr. Speaker, some months ago, I invited Dr. Robert A. Levine, former Assistant Director for Research, Planning, Programs, and Evaluation of the Office of Economic Opportunity, now with the Rand Corp., to provide our committee with a copy of an article he had written entitled "Public Employment Programs and Proposals."

This study was prepared as a background paper for the Brookings Institution book entitled "Setting National Priorities: The 1972 Budget," by Charles L. Schultze, Alice M. Rivlin, and Edward Fried.

It had been my intention to include Dr. Levine's article in the hearings published in connection with the Emergency Employment Act of 1971 for the information of the Members. Although Dr. Levine went to some trouble to make the article available to us, it was not included in the hearings due to an inadvertence.

In order that the Members of this body may have an opportunity to read Dr. Levine's article, I include it in the RECORD:

PUBLIC EMPLOYMENT PROGRAMS AND PROPOSALS

(By Robert A. Levine)

This note is cast initially in terms of four major categories of issues concerning public employment. Having discussed these issues conceptually and put forth some arguments and orders of magnitude, it presents an intellectual and political history of public employment developments ince 1964, and an analysis of the current status of public employment proposals, and concludes with some recommendations.

I. ISSUES

Discussions of public employment over the last five or six years have revolved around four sets of issues. These are: (1) The need for a Public Employment Program to supplement aggregate demand and labor market measures in increasing employment, particularly among the poor. (2) Simple job creation as the dominant objective of a public Employment Program, as against a complex of other related objectives—training, career creation, advancement, filling of public needs, restructuring delivery of certain sorts of services. (3) The choice between the public and the private sector for federally-subsidized employment and training slots, or—put in other terms—the choice between public and private needs as the beneficiary of the productive labor power purchased with federal funds. (4) The needed size of a Public Employment Program, under different assumptions as to the answers to the above questions and as to the business cycle. Although these four issues can be looked at separately, confusion among them has led to substantial confusion in the debates over public employment.

1. Public employment as a supplement to aggregate demand and labor market measures

Public Employment became a subject of major discussion in the Johnson administration at a time before full employment had been reached, and when there was no doubt that more jobs were needed. The means of creating these jobs, however, was by no means agreed, and public employment therefore became caught up in the cyclical/structural controversies of 1964–6. Indeed, public employment proposals made in 1965 formed a third pole in what had been something of a bipolar disagreement between the advocates of aggregate demand solutions to unemployment, and the labor market structuralists.

In 1965, the aggregate demand proponents—represented in the administration primarily by the Council of Economic Advisers—maintained that increased aggregate demand would push unemployment down to 3.5 percent and below from the 4.5 percent that existed at the time. They contended therefore that no major job creation supplement was needed. The importance of training programs was admitted for other purposes, but not to affect the overall level of unemployment. And supplementary Public Employment Programs were certainly not needed.

The structuralists—largely within the Department of Labor—contended, on the other hand, that *neither* public job creation programs nor aggregate demand would provide the solution. Rather, they believed that major job training programs and other structural adjustments in the labor market would bring the supply of labor into line with the demand—qualitatively as well as quantitatively—and the jobs would be there.

The advocates of each of these viewpoints—at least the more sophisticated advocates—gave something to each other, but they united in opposing public job creation. Those—primarily in OEO—who began to introduce public employment proposals into this discussion, however, were basically aggregate demand advocates because they had substantial doubt of the feasibility of the price and wage adjustments that would have allowed training and similar programs to reduce unemployment substantially. But they diverged from the aggregate demand views of the Council of Economic Advisers in that they doubted that even 3.5 percent unemployment arrived at by increased demand would provide enough jobs for the poor. The basis of this disbelief was an analysis by Charles Metcalf and the late Joseph Mooney indicating that even at 3.5 percent the job deficit for the poor—the remaining unemployment plus differential non-participation in the labor force—was still on the order of a million. This estimate made no allowance for additional jobs needed by the non-poor.

The experience of the last five years has now modified all three viewpoints:

Contrary to the beliefs of the aggregate demand advocates, 3.5 percent unemployment did not solve the job problems of the poor. Pushing unemployment down to 3.5 or below by aggregate demand measures induced inflation-causing shortages in some manpower categories well before it sopped up unemployment in other parts of the labor force. The poor, of course, were in the latter group. Furthermore, recent analysis by George Perry, although not directly concerned with the poor as such, indicates that the discrepancy between the most employable ("prime-age" men) and the least employable (women and teen-agers) has been increasing.[1] Public employment designed for the hardest-to-employ would thus help them while causing less difficulty in the shortage categories than would broad aggregate demand measures.

Contrary to the beliefs of the structuralists, training programs proved much less successful in getting the poor into the mainstream job market than had been expected.

Perhaps most interesting, however, contrary to the beliefs of the public employment enthusiasts of 1965, at 3.5 percent unemployment, there were substantial questions about the abilities of the remaining poor unemployed to benefit from the kind of Public Employment Program that had been advocated—one stressing the utility of the work to be done by the new public employees. Rather than an undifferentiated mass of a million poor needing jobs and capable of working in them, there was a heterogeneous group of unemployed, many of whom—perhaps most it was suspected—it would be difficult to employ in very advanced jobs. This relates to the issues in the next category—simple job creation versus other public employment objectives, but it is suggested here that at 3.5, the characteristics—abilities, location, etc.—of the unemployed will dominate any Public Employment Program. In any case, the working conclusion from all this—to be elaborated further below—is that when aggregate demand is low and unemployment high, there is an unambiguous need for public employment as a supplement. When unemployment is at 3.5 percent or so, however, while there are still uses for public employment, very careful thought should be given to questions like for whom, where, and what kinds of jobs.

2. Simple job creation versus other objectives

One way to look at public employment is as simple job creation. For one reason or another, some people cannot obtain jobs at any given time. For some this is temporary, for some permanent. In either case, it seems good public policy to provide jobs for them. At the limit, this type of simple job creation would make the government the "Employer of Last Resort", providing a guarantee of a job for anyone who came into his neighborhood employment office and asked for one. The "Employer of Last Resort" concept has its limitations, but it is the logical end point of the belief that job creation should be the superordinate objective of public employment. What *kind* of jobs shall be created is important, but less important than the creation of *some* job for anyone needing it.

Simple job creation, however, has never seemed sufficient to many public employment advocates. During the first New Deal, debates over the first large-scale public employment program in this country centered on the issue of job creation as the primary objective versus the making of a useful product by the holders of public jobs. The job creation approach was represented primarily by Harry Hopkins' Works Projects Administration (WPA), the useful product approach by Harold Ickes' Public Works Administration (PWA). Of course there was—and is—substantial overlap between the two concepts. WPA has left behind its monuments ranging from Post Offices to magnificent local histories. But WPA took on the people and put them to work doing whatever they could do—and not all could build Post Offices or write history. Some could just rake leaves, or perhaps nothing but leaf-raking could be found for them to do; and leaf-raking, though not useless, was not the sort of thing government ordinarily liked to spend much money for, were it not for the jobs created. PWA, on the other hand, designed its useful public works, and then hired people to build them, much as people have always been hired for "useful" public or private production. WPA inevitably produced more jobs but less tangible product than PWA.

The "useful" PWA jobs of the 1930's were primarily in the building of structures and roads out of brick and concrete, and the push for public works hardware has become far less important in the public employment debates of the 1960's, but otherwise the recent issue of job creation versus utility resembles that of the New Deal. Initially, in the 1965 discussions of public employment, there was

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hardly an issue at all; virtually all of the public employment advocates stressed the importance of "useful" jobs. Forgetting the lessons of WPA/PWA, they understressed the possibility of conflict between job creation and job utility. It was generally agreed that the jobs to be created would be "public service" jobs, some of them manual to be sure, but more of them in helping fields like health, education, and public order. In the 1966 Automation Commission Report, for example, only about two million of the 5.3 million public service jobs listed were identifiably manual,[2] and the stress was not on these. In part the emphasis on utility was a political ploy to avoid the ire of those who, after thirty years, still considered WPPA a boondoggle. (That political considerations change, however, is indicated by the fact that as notable a conservative as Governor Ronald Reagan explicitly advocated WPA-like jobs during the campaign of 1970—for welfare recipients. President Nixon, on the other hand, used WPA as a pejorative term in his 1970 veto of a public employment bill.) In part, however, the emphasis on utility was based on a real belief that every unemployed poor person could and would find some useful public task to perform.

The push for utility was carried much further by the "New Careers" movement. Based on the ideas of Pearl and Riessman[3], and embodied in the 1966 Scheuer Amendment to the Economic Opportunity Act, New Careers was a program to provide federally financed job slots to public and private nonprofit organizations to create a core of "para-professional" workers in such professional fields as health and education. These fields would be restructured by training the unemployed to do many of the simpler tasks done by professionals, and thus to extend the ability of the professionals to carry out the high-skill activities that only they could do. The prototype para-professional was the Army Medic or Navy Hospital Corpsman who took routine and initial emergency care of the troops entrusted to him. Another example was the Teacher's Aide, who not only helped with galoshes and coats, but also with reading exercises. An additional and very important New Careers concept was for the poor to work with the poor—para-professional social aides becoming perhaps as much substitutes for social workers as supplements.

For the professions, New Careers meant restructuring and extension; for the new publicly financed employees, the stress was on the careers. These were no mere make-work jobs, nor were they manual. The New Careers men and women were themselves to be highly trained, and were to begin on career ladders which, if they could not lead to medical or educational degrees, would at least lead to the dignity of doing something important for society as well as themselves. Indeed, outside the specific New Careers movement, the "useful" public job concept stressed training and upward mobility throughout. Not every public employee could benefit from training or become upwardly mobile, but high quality training and mobility should be stressed for those who could benefit.

The stress on training and mobility led—for some but not all of the early public employment enthusiasts—to another corollary; that the public jobs should be temporary for any holder. For New Careers, the temporary aspect was to be in the federal financing; once the careerist was retrained and the organization restructured, then the careerist should be absorbed into the regular public structure in an existing or newly created civil service job, financed locally. For public service employment concepts outside of New Careers, it was to be up or out; the public jobs were too few and too precious to be clogged up with those who could go no higher in either public or private "regular" sectors.

It is at this point that the conflict for primacy between simple job creation and utility begins to become clear (and began to become clear in 1965). The simple job-creation idea—the WPA idea—stresses making jobs for those who cannot (or even will not) get them any other way. While it can include training for those who can benefit from it, and it certainly should include the hope and encouragement for upward mobility, the point is the job, and if the job-holder stays in the job and rakes the same leaves for an indefinite number of years, so be it. For some times, for some places, and for some people, this will certainly be the case. The logic of the "useful" job concept, however, leads to time limits on job holding, and to stress on useful product, on training, on upward mobility, on restructuring.

Although the two versions obviously can be mixed, the conflict will still remain over the proportions of the mix. One element of conflict will be budgetary. Michael Barth and Frank Easterbrook of OEO estimate, for example, that at any given budget level, a New Careers type of program will buy between 20 and 25 percent fewer slots than a simple job-creation program, with the dropoff being even greater if hard public works are brought into the mix of useful jobs.[4] But beyond budgetary conflict, and perhaps even more important, is the difference in the administrative approach of the two versions. The useful job concept is essentially a retail idea—find the work to be done, negotiate out with the sponsors the training, mobility, and other provisions, supervise, account, evaluate the utility and the mobility. The job creation concept can be carried out more simply and on a wholesale basis. Take in the applicants and put them to work on something; don't worry about "waste", however defined, or about maximum usefulness. This difference of administrative design—jobs versus careful working out—was, as much as anything, at the root of the WPA/PWA conflict. It was exemplified in the 1960's in the difference between the Scheuer New Careers program which did, in fact, provide excellent training and new careers for many of its jobholders, but remained and remains small; and the Neighborhood Youth Corps, which provided little besides jobs of some description (any description) but provided a lot of them.

The two concepts compete for budget, and call for different administrative styles. They also raise the fundamental question of for whom the Public Employment Programs are designed. The question is whether the people coming into a Public Employment Program will be of a type—will have the abilities, will be located in the right places, and so forth—to do the useful jobs stressed by the advocates of this utility. Will the new public jobholders be able to carry out useful jobs like the 5.3 million listed by the Automation Commission, will they benefit from training, will they be able to take and hold jobs in the schools, the health care system, the public order system?

At less than full employment, the answer is probably "Yes" for many of the people (and it should be noted that one reason PWA did as well as it did with the useful job concept is that employment was far less than full.) But—and this is a crucial point—the experience of manpower programs during the more or less full employment (3.6–3.8 percent unemployment) of 1967 and 1968 began to indicate that at this employment level, the remaining unemployed would be very difficult to fit into a useful job program. The million—more or less—who needed jobs by Metcalf and Mooney's estimate did exist at 3.5 percent unemployment, but the indications were that they needed jobs not because insufficient jobs were available, but because they were located in the wrong places, or because they had failed (or society had failed them) many times in their attempts to get and hold jobs or training, or for other reasons veering toward the pathological. Certainly this was not true of every last unemployed person, but the attempts of training and other programs to deal with large numbers of the full employment unemployed indicated that such personal barriers existed for very many. This was particularly true as the programs of the late 1960's moved toward the objective of lowering racial barriers to entry-level employment; racial discrimination was one of the last completely artificial barriers causing unemployment at "full employment" levels.

Of course, at 3.5 percent unemployment, people did go into programs like New Careers, and did succeed in it; generalizations like that of the last paragraph always do have exceptions. But the question must be asked whether the people who did enter New Careers at that level of unemployment (or at any other), and who did succeed, really needed public jobs in order to succeed; would they not have been likely to succeed in private jobs and training just as well? For most, the obvious answer is that if they could succeed in public jobs, they could succeed in private ones. Exceptions exist to this generalization, too—the welfare mother who becomes a top-notch teacher's aide or welfare worker, but would not make it in an office, a bank, or a factory. But still the generalization is likely to hold that those who are able to make it one way can make it the other. At less than full employment, private jobs are not available, and "quality" public jobs are the only option for most of the likely "succeeders"; at full employment, there is a choice between public and private—which is taken up in the next section.

3. The public sector versus the private sector

To the extent that public employment is used for simple job creation, it seems clear that the jobs will and should be in the public (or private nonprofit) sector. Although wage subsidy devices for government to equalize the cost to the value of low-skill workers in private industry are occasionally suggested, no 100 percent subsidy to private employment has ever been mentioned.

But when objectives beyond simple job creation are added to a Public Employment Program, two new questions must be asked. The first is whether the public sector or the private sector is likely to be more effective in reaching objectives like training and upward mobility for the poor? Will public employment training of the New Careers type, for example, provide better training and upward mobility than publicly subsidized private training like the Job Opportunities in the Business Sector (JOBS) program? Will programs like New Careers reach a stratum of "hard-core" unemployed people who cannot get into or profit from training programs in the private sector?

By and large, the answers to questions like this seem to be negative, or at least, there has been no demonstration that public training works better for the hard-core unemployed than private training. The New Careers program did work for some people, but these were individuals from the top strata of the poor unemployed; whatever the reason for their unemployment, they were capable of doing better in a variety of endeavors—public or private. Evidence does not exist that the "hard-core" can receive training and achieve upward mobility better in the one kind of program than the other. Although a number of training programs of various types can provide evaluative evidence of success with some of their enrollees, no evidence, systematic or otherwise, exists to show that one kind of program succeeds with tougher cases than any other program.

If the training possibilities and down-

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reach to the hard-core of public and private sector programs are similar, this means that the advantages of each to the *trainees* are similar. It does not mean, however, that the advantages to the economy and society as a whole are equal.

This is the second question, that of public versus private outputs for those of the new employees who can in fact produce "useful" goods or services. The public works of PWA, the public services provided by the newer public employment jobs, the restructuring of helping fields all have definite advantages to society. But so does the private production that could be turned out by the same new employees were they employed in the private sector rather than the public. The choice between the two, then, calls for a different kind of decision: Not whether public or private training is better for the trainees; neither has demonstrated an advantage. Not whether those not employed by the private sector at "full employment" need public jobs; they do, but their useful output is likely to be low. The real issue is whether the output that might be produced by those who can get public *or* private jobs at full employment is more valuable to society as public output or as private product. This is a classical issue in economics, but it is a different issue from the ones usually raised by the advocates of public employment for purposes beyond simple job creation.

4. The size of a public employment program

The above discussions indicate why it is so difficult to estimate in advance the proper size for a public employment program. The difficulty is not one of making estimates like Metcalf and Mooney's referred to above, of the number of unemployed and the differential labor force participation among the poor at full employment. Rather, the problems come with assumptions about the population from which the potential enrollees in a public employment program would be drawn, and the proportion of those considered potential who would actually come in. Table I illustrates three different estimates of public employment program sizes.

TABLE I

Estimator	Percent unemployment	Definition of universe of need	Size of universe (thousands)	Percent participation in program	Needed program size (4) x (5)
(1)	(2)	(3)	(4)	(5)	(6)
OEO [1]	3.6	Underemployed rural, unemployed and nonparticipants in urban poverty areas.	1,500	67	1,000
Barth and Easterbrook [2]	4.0	Unemployed: National total	3,229	50	1,615
Greenberg [3]	3.8	Fully or partially unemployed, employable nonparticipants, low-income fully employed.	9,293	100 minus trainees in other programs.	9,179

[1] Unpublished OEO estimate made in 1968.
[2] Barth and Easterbrook, op. cit.
[3] David Greenberg, unpublished paper, 1969. This estimate was for an employer of last resort concept of public employment, which is 1 reason for its substantial difference from the others.

In addition, Barth and Easterbrook estimate that an unemployment rate increase from 4 to 6 percent will increase the program size from 1.6 million to 3 million. The point, then, is that nobody really knows in advance either from what economically defined or statistically measured populations enrollees in a public employment program will come, or at what rate they will enroll from these various populations. Statisticians and economists may have some concept of whom they think *should* want a public job, but there are no very firm ideas about who *will* actually come forth. Nor are there any very meaningful estimates of the effects of factors like an income maintenance program that really forces able-bodied recipients to work.

Indeed, no good estimate exists of how many of the non-employed (unemployed plus non-participants) *are* actually able-bodied, and able-minded. Nor does anyone have any idea how many of those able enough to turn out would actually make a success in any given kind of program—how many in private sector training, how many in New Careers or other public sector training, how many in a simple job creation program. In some of the discussions among government economists in the late 1960's, one of the major participants frequently asked, rather plaintively, why there were no estimates of these numbers. The answer, then as now, is that there are no *a priori* or visible characteristics that distinguish the kind of unemployed likely to succeed in one or another of these programs from those likely to fail. The only proof of the pudding is to bring people though the programs and estimate the proportions from actual successes and failures, and this has not been done.

Two alternative courses of action might then be implied for determining the "proper" size of a Public Employment Program. One would be to actually try the "Employer of Last Resort" concept; guarantee a job to everybody coming in, and find out how many do come in. This seems unlikely, politically and otherwise. And the alternative is to start at a relatively low level, and if the jobs offered at this level are quickly snapped up, offer more, until some acceptable degree of saturation is reached. This in fact is the way that most of the Public Employment Program proposals (as compared to the conceptual estimates) of the 1960's were structured; these proposals were far more modest than one million. Implicitly, this is also how the numbers of public jobs embodied in currently proposed legislation have been arrived at. It is—perhaps—intellectually less satisfying than estimating the right number in advance. But is is politically far safer.

To sum up the major issues, then, what comes out are two alternative concepts of public employment:

One stresses simple job creation, and is a residual program, largely for those who are left after other manpower programs have done what they can. It may be a large program at less than full employment. Training is available for those who want and can use it, but this is not the program stress. The jobs are as useful as possible, but utility is not the stress either. For some of the enrollees, the program is a temporary way station to something better; for many it is permanent.

The other concept stresses training, utility of the work done, upward mobility, use of public employment as an instrument for a variety of social purposes. In some versions, it has little provision for those of the enrollees who cannot make it up and out of the program after some finite period of time. In any case, the focus is not on simple job creation, and the make-work or close to make-work jobs that may loom large in the other program are likely to be eschewed.

These are two options, and of course they can be mixed, with different kinds of programs for different kinds of people (although mixing also has its costs, in complexity of administration). But the option which is not available, even though it has been the implicit choice of many of the advocates of public employment, is to create jobs for the hard-core unemployed, and, *with this same program and these same people,* fill major public needs or restructure major public activities. These latter activities can be carried out, but they will take people who, at least at full employment, have substantial employment and training opportunities in the private sector, so that there are economic and social costs to be weighed against the benefits of such a program.

That everybody could be trained to work in a socially-useful job was an optimistic assumption that, given the evidence of the failure of many people in the widespread training programs of the 1960's, can no longer be justified. It is as much a failure of the programs as the people; nonetheless such failure for a substantial number of individuals must be assumed now until it is demonstrated to be incorrect. And thus, that the job-creation-*plus*-useful-social-task option was possible was largely an illusion of a time of high unemployment when there were few private alternatives, and a substantial number of trainable unemployed existed as a free resource whose employment in public functions would take nothing from private ones. Although such a time has arrived again, it seems unduly pessimistic to expect its indefinite continuation.

II. CHRONOLOGY

Although Public Employment Programs in the United States go back at least as far as WPA and PWA, recent history can conveniently be begun with 1964, when, according to Daniel P. Moynihan, he proposed a Public Employment title in the Economic Opportunity Act.[5] Representing Secretary of Labor Willard Wirtz, he recommended a cigarette tax to support the program. Although Moynihan has not been specific in his writings about the type of program, in any case it did not fly, largely because it was felt that the cigarette tax would run counter to the push toward higher aggregate demand through tax reduction.

In 1965, OEO again revived the public employment idea, proposing to the Budget Bureau and the President a large-scale program to provide jobs for the poor, doing the useful tasks that had to be done. In retrospect, and in light of the above discussions of job creation versus "useful" jobs, the proposal may have been largely illusory. It was not illusory as the 4.5 percent unemployment level that existed at the time of the proposal; as has been suggested, at that level many of the unemployed are likely to be reasonably employable. But the proposal assumed an expected 3.5 percent unemployment level, and under that condition the combination of job creation and utility is more questionable.

In any case, OEO did make the proposal, for 200,000 jobs at $840 million in the first year of the program, rising to 800,000 jobs at $3.7 billion in the fifth. These were to be useful jobs, permanent for any holder if necessary, in the public and private nonprofit sector. They were to be paid at the minimum wage, with no attempt to confine job-holders to those below the poverty line, since it was believed that the low wage would cause a self-selection of applicants which would take the large majority from the ranks of the poor anyhow. In order to avoid making the jobs invidious, every effort was to be made to avoid distinguishing the new jobholders from "regular" employees in the same industries.

Facing the opposition of the Council of Economic Advisers on aggregate demand grounds (reinforced by rapidly dropping un-

Footnotes at end of article.

employment rates), of the Labor Department on structural grounds (an apparent reversal from the 1964 position), and of the Budget Bureau because of its costs, the proposal did not get very far. Perhaps the main achievement of the 1965 proposal was that OEO's quest for analytical backup brought forth the Greenleigh Report[6] that made the estimate of 5.3 million "useful" jobs to be done which was adopted by the Automation Commission, and which has formed the basis of similar estimates from then until now. (The final version of the Greenleigh Report reduced the number to 4.3 million, which, given the failure to reach in this direction at all, makes little difference.) In one way, the Greenleigh Report and its subsequent utilization were unfortunate, because the Report directed much of the further discussion along the "useful" jobs line that in many ways obscured some of the real issues. In any case, the Automation Commission, in the course of a major report that laid to rest the idea that automation was going to drastically reduce the number of jobs available to Americans as a whole, did back up the useful public employmeunt idea, and used the Greenleigh estimates.[7]

In the meantime, outside of the realm of theory, three separate Public Employment Programs were being put into law in the Economic Opportunity Act of 1964 and its 1965 amendments. All three were essentially job creation programs. While the jobs to be created were to be useful (what politician would deliberately opt for useless jobs?), and although two were supposed to be training programs, neither the utility nor the training were ever stressed in practice, nor was this lack ever severely criticized by the legislators who put the programs into the law.

Two of the programs, included in the initial Economic Opportunity Act, had something of a training ethos, which in practice was observed mainly in the breach. These were the Out-of-School Neighborhood Youth Corps (the parallel In-School program, being designed primarily to keep kids in school, rather than as public employment, is not considered here), and the Work Experience Program.

Out-of-School NYC was for youth 16 and 21. It was intended as an on-the-job-training program for school dropouts, but the Labor Department which administered it concentrated on getting the money out for large numbers of slots, and put little stress on real training or job content. As a result, except for a relatively small number of slots—primarily for "women's" jobs such as nurses aides, the NYC provided almost prototypical "make-work" jobs. Although the slots were supposed to be temporary for any individual, this was not enforced either. The make-work job creation nature of NYC was strongly criticized at the time (within the administration); from the viewpoint of this paper, it was probably a good idea. NYC got kids off the streets at an age when it was very easy to get into trouble, and provided them with a bit of pocket money. Perhaps that was enough. The program began at annual levels of about $100 million for 100,000 job slots.

Work Experience was also intended as a training program, but also served mainly as a creator of temporary jobs. It was administered by the Welfare Administration of the Department of Health, Education, and Welfare, and was for relief recipients, and putative recipients in the new "Unemployed Parents" (male) category of Aid to Families with Dependent Children. The welfare identification did not conduce to success: The program was run under the paternalistic ethos of local welfare departments; it made welfare eligibility rather than trainability the basis for inclusion; payments were made on a welfare basis; and to a great extent the geographical distribution of the program was based more on the Welfare Administration's desire to "demonstrate" the desirability of the Unemployed Parents' program to states that had not adopted it than it was on the job or training needs. In any event, Work Experience did not work very well. It also began at around $100 million for 100,000 slots.

The third program stemmed from Senator Gaylord Nelson's 1965 Amendment to the Economic Opportunity Act. It was closest to a true job-creation program, with less pretense of training than the others, but perhaps somewhat more claim to utility. It was quite a special program, however, stressing outdoor rural beautification, providing jobs to aged or aging adults. The Nelson program (later dignified as Operation Mainstream, while one component, run by the National Farmers' Union was called Green Thumb) was substantially smaller than the others, at about $10 million.

In 1966, because of the booming Vietnam War economy (average 1966 unemployment was 3.8 percent), OEO dropped its major public employment proposal, stressing instead training for the private market. This change was inconsistent with the reasoning behind the original idea, which was proposed for a full employment economy, but given the inexactness of the estimates behind the original proposal and the ignorance of the actual characteristics of the full employment unemployed, dropping the proposal was probably wise.

In any case, Representative James Scheuer picked up the public employment idea—in part from OEO, in part from Pearl and Riessman. Putting together the somewhat inappropriate economic phasing and the para-professional idea, he added to the Economic Opportunity Act the program that became known as New Careers. Over the years the New Careers program has demonstrated the ability of carefully selected unemployed poor to carry out highly useful para-professional work. But it has also demonstrated the basic incompatibility of mass job creation with high-skill para-professional work, as well as the difficulty of permanent revision of public and private non-profit job structures without permanent federal funding; even successful New Careerists had major difficulties in getting into the "regular" local civil service structure when their federal subsidies ended.

The public employment issue became relatively quiescent in 1967–68. The hot economy (unemployment was 3.8 percent in 1967 and 3.6 in 1968) shifted the emphasis to training for the private market—first the Concentrated Employment program and then Job Opportunities in the Business Sector. The Nelson and the Scheuer programs continued at low levels, and the Neighborhood Youth Corps Out-of-School program at a higher but still steady level. The Work Experience Program delegated by OEO to the Department of Health, Education, and Welfare was transmuted to the Work Incentive Program (WIN), delegated by HEW to the Labor Department. There were some hopes at the beginning of WIN that it would become a major Public Employment Program, but this never occurred, in part because the economy made such a program less crucial and popular; perhaps more importantly because WIN was still a retail program depending on the careful negotiating out of public employment contracts by local authorities.

Even the high employment economy, however, did not provide jobs for all the people (primarily poor and untrained people) in all the places where jobs were needed. This fact demonstrated the need, even at full employment, for a residual public employment program free of the training and "useful" job emphasis for people who could not get private jobs or succeed in government-financed training slots. Thinking about public employment began to focus on the types of people who needed such jobs even when other jobs seemed quite available. Experience in the full employment economy also indicated the difficulties with figuring out in advance which people would succeed and which fail in various training programs, and the consequent impossibility of estimating a precise target size for the residual programs for the training failures. OEO again proposed a large-scale Public Employment Program, one which would edge its way up from 100,000 jobs the first year to 400,000 in the fifth year of the program budget. Based on the full employment experience, the OEO program was essentially a residual program for those still left over by the active economy. The initial emphasis was on those rural areas where jobs were not likely to be available, with secondary emphasis on high unemployment urban ghetto areas. The subemployment rate statistics gathered by the Labor Department showed a continued need for more jobs in these urban areas, but they had little to indicate about the characteristics of the people needing the jobs. The OEO program was an attempt to feel out a way by making jobs available and seeing who came in the door. Also in 1968, the Kerner Commission came out with a recommendation for a million-job Public Employment Program based on the older concepts which combined simple job creation, utility, and training. The last hurrah of the Johnson administration's Labor Department was some discussion of extending JOBS—Job Opportunities in the Business Sector—into the public sector by creating JOBS. The difficulty with this idea was that the partial wage-and-training cost subsidy of JOBS which sufficed for the Business sector because the new employees were turning out saleable products would have had to become a 100 percent subsidy in the public sector where any substantial local share would have meant increased charges on local taxpayers.

III. CURRENT STATUS OF PUBLIC EMPLOYMENT PROPOSALS

The recession that began in 1969 and continued to worsen throughout 1970 revived public employment as an active public issue. In December 1970, the Congress passed, as a part of a Comprehensive Manpower Bill requested by President Nixon, a public employment program he did not want. Although the Administration had previously indicated that some public employment would be acceptable, the bill as it came out went too far for the President and he vetoed it—his own comprehensive manpower program along with public employment. The major issue was a basic one discussed in this paper: the Congressional public employment sections, although they included a number of provisions giving at least lip service to the useful job/training concept, set up what was primarily a job creation program; the President wanted at most a public employment program which functioned mainly as a trainer for the private market and not at all as a creator of permanent public jobs.

The Congressional bill authorized funds for public employment in a rather complicated way: in addition to direct authorization for this program, the bill also required that one-third of the funds appropriated for "regular" manpower programs be used for public employment. The result is shown in Table 2.

TABLE 2
[Dollar amounts in millions]

	Fiscal years			
	1971	1972	1973	1974
Direct authorization	$200	$400	$600	$800
⅓ "regular" authorization		670	833	1,000
Total	200	1,070	1,433	1,800
Estimated number of jobs	40,000	214,000	287,000	360,000

Footnotes at end of article.

The numbers of jobs are estimated on the basis of a full cost of $5000 per job. The total size of the public employment program would have been likely to be even larger, however, because the bill authorized additional appropriations of $200 million for the total manpower program if unemployment exceeded 4.5 percent for three consecutive months, and another $200 million if it were to go over 5 percent for three months. Applying the one third rule to these sums would provide another $67 million and 13 thousand jobs in each increment.

Even though the Congressional public employment program was smaller than that initially reported to the Senate by its Labor and Public Welfare Committee—the committee bill went from $750 million and 150 thousand jobs to $2.5 billion and 500 thousand jobs as compared to the Congressional $200 million and 40 thousand jobs building to $1.8 billion and 360 thousand jobs—the final Congressional program was clearly of a size to put it into the large-scale job creation class. At the same time, however, the other provisions of the bill did give considerable lip service to the useful job and training ideas, and set up a structure that would be likely to create the job in small "retail" increments. The programs were to be financed upon application from eligible applicants, primarily units of local or state government. Eligibility was also extended to "institutions of the Federal Government", although this was not stressed.[9]

Setting up of programs by state and local governments is a slow and clumsy way to go about things, as compared to direct federal dealing with a variety of local sponsors. In addition, the useful job and training provisions, although perhaps mainly lip service, may have been stringent enough to throw a monkey wrench into the whole effort. The bill directed, for example, that an application for a public employment grant must include, among other provisions: a description of career opportunities and job advancement potentialities for participants; and procedures for an annual review by an appropriate agency of the status of each person employed in a public service job under this title; and procedures pursuant to which, in the event that any such participant and the reviewing agency find that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and the participant shall be offered appropriate assistance in security placement in the opportunity which he chooses after appropriate counseling.[9]

This is less stringent than the provision in the original House bill, which, as interpreted by the House-Senate Conference Committee, "provided that objectives must be set for moving people out of public service jobs and required the Secretary to reduce funding to a prime sponsor for failing to meet such objectives,"[10] but it still retains much of the "up-or-out" flavor.

Other provisions move in the same training/advancement/useful job direction. And the point is that if the administrators of the program were really to try to carry out provisions like this in good faith, it would have been very difficult to mount the kind of large-scale residual job creation program implied by the number of dollars and public employment slots authorized. One possible way out of the dilemma might have been for the Labor Department, which was to have administered the program, to have mounted a variety and range of different projects which would have both filled the Congressional precepts for those workers for whom the training and advancement might have been meaningful, and simply provided jobs for the large numbers who just needed jobs of one type or another. But this would have been difficult with the initiative for the individual projects coming from the States and localities, and in any case, it would have been difficult for the Labor Department—given limited personnel and administrative capabilities, to have actually carried out a carefully varied program.

In any case, the training and related provisions in the Congressional Bill, though they may have gone too far to be workable, did not go far enough for President Nixon. In his veto message, he said:

"The House-passed bill provided for transitional public employment that would be linked to training and other efforts to expand job opportunities in the labor market at large . . . The Senate . . . ignored the lessons of the last decade and would create a national manpower program that would relegate large numbers of workers to permanent subsidized employment. Such a program would limit, not expand individual opportunity . . . The outcome of the Conference—unfortunately for the nation—reflects what one leading House conferee has called "a near-abandonment of the House-approved bill . . ." . . . Transitional and short-term public service employment can be a useful component of the nation's manpower policies . . . But public employment that is not linked to real jobs, or which does not try to equip the individual for changes in the labor market, is not a solution. I cannot accept a bill which so fully embraces this self-defeating concept.[11]

IV. CONCLUSION

The key to the disagreement of this paper with President Nixon's veto message lies in his phrase "a national manpower program that would relegate large numbers of workers to permanent subsidized employment." The analysis presented here implies that a permanently subsidized public employment program is needed because rather than "relegating" these workers to anything, it provides them with their only alternative to *un*employment and welfare.

In any case, I see no reason to change the conclusions concerning public employment that I stated in 1970:

". . . the Public Employment program recommended here is different from most programs in being. It is not a New Careers program, nor is it primarily a training program. Certainly some of the individuals receiving work experience in public employment will come to be considered trainable whereas before they were considered untrainable, but that is not the primary objective. The objective is to provide jobs for those who are at least marginally employable but cannot get any other jobs and cannot succeed in training . . .

The point is that for various reasons many poor people in the United States cannot get or cannot use the training to integrate into the private or the "regular" public sectors of the economy but nonetheless want and need the relative dignity of a job as compared to Income Maintenance. If the Public Employment pay rate were set at $1.60 to $2 an hour ($3,200 to $4,000 a year), it would be high enough to carry some inducement to get off Income Maintenance but still low enough to make JOBS or JOPS look better in those firms and institutions using it as intended, as entry level training for the $3, $4, and $5 an hour semiskilled and skilled jobs.

Who then would enter a Public Employment program? One primary group would be those in need of jobs in rural areas like eastern Kentucky and in small towns where the industrial base is insufficient to support a private business JOBS program, where there are few entry level jobs for anyone. Indeed, Public Employment would probably initially be fairly heavily rural. In cities, the program would be one of jobs for those who simply can't get into training programs or for those who have gotten in but dropped or flunked out. No training program has a 100 percent success rate; 75 percent is ordinarily considered good, and 50 percent is more usual. Some analysts are optimistic enough to believe every person is trainable and that anyone who flunks or drops out should be started again. Perhaps they are right philosophically. It is difficult for a liberal ideology to admit that some people are simply not trainable, but because of slum education and the pressures of slum life, it is not surprising. While waiting for the optimistic liberal ideology to be confirmed, however, it does seem preferable to help people with jobs in the meantime.

The final group who might enter a Public Employment program are those who now have jobs at a 3.5 percent unemployment rate but who will lose them in even minor fluctuations. As suggested earlier, neither Public Employment nor anything else is going to solve the problems of 5 percent unemployment, but certainly such a program can help cushion minor cyclical fluctuations.

Implicit in the description of those in need is the fact that the jobs provided would not be of top quality. It would be nice to avoid leaf-raking simply because of symbolism, but outdoor maintenance—snow shoveling, digging and planting, cleanup, removal or rearrangement of accumulations of natural debris including arboreal—would undoubtedly be a large part of any Public Employment program. So might other heavier work. Roger Starr and James Carlson have suggested that water pollution problems might be alleviated by increasing the amount of manual labor going into such tasks as separating sewers and storm drains. Undoubtedly, many similar tasks could be uncovered. It seems likely that post offices could extend needed services, and so could other public institutions. Current needs are somewhat different from the WPA days, when the people in need of "residual" jobs were so many and so varied that jobs ranged from leaf-raking up to writing guides to the states and localities of the United States. The residual today is a lot more residual. . . .

On the other hand, the emphasis on Public Employment as a truly residual for the least employable of the unemployed does not yet imply that it is an "employer of last resort" program. Ultimately the difference may not be an important one, but the use of the term "employer of the last resort" implies that anyone coming to register at the Employment Service or wherever would immediately be put on a payroll, and it is difficult to see how this could be handled. What is suggested here is that the program be begun and funded at an initial level on the order of 150,000 jobs costing up to $600 million. At first these jobs would be mostly in the rural areas as we feel our way to the limit of need in both rural and urban areas. The first operational step would be to develop the jobs, that is, to make sure that when 150,000 people come down to register, there will be someone to receive them and put them to work. As we approach the steady state over a period of time and become more knowledgeable about what we are doing and how much of it we have to do, this concept will converge with the employer of last resort because the number of jobs will match the number of applicants.

The peak estimate for this program—a guess based on the general concept of job needs given the other programs in existence—is one million jobs at $4 billion.[12]

And to conclude with one major issue—the relationship of a Public Employment Program to an Income Maintenance Program like

Footnotes at end of article.

the proposed Family Assistance Program—that has not been discussed so far because it has not entered any of the past discussions over public employment, I would again repeat from 1970:

We *cannot* separate on a priori grounds the "able-bodied" (or more important, the "able-minded")—those who will succeed in one sort of employment program or another—from the probable failures who thus "deserve" income maintenance. Any program that tries to make such a distinction is going to guarantee personal disaster for those who fail in manpower programs even though they looked as they should be "able-bodied."

The only good test of an individual's ability to succeed in such programs is to put him into a program and let him try to succeed. What is suggested here, then, is that a flexible set of programs would try to develop the best abilities possessed by each person, but if these abilities were just not good enough, a fallback position would be provided. Thus, if JOBS is the highest-quality program in the sense of really integrating the underprivileged into the mainstream of the private American economy, then everyone in need should be encouraged to enter the JOBS program. In fact, however, industry will continue to turn down those whose looks it does not like, and among those who are taken on, many will fail, and *we don't know which* ones. For those people who do fail in JOBS or other training (or who cannot get in for one reason or another), a residual Public Employment program may provide a partially satisfactory substitute. Although not completely integrated into the American life, those with low-skill Public Employment jobs will still be getting the self-respect that is supposed to stem from gainful employment. But not everybody is going to make it in Public Employment either, and the Negative Income Tax thus provides a final fallback for some (and again we don't know in advance who they will be.) [13]

So long as Americans need jobs not provided by the conventional private and public economies, there will be a place for public employment. But unless the type of program, the types of people it is supposed to help, and the relationship to other programs are carefully thought through, it is entirely possible that new Public Employment Programs will fall quite flat, and in doing so will discredit the concept for some time to come. This would be unfortunate.

FOOTNOTES

[1] George L. Perry, "Changing Labor Markets and Inflation", mimeographed Brookings Institution paper, Table I.

[2] National Commission on Technology, Automation, and Economic Progress, *Technology and the American Economy*, (Washington: US Government Printing Office, 1966), p. 36.

[3] Arthur Pearl and Frank Riessman, *New Careers for the Poor*, (New York: The Free Press, 1965).

[4] Michael C. Barth and Frank H. Easterbrook, "Planning Public Employment: A Statement of Tradeoffs", mimeographed, Research Division, OEO (forthcoming journal publication), Table II.

[5] Daniel P. Moynihan, *Maximum Feasible Misunderstanding*, (New York: The Free Press, 1969), p. 99.

[6] Greenleigh Associates, Inc., *A Public Employment Program for the Unemployed Poor*, (New York, 1965).

[7] National Commission on Technology, Automation, and Economic Progress, *op. cit.*

[8] 91st Congress, Bill S. 3867, Section 303.

[9] Ibid., Section 304.

[10] United States House of Representatives, 91st Congress, 2nd Session, Conference Report No. 91–1713, "The Employment and Manpower Act", December 9, 1970, p. 72.

[11] United States Senate, 91st Congress, 2nd Session, Document No. 91–118, "Employment and Manpower Act of 1970—Veto Message", p. 2.

[12] Robert A. Levine, *The Poor Ye Need Not Have with You*, (Cambridge, The M.I.T. Press, 1970), pp. 216–219.

[13] Ibid., pp. 198–199.

DEVELOPING A WORKABLE NATIONAL HEALTH SYSTEM

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HASTINGS. Mr. Speaker, the Commerce Committee comes before the House today with health manpower legislative proposals which I feel are essential if we are not only to meet the pressing medical needs of today but also if we are to truly develop a workable national health system for tomorrow.

I am a cosponsor of these bills and I feel that it would be a cruel hoax to promise a standard of decent health for everyone, if we do not have the manpower and the attendant facilities to deliver it.

Sadly, I am afraid, that is the situation today. There are about 7,000 hospitals in this Nation of 210 million people. We have approximately 330,000 doctors, about one for every 650 persons. Some authorities say there are nearly 40 million Americans who never see a doctor.

Unless steps are taken now, it is estimated that by 1978 there will be a shortage of 50,000 doctors, 150,000 nurses, and 100,000 members of the allied medical professions.

It is clear that our ability to deliver health care is falling behind and at an alarming rate. It is also imperative that we must move now if we are to reverse this trend and close the growing health gap between availability and need.

H.R. 8629, the Health Manpower Training Act, and H.R. 8630, the Nurse Training Act, being presented here today, represent a significant effort to close that gap.

These measures were developed in the House Subcommittee on Public Health and Environment, of which I am a member, and I wish again to commend its chairman, the capable and hard-working gentleman from Florida (Mr. ROGERS) for his untiring efforts in putting this package proposal together.

I feel that it combines a highly practical approach to the critical problem of supply in health care with an expenditure program that fully reflects the responsibility we all face in affording the Nation's families protection against illness.

The health manpower training bill offers an accelerated program for the training of doctors in all fields of medicine. It expands teaching and hospital facilities and provides inducements for the practice of medicine in areas where there is a shortage of health care services.

Together with the nurse training bill it will not only provide for more doctors but will also produce more nurses and more paramedical personnel so needed if we are to have a first rate health care delivery system.

The legislation also provides for special project grants as incentives to medical and nursing schools to shorten their courses with the aim of producing graduates in 3 years instead of 4, and encouraging the training of assistant doctors.

Our experience with medicaid and medicare health insurance programs should have taught us a lesson. When these programs were devised, little thought was given to the increased load the national health service would be called upon to carry. The result was an overburdening of practically every segment of our medical delivery system producing inflated costs for the scarce services.

President Nixon was right when he said:

> It does little good to increase the demand for care unless we also increase the supply.

Gentlemen, the committee and I feel that these measures offer a major thrust toward achieving that goal of increasing the supply so that hopefully we can avoid the colossal blunders of the past.

I respectfully commend these proposals to the House and urge favorable and speedy action.

ENVIRONMENTAL POLICY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD a news release by the Izaak Walton League of America on the opinion of the U.S. District Court of the District of New Jersey in Civil Action No. 1037–70, entitled "Cape May County Chapter, Inc., Izaak Walton League of America versus Tito Macchia, Stanley A. Resor, Secretary of the Army, et al."

As author and House manager of the National Environmental Policy Act of 1969, Public Law 91–190, I am happy to point out that the finding of the Court, and the interpretation of the National Environmental Policy Act of 1969 comport entirely with my views on the subject and my interpretation of that statute.

This superb opinion merits careful attention of everyone concerned about the quality of our environment.

The opinion follows:

[U.S. District Court, District of New Jersey, Civil Action No. 1037–70]

OPINION

Cape May County Chapter, Inc., Izaak Walton League of America, By Jonathan Sayre, President, and on behalf of other, Plaintiff, versus Tito Macchia, Antonietta Macchia, James H. Ruetschlin, Kathryn M. Ruetschlin, John Doe, Inc. #1 and #2, (fictitious names), Stanley A. Resor, Secretary of the Army, Colonel James A. Johnson, U.S. Army Corps of Engineers, Richard J.

Sullivan, Commissioner New Jersey Department of Environmental Protection, and Jerry H. May, Jr., Mayor, Township of Middle, Cape May County, New Jersey, Defendants.

Cohen, District Judge:

Ecology looms as the issue of the decade. Man's mounting apprehension for the preservation of his physical environment sounds a "clear and present danger" to his survival, unless an ecological balance is maintained. Scientific reports emphasizing the danger and the need for realistic legislative protection of the environment have been featured in the Press and forcibly brought to the attention of State legislatures and governmental agencies. Ecological conferences have been convened in the leading capitols of the World. And our own Congress, prompted by this momentum, has made environmental quality and its intelligent control a matter of national concern.

Mindful of the critical impact of man's tremendous technological advance upon nature, far-reaching legislation was recently enacted imposing certain safeguards for the protection of our natural resources and for the enhancement of our environment: the *National Environmental Policy Act of 1969* (effective January 1, 1970), 42 *U.S.C.* sec. 4321 *et seq.* (NEPA);[1] the *Environmental Quality Improvement Act of 1970*, 42 *U.S.C.* secs. 4371–4;[2] and the *Water Quality Improvement Act of 1970*, 33 *U.S.C.* sec. 1151.[3]

The plaintiff, the Cape May County Chapter, Inc. of Izaak Walton League of America (Walton League), a renowned nonprofit corporation, in support of its complaint to enjoin certain conduct of the defendants, invokes such legislation, as well as that of greater vintage, i.e., the *Fish and Wildlife Coordination Act of 1934*, 16 *U.S.C.* sec. 661 *et seq.*,[4] the *Rivers and Harbors Act of 1899*, 33 *U.S.C.* sec .403[5] and the *Refuse Act of 1899*, 33 *U.S.C.* sec. 407,[6] on its behalf and on behalf of all persons having beneficial rights and interests in the subaqueous lands, tidal marshes, tidal waters and related natural marine resources in the vicinity of Gravens Island, Middle Township, Cape May County, New Jersey. As a local component of the Walton League, an Illinois corporation, the palintiff Chapter has been chartered, among other educational functions, to foster and to promote public appreciation of marine and marine-related natural resources and environment and to actively engage in programs for their protection. The League has a long history in conservation matters and has been directly responsible for the enactment of a great deal of protective legislation in this field.

The pertinent chronological facts giving rise to this controversy are alleged to have germinated in 1965. The defendants Tito Macchia and James H. Ruetschlin, together with their respective wives Antonietta and Kathryn M. and their affiliated corporations (to be referred to as the Macchia group) are real estate operators and land developers who have an interest in the lands which are the subject of this suit. On August 28, 1965, the Macchia group held, by virtue of riparian ownership, certain limited rights to portions of Gravens Island which they conveyed to the Cape May County Bridge Commission to enable the Commission to construct a causeway, now known as New Avalon Boulevard, connecting the mainland to and bisecting the Island. This conveyance was subject to a reservation by the defendant grantors of their right to construct an intersection across Avalon Boulevard so that they, their heirs and assigns would have access north and south of New Avalon Boulevard, to and from the lands and waters of Gravens Island. The Island consists of approximately 110 acres of filled land and 250 acres of tidal marshes. In 1966, the New Jersey Department of Conservation and Economic Development granted a permit to Machia to dike, dredge and fill[7] 65 acres of the Island, north of the new causeway. In May of 1967, Macchia applied to the New Jersey Resources Council for riparian rights to a 600 feet-wide strip of land south of and parallel with the New Avalon Boulevard, which were granted. This application was filed with the Commissioner of the then newly constituted Department of Environmental Protection (formerly Department of Conservation and Economic Development) for his approval, yet to be given. Since 1965, the Macchia group has been continuously developing the filled land in question for the construction of private housing.

During the past several years, the Macchia group and other promoters, with similar permits to bulkhead, dredge and fill, have been developing similar land areas in Middle Township. It should be noted that during the course of this work, certain sections of land in the vicinity were preserved by the State of New Jersey as parks and wildlife refuges. According to the Attorney General of New Jersey, permits for this type of work are issued only after on site inspections by the staff of the State Bureau of Navigation and, as well, only after recommendation by a majority of the New Jersey Resources Council members and upon approval by the Commissioner.

The plaintiff, Walton League, claims that Macchia exceeded the 65-acre fill permit issued in 1966, by land-filling more than 90 acres, thereby obliterating the free flow tidal character of the northern portion of the Island; further, that Macchia is diverting the navigable tidal waters on the southern portion of the Island, by dredging, diking and filling 20 acres from the Long Reach, a navigable waterway of the United States, and doing so with the permission of the defendant, United States Corps of Engineers, thereby destroying fish, shellfish and other forms of marine life, as well as the entire "habitat, nursery, and feeding grounds essential to the fisheries of the Continental Shelf of the Atlantic Ocean which is in close proximity to it and essential to the food chain of the Middle Atlantic ecosystem." The plaintiff further complains that on June 11, 1970 Macchia applied to the Department of Environmental Protection, Division of Water Policy and Supply of the State of New Jersey, for a permit to divert up to 500,000 gallons daily of fresh water from wells in the area to serve the proposed development and which, if granted, would contribute to the permanent destruction of Gravens Island. These deleterious activities by the defendants, asserts the plaintiff, irreparably damage the publicly owned marine life and related natural resources, which in this area depend upon portions of the Island for their existence, and which the State of New Jersey has a fiduciary obligation to conserve and protect for the public benefit. Despite this binding obligation, maintains the plaintiff, the State officials, with the approval of Federal officials, have cooperated with the defendants, whether consciously aware of the consequences or not, in irreparably destroying invaluable natural marine resources in violation of the *NEPA* and other salutary *Acts*, for which conduct the plaintiff seeks relief.

The plaintiff requests a *Declaratory Judgment*, pursuant to 28 *U. S. C.* secs. 2201, 2202,[8] injunctive relief and damages against the defendants, Macchia, Ruetschlin, the corporations owned and affiliated with the Macchias and the Reutschlins and, as well, against Stanley A. Resor, Secretary of the Army, Colonel James A. Johnson, United States Army Corps of Engineers, Richard J. Sullivan, Commissioner of the New Jersey Department of Environmental Protection and Jerry H. May, Jr., Mayor of Middle Township, New Jersey, for their participation in furtherance of the Macchia land development.

In its complaint, judgment in each of four counts is specifically demanded by the plaintiff: (1) for a declaration of the rights of the people of the United States, and of New Jersey in particular, to the protection of their environment and of the natural resources of the Middle Atlantic ecosystem held in trust for their enjoyment; (2) for injunctive relief enjoining the indiscriminate dredging and filling operations in the navigable waters on and adjacent to Gravens Island; (3) for the safeguarding of these natural resources and environment for future generations; and (4) for an order mandating that Federal, State and Local Officials protect the ecological and commercial values of the natural resources held in trust for the public. Further, the plaintiff seeks the nullification of any dredging or land-filling permits issued to and by the defendants; the removal of all dikes in the navigable waters in the area in question; and compensatory damages of $500,000 and punitive damages of $1,000,000 which moneys if recovered, are to be placed in a special trust fund to be administered by Federal and State agencies and earmarked for the restoration of marine-related resources of Cape May County, New Jersey and of the Middle Atlantic ecosystem.

Jurisdiction of the Court is invoked under the general federal jurisdiction provisions of 28 *U.S.C.* secs. 1331(a), 1343(3) (4) and specifically under the *Civil Rights Act*, 42 *U.S.C.* sec. 1983, also under the "commerce clause" of the United States *Constitution, Article* 1, Sec. 8, cl. 3, and under the *Declaratory Judgment Act*.

Presented for immediate disposition by the Court are the motions by the defendants for a dismissal of the complaint. Primarily, although raising many issues, they individually and collectively challenge the plaintiff's "standing to sue" as a matter of law and, as well, its representative status in the purported class action. The crucial issue is, therefore, whether a citizens' group such as the plaintiff has standing to maintain a "public" action;[9] and if so, may it, under *Rule* 23, *F. R. Civ. P.*, act as a representative of a class of others, be they "born or yet unborn."

In addition to the challenge of standing, the following issues have been generated by the defendants and, in the event that it is determined that the plaintiff has standing in either capacity require disposition:

1. Is there a "federal question" within the jurisdiction of this Court?

2. Is the defendant New Jersey Environmental Commissioner, a representative of the State, immune from this action by reason of the doctrine of sovereign immunity?

3. Is this action an improper invasion of the riparian rights reserved to the State of New Jersey or those derived from the Federal Government?

4. Is the doctrine of "abstention" indicated in this case because it is

a) premature;

b) a political question;

c) not a case or controversy in the Constitutional sense;

d) one in which there is an adequate remedy at law in New Jersey State Courts?

5. Is the complaint lacking in specification of injury in fact relatable to the plaintiff? Is it barred by laches?

The threshold question, of course, in this domino-erection of issues, is that of standing. Absent such, all others are moot and must fall. It is the opinion of this Court that the plaintiff does have sufficient legal standing under *NEPA* to maintain this action, both in its own right and representatively on behalf of the class it purports to represent. The reasons dictating this conclusion will be advanced and the other issues treated appropriately.

Although not providing complete resolution, much light has been cast upon the ever controversial question of "standing to sue"

Footnotes at end of article.

by two recent cases in which guidelines have at least been indicated: *Data Processing Service Organizations, Inc.* v. *Camp*, 397 U. S. 150 (1970) and *Barlow* v. *Collins*, 397 U. S. 159 (1970). As observed in *Data Processing*, generalizations are of little value, for we must be mindful of the more compelling Constitutional concept of "cases and controversies," in order to establish standing in the truly adversary sense. At least this is the jumping-off point in approaching each particular problem. As stated by former Chief Justice Warren in *Flast* v. *Cohen*, 392 U. S. 83, 101 (1968):

"[I]n terms of Article III limitations on federal court jurisdiction, the question of standing is related only to whether the dispute sought to be adjudicated will be presented in an adversary context and in a form historically viewed as capable of judicial resolution."

Data Processing reaffirmed this beginning point. In that case, the petitioners challenged a ruling by the Comptroller of the Currency which permitted national banks to provide data processing services, similar to those of petitioners, to other banks and customers. Petitioners claimed that this ruling authorized unfair competition in violation of their rights. The Court held that the petitioners had standing to maintain their action, as they experienced economic injury and were "aggrieved" persons within the *Administrative Procedure Act*, 5 *U. S. C.* sec. 701 *et seq.* The Court then laid down two tests regarding the federal adversary requirement: (1) ". . . whether the plaintiff alleges that the challenged action has caused him injury in fact, economic or otherwise;" and (2) ". . . whether the interest sought to be protected by the complainant is arguably within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question." (397 U. S. pp. 152–153).

In *Barlow*, decided the same day as *Data Processing*, the petitioners, tenant farmers, challenged an amended federal agency regulation permitting the withholding by their landlords of moneys due these farmers for farming and produce, which funds were to be applied first toward rents due the landlords under the farm leases under these circumstances, the Supreme Court declared that the petitioners had "standing to sue" within the requirements of *Data Processing*. Apparently, the tenant farmers suffered economic "injury in fact" and were "arguably within the zone of interests" sought to be protected.

Gauged against the criteria set down by the United States Supreme Court in these recent cases, there seems no doubt that the plaintiff, a local chapter of the Izaak Walton League, a renowned environmentalist group, will resolutely press forward in this action well within the "constitutional adversary context," and that plaintiff meets the requirements of "injury in fact" and "zone of interests." We find support for this position in several recent federal decisions. As observed in *Izaak Walton League v. St. Clair*, 313 F.Supp. 1312 (D.C. Minn. 1970) [1 ERC 1401] at page 1316:

"The League has a long history of activity in conservation matters and natural resource preservation. It has been active for many years in urging congressional and legislative action."

"The second Association of *Data Processing* requirement, a nonconstitutional one, is that plaintiff must allege 'that the challenged action has caused him injury in fact, economic or otherwise.' It is of course a fact that plaintiff does not own any of the land nor does it claim to own any mineral rights in the Boundary Waters Canoe Area, nor does it have any real economic interest in the outcome of the suit since it is a not-for-profit corporation."

However, the Court continues at page 1317:

"The Izaak Walton League is not a 'johnny-come-lately' or an *ad hoc* organization and its interest in the wilderness movement is continuing, basic and deep. It therefore has an 'aesthetic, conservational and recreational' interest to protect. This gives it standing and meets the second requirement of *Association of Data Processing*."

A similar approach to the *Data Processing* two-prong test was employed in the recent case of *Sierra Club v. Hardin*, — F. Supp. —, (D.C. Alaska, March 25, 1971) [2 ERC 1385]. This case generally reviewed the leading cases predating *Data Processing* and found the current law, or trend at least, to be for a finding of standing by conservation groups championing the individual and public interest in aesthetic values involved with our national resources and sought to be protected in the federal courts by federal legislation. As stated in *Data Processing*:

"Where statutes are concerned, the trend is toward enlargement of the class of people who may protest administrative action. The whole drive for enlarging the category of aggrieved 'person' is symptomatic of that trend" (397 U.S. 150 at p. 154).

Another District Court decision, in our own Circuit, likewise found standing but dismissed the complaint on the grounds of lack of retroactivity of the *NEPA*, and sustained the defense of sovereign immunity. *Pennsylvania Environmental Council, Inc. v. Bartlett*, 315 F.Supp 238, 245, appeals docketed Nos. 19373, 19453 (3 Cir. Nov. 30, 1970) and pending. The Fourth Circuit also found standing for a conservation group. The *West Virginia Highlands Conservancy v. Island Creek Coal Company*, — F.2d — (4 Cir. April 6, 1971), [2 ERC 1422]. Also in accord: *Delaware v. Penn Central*, —F. Supp. — (D.C. Del. 1971 [2 ERC 1355]. There are, of course, cases to the contrary. See e.g. *Alameda Conservation Ass'n. v. Calif.*, — F.2d — (9 Cir. 1971), [2 ERC 175]; *Sierra Club v. Hickel*, 433 F.2d 24 (9 Cir. 1970), comment 71 Col. L. Rev. 172 (1971), *cert. granted*, 400 U.S. — (Feb. 22, 1971) and *Brooks v. Volpe*, — F. Supp. — (W.D. Wash. April 6, 1971) [2 ERC 1571].

In *Hardin*, the Court noted (p. 1391), that notwithstanding *Data Processing*, the increasing liberalization of standing regarding conservation groups has not escaped criticism, for in two recent decisions in the Ninth Circuit and one in the District of Columbia Circuit more stringent requirements were imposed upon such groups where the administration of public lands is involved. In *Hickel* and *Ballerina Pen Co. v. Kunzig*, 433 F.2d 1204 (D.C. Cir. 1970), the Courts indicated that the "zone of interest" requirement of *Data Processing* did not establish a test distinct from the requisite "injury in fact." See *Ballerina, infra*.

In *Hickel*, the Court pointed out that the conduct complained of was alleged to be merely "displeasing or distasteful" to the plaintiff, rather than injurious in fact and hence insufficient to constitute legal "standing to sue." In that case, a non-profit California corporation composed of approximately 78,000 national members, with some 27,000 residing in the San Francisco Bay Area, sought to enjoin the grant of a permit to Walt Disney Productions, by the Secretaries of Agriculture and of the Interior, for the construction of a commercial-recreational area in the Sequoia National Forest, with an access road carved into the forest. The Court found no "injury in fact," past or future, asserted by the plaintiff. Such, stated the Court, was the principal test fixed in *Data Processing* and " 'Standing to sue', as the phrase indicates, refers to the posture of the plaintiff and not to the 'legal interest' to be unraveled." (*Hickel*, p. 31). Furthermore, the Court found a compatibility of interests rather than an adversity between the plaintiff and the defendant federal officials, in the protection of our national forests.

In *Brooks*, it was held that *individuals* who used the recreational area, through which a highway was in the process of construction, had "standing to sue" to enjoin such construction, because injured in fact, but that three *conservation groups* of the same area, whose outdoor programs promoted use of the very recreational facilities, were not injured in fact and, hence, had no standing. It relied upon *Alameda Conservation Ass'n.*

In *Ballerina*, the Court was confronted with a challenge to an administrative action by a corporation, Ballerina Pen Company and some of its employees, on behalf of all blind employees who would be discharged if its contract was peremptorily terminated by a new agency regulation. According to that case, the test for standing, where administrative action is challenged, "even in the absence of [a] specific 'person aggrieved' ", is a three-part test wherein the party must allege (1) that the challenged action has caused him injury in fact in order to meet Constitutional "adverseness"; (2) that the agency has acted arbitrarily, capriciously, or in excess of its statutory authority so as to injure an interest that is "arguably within the zone of interests" sought to be protected by statute or constitution; and (3) that there is no "clear and convincing" showing that judicial review was intended to be withheld by the legislature. (*Ballerina* at p. 1207). See *Scanwell Laboratories, Inc. v. Shaffer*, 424 F. 2d 859 (D.C. Cir. 1970) a prior opinion of this same Court.

We do not share the fear of some earlier decisions that liberalized concepts of "standing to sue" will flood the Courts with litigation. However, if that should be the price for the preservation and protection of our natural resources and environment against uncoordinated or irresponsible conduct, so be it. But such seems most improbable. Courts can always control the obviously frivolous suitor. See: *Crescent Park Tenants Assoc. v. Realty Equities Corp. of N.Y.*, 58 N.J. 98 (1971), for an excellent opinion by Justice Jacobs of the New Jersey Supreme Court. The better view, we think, in approaching the vexatious problems confronting the Court's endeavor to give effect to National and State environmental legislation, is the maintenance of a sensitive balance between the continuing march of technicological advance and preservation of our natural resources. This view is espoused and comprehensively discussed in an outstanding article entitled *An Environmental Bill of Rights: The Citizen Suit and The National Environmental Policy Act of 1969*, 24 *Rutgers Law Review* 230 (1970). The authors, Professor Eva H. Hanks of Rutgers University and Professor John L. Hanks, Associate in Law at Columbia University, here make a distinct contribution in their review of the issue of "standing to sue." The following observations seem most pertinent:

"In the past, we have often accepted the non sequitur that where all are the intended beneficiaries of an interest, none has standing to protect it. The dangers inherent in this philosophy are now apparent: Both logic and experience support the emerging view that an interest so fundamental that all are within the protected class must be permitted its champion. The National Environmental Policy Act has created such an interest" (p. 248).

"In the past, economic considerations have carried the day. The Environmental Policy Act meant to throw a new value into the scales—an ethical one. More specifically, an 'ecological ethic of understanding and respect for the bonds that unite the species man with the natural systems of the planet.' 'It is an ethic whose yardstick for progress should be: Is it good for people?' What is 'good for people' is often difficult to say. But a consensus seems to be emerging which would have us: reject any notion that progress means destroying Everglades National Park with massive airport development . . .

or that it is progress to fill hundreds of square miles of our bays and coastal wetlands destroying natural habitat for thousands of species of fish and wildlife, polluting our waters, and in many other ways wreaking havoc with this fragile ecological system in the name of providing new space for industry, commerce, and subdivisions." (p. 268 and citing 116 Cong. Rec. S. 80, remarks of Senator Nelson, introducing S.J. Res. 169, 91st Cong. 2nd Sess. (1970) proposing an amendment to the U.S. Constitution declaring that every person has an inalienable right to a decent environment and that the United States and every State shall guarantee such right.)

Although prudence may dictate the staying of our hand until disposition is made by the United States Supreme Court of the pending appeal in *Hickel, certiorari* having been granted, the importance of the conflicting interests and the imminence of possible, continuing and irreparable harm to one or the other of the adverse parties, dictates dispatch in the disposition of the present motions. Accordingly, it is the conclusion of this Court that the plaintiff has adequate legal standing to maintain this action; that the complaint states a sufficient cause of action cognizable under the *NEPA* and related *Acts;* and that substantial federal questions are presented.

Defendants' contention that there is no specific damage relatable to this particular plaintiff is answered in *Data Processing,* which points out that injury complained of in this type of case, while frequently economic, need not be so (397 U.S. at p. 172). The plaintiff counters saying that, given the opportunity, it can document substantial damage; it maintains that it has a decided interest to be protected in the New Jersey salt marsh which has been recognized and acknowledged for its famous environmental and ecological values by fish and wildlife biologists.

The theory that associations, although not technically harmed but which have constituencies who are individually and collectively harmed, do nevertheless suffer injury and have "standing to sue," finds support in *Scenic Hudson Preser. Conf. v. Fed. Power Com'n.,* 354 F.2d 608 (2 Cir. 1965), *cert. den.* 384 U.S. 941 (1966) *Consolidated Edison of N.Y. v. Scenic Hudson.* See also *Jaffe, Judicial Control of Administrative Action,* 542–543 (1965).

The argument made by the defendants that this action should be dismissed because there are available adequate remedies in the New Jersey State Courts ignores duality of jurisdiction. A plaintiff, traditionally, has a choice of forum providing, of course, that jurisdiction is properly invoked and process effected as it has been in this case.

The plaintiff's standing extends representatively also, to the class which it purports to represent, under *Rule* 23(b)(2), *F.R. Civ. P.* The members of that class are so numerous, in being and in generations yet unborn, as to make it not only impracticable but impossible to bring them all before the Court, and with respect to whom there are substantial and common questions of fact and law.

In disposition of the affirmative defense asserted by both the Federal and State defendants of a cloak of sovereign immunity, such defense lacks persuasion when gauged against the paramount national interest as expressed in the *NEPA.* As pertinently stated in *Izaak Walton League of America v. St. Clair,* supra., at pp. 1315–1316:

"Certainly the relief sought by the plaintiff is not 'an intolerable burden' on governmental functions if granted and would seem to fall within the well-established exception to the sovereign immunity doctrine relating to an allegation that government officials are exceeding their statutory powers. The court presently does not pass on the merits of this question but does believe that the merits should be considered and not barred at this preliminary stage by the doctrine of sovereign immunity, giving due consideration also to the Administrative Procedure Act, 5 U.S.C. Secs. 701–106." [10]

See also, *Rule* 17(b) *F. R. Civ. P.,* 28 *U. S. C.,* pertaining to the capacity to sue or be sued.[11] Whether federal or state administrative agents are immune from suit in the federal courts for an alleged violation of federal law, is a question of federal, rather than state law. *Elliot* v. *Volpe,* — F. Supp. —, (D.C. Mass. 1971) [2ERC 1498]. In the absence of a "persuasive reason to believe" that review of agency action was foreclosed by Congress, we must presume aggrieved persons are entitled to review administrative actions be they state or federal. *City of Chicago v. United States,* 396 U.S. 162, 164 (1969). The early doctrine of sovereign immunity was based upon the ancient adage that "the King can do no wrong," thus providing immunity to the sovereign from suit. Such an unrealistic and absolute immunity in present day ambience has wisely been judicially and legislatively [12] eroded in New Jersey, among other states. See: *Fitzgerald v. Palmer,* 47 N.J. 106 (1966), *P. T. & L. Construction Co. v. Com'r Dept of Transp,* 55 NJ 341 (1970) and *Willis v Dept. of Conservation & Economic Development,* 55 N.J. 534. It is the holding of this Court, particularly in light of the coordination of administrative agencies under *NEPA,* that both federal and state officials are subject to suit for allegedly exceeding their statutory authority. This approach is the modern trend, *Cahn & Cahn, The New Sovereign Immunity,* 81 Harv. L. Rev. 929 (1968). See also *Scanwell and Delaware v. Penn Central.*

Turning to defendants' contention that plaintiff's action improperly invades or interferes with State riparian rights, this is a premature consideration and ignores the fundamental compatibility of interests of both the State and Federal Governments which, by definition, is designed to promote and protect the general as well as the individual welfare of all men. It is "survival" about which we speak when we discuss the ecological impact of man's activities in this supersonic age and not technical, hair-line, provincial differences between State and Federal interests.

Nor is "abstention" indicated, as argued by the defendants. On the contrary, judicial dispatch and federal, rather than parochial, considerations under *NEPA* are demanded. What course the merits might ultimately dictate is quite another matter.

Moreover, the defendants' assertion that this action is barred by the doctrine of "laches" ignores the plaintiff's demand for a declaratory judgment with respect to a continuing offense and, as well, a prospective one involving the environment so recently by legislation made vividly important to us all. Furthermore, mere lapse of time without a showing of prejudice to an adversary is not sufficient to constitute laches. *Sobosle* v. *U.S. Steel Corp.,* 359 F.2d 7 (3 Cir. 1966); *Ritter* v. *Rohm & Haas Co.,* 271 F. Supp. 313 (S.D. N.Y. 1967). The complaint in this matter was filed within less than 8 months of the effective date of the *NEPA,* demonstrating dispatch rather than delay. And obviously, plaintiff was aware of the line of cases, prior to the recent *Act,* denying standing to conservationist groups.

This case does not present, as urged, a "political question," except in the sense, perhaps, that it affects the entire body politic. It does not request an advisory opinion on an abstract problem; the plaintiff is not a mere debating society. The issues presented reach into the well-springs of our natural resources held in governmental trust for the benefit of mankind. Our environment must be protected against abuse, either public or private. That is the mandate of Congress. Irresponsible annihilation of nature's creatures, our natural resources and man himself, present the antithesis of the salutary objectives sought to be achieved by the *NEPA.* As President Nixon, so aptly put it:

"We need new knowledge, new perceptions, new attitudes—and these must extend to all levels of government and throughout the private sector as well: to industry; to the professions; to each individual citizen in his job and in his home, we must seek nothing less than a basic reform in the way our society looks at problems and makes decisions . . . It is also vital that our entire society develop a new understanding and a new awareness of man's relation to this environment—what might be called 'environmental literacy'." [13]

Ecological problems are of such magnitude that they have assumed international proportions. This was brought into sharp perspective recently by the following timely article:

"From Nice to Naples the once-celebrated blue of the Tyrrhenian Sea, which gave the Cote d'Azur its name, is changing into a dull grey . . . Huge numbers of dead fish have indeed been floating down the Tiber into the sea in recent days, victims of a yet unexplained ecological catastrophe . . . Millions of pine trees in coastal groves from the Riviera to Calabria are sick with a mysterious disease . . . In the face of alarm spreading among the local population and tourists, ecologists from France, Italy and the principality of Monaco met last week in Nice to discuss what could be done. They agreed that what was needed was not the legislation to halt further pollution of the Mediterranean and clean up the soiled sea but the will to enforce the existing laws." (Paul Hofmann in the N.Y. Times, May 23, 1971.)

The "London Times," as well, recently saluted an environmental victory when John Davies, Secretary for Trade and Industry announced in the House of Commons that environment and planning are "of paramount importance" in these words:

"The victory of the third airport [to be built at Foulness Island in the Thames estuary 50 miles east of London at an extra cost of $360 million, rather than in Aylesbury and surrounding villages chosen by engineers] suggests that the values of civilization are beginning again, after nearly two centuries, to displace the arguments of the engineer. Foulness may indeed be a silly place to put an airport, but it is not a disgraceful place to site an airport. The saving of the countryside north of London was an admirable example of voluntary work."

It is determined that the plaintiff, its members, and the class on behalf of whom this action was brought, have special beneficial interests which are subject to injury and damage and which are within the "zone of interests" sought to be protected by National legislation, particularly *NEPA.* The broad interests sought to be protected by the plaintiff are entirely too comprehensive and by far too important to be personalized and limited by traditional and familiar tort injury concepts. In the new environmental context, it is the many rather than the few who are envisioned by protective legislation. If the Sea is soiled, if the Sky is adulterated with germ-producing emphysema, if the Land is sullied and its produce diseased, all must suffer. Pollution directly and imminently affects our very food supply and its extensive commercial enterprises. Purity of fish products is crucial. Swordfish has been practically banned, because of mercury pollution, and tuna is suspect. We are not confronted with an isolated discharge of an industrial detergent into the Mississippi Delta or a pop bottle in the Delaware River, rather, we are concerned with the interests of the Common-

Footnotes at end of article.

weal. As the poet says, "No Man is an Island," and with respect to environmental balance the bell is now tolling for us all and sounds the alarm for the imposition of corrective measures and for correlative judicial enforcement.

It is inconceivable that Congress, in order to halt the pollution of a trout stream, bestowed legal standing solely upon the casual, meditating fisherman standing knee-deep in his waders, rod in hand, hopefully casting his fly, but to his utter despair witnessing the debacle of dead trout surfacing the stream. Nor, were seemingly meddlesome groups made the repositories of the Public Trust for unborn generations. The Izaak Walton League certainly falls within neither category. It is not, as so colorfully characterized by its counsel, a group of little old ladies in tennis shoes championing the rights of the birds. The League is a public spirited group dedicated to the task of seeking enforcement of the legislative intent. The Congressional intent is clear. The judicial function is to give force to the avowed legislative purpose and nowhere in the *Acts* is there any intimation that judicial review of administrative action is foreclosed. *City of Chicago v. United States*, supra; *Admin. Proceed. Act*, supra. And if a Society such as the Walton League, aside from a governmental agency, is powerless to invoke the benefit of such legislation, then who can?

In closing, a final observation seems appropriate. At one end of the spectrum of human values lies the resurgence of ecological demands; at the other, the understandable reluctance to retard technological progress. The one case nostalgically prompts a return to the pristine beauty of Thoreau's "Walden's Pond"—the other encourages a continuation of Einstein's Atomic expansion with unbridled ecological impact. In one instance, the idyllic existence of a "Robinson Crusoe"—in the other, the horror evoked by a "Frankenstein." Our survival lies somewhere in between these extremes without doing violence to the causes and champions of either. Surely, there is an equipose which does not unduly impede our scientific advancement nor accelerate the destruction of our environment. There is a necessary balance, dependent upon the circumstances of a particular case, which lies between reasonable use and destructive abuse. Its ascertainment in this case, of course, must await a judicial determination upon the merits.

Accordingly, the defendants' motions to dismiss the complaint will be denied and an Order shall be entered herewith.

MITCHELL H. COHEN,
Judge, U.S. District Court.

FOOTNOTES

[1] *The National Environmental Policy Act of 1969*, 42 U.S.C. 4321: "The purposes of this act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the nation; and to establish a Council on Environmental Quality."

[2] *Environmental Quality Improvement Act of 1970*, 42 U.S.C. sec. 4371: Congressional findings, declarations, and purposes "(a) The Congress finds—(1) that man has caused changes in the environment; (2) that many of these changes may affect the relationship between man and his environment; and (3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment. (b) (1) The Congress declares that there is a national policy for the environment which provides for the enhancement of environmental quality. This policy is evidenced by statutes heretofore enacted, relating to the prevention, abatement, and control of environmental pollution, water and land resources, transportation, and economic and regional development."

[3] *The Water Quality Improvement Act of 1970*, 33 U.S.C. sec. 1151(a) "The purpose of this chapter is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution."

[4] *The Fish and Wildlife Coordination Act*, 16 U.S.C. 662(a): "Except as hereafter stated in subsection (h) of this section, [not applicable] whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purposes whatever, including navigation and drainage, by any department or agency of the United States or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exerci ing administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other control facility is to be constructed, with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development."

[5] *The Rivers and Harbors Act*, 33 U.S.C. 403: "The creation of any obstruction not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States is prohibited; and it shall not be lawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States, outside established harbor lines, or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of the Army; and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of, any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of the Army prior to beginning the same."

[6] *Refuse Act of 1899*, 33 U.S.C. 407: "It shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of any navigable water from which the same shall float or be washed into such navigable water; and it shall not be lawful to deposit, or cause, suffer, or procure to be deposited material of any kind in any place on the bank of any navigable water, or on the bank of any tributary of any navigable water, where the same shall be liable to be washed into such navigable water, either by ordinary or high tides, or by storms or floods, or otherwise, whereby navigation shall or may be impeded or obstructed: *Provided*, That nothing herein contained shall extend to, apply to, or prohibit the operations in connection with the improvement of navigable waters or construction of public works, considered necessary and proper by the United States officers supervising such improvement or public work: *And provided further*, That the Secretary of the Army, whenever in the judgment of the Chief of Engineers anchorage and navigation will not be jured thereby, may permit the deposit of any material above mentioned in navigable waters, within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material; and whenever any permit is so granted the conditions thereof shall be strictly complied with, and any violation thereof shall be unlawful."

[7] The Macchia group of defendants, according to the complaint, has been active over the past 5 years, dredging sand and silt from the bottoms, and sometimes the borders, of navigable waters in Cape May County, New Jersey, which materials were pumped in behind dikes erected for that specific purpose in order to fill the marshes, thus providing solid land areas for the eventual construction of houses.

[8] *Declaratory Judgments*, 28 U.S.C. sec. 2201 provides: "In a case of actual controversy within its jurisdiction, except with respect to Federal taxes, any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such." 28 U.S.C. sec. 2202 provides: "Further necessary or proper relief based upon a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment."

[9] See: *Hanks, An Environmental Bill of Rights: The Citizen Suit and the National Environmental Policy Act of 1969*, 24 Rutgers L. Rev. 230 (1970); *Jaffe, The Citizen as Litigant in Public Actions: The Non-Hohfeldian or Ideological Plaintiff*, 116 U. Pa. Law Rev. 1033 (1968) and *Standing Again*, 84 Harv. L. Rev. 633 (1971); *Davis, Administrative Law*, Ch. 22 p. 702 (1970 Supp.); *Davis, Standing: Taxpayers and Others*, 35 U. Chic. L. Rev. 601, 619 (1968); and *Davis, The Liberalized Law of Standing*, 37 U. Chic. L. Rev. 450, 457–458 (1970).

[10] Providing for judicial review of administrative agency action.

[11] *Rule* 17(b) "The capacity of an individual, other than one acting in a representative capacity, to sue or be sued shall be determined by the law of his domicile. The capacity of a corporation to sue or be sued shall be determined by the law under which it was organized. In all other cases capacity to sue or be sued shall be determined by the law of the State in which the district court is held . . ."

[12] P.L. 1970, ch. 98: "Except for actions founded upon the Constitution of this State or the United States or an express provision of the statutory laws of this State, no action shall be instituted or continued against the State or any department or other agency thereof for the recovery of money damages, whether based on contract or tort, where the cause of action accrues prior to July 1, 1971."

[13] President Nixon's letter of transmittal for the first Annual Report of the Council on Environmental Quality to the Congress. Federal Bar News, vol. 18 no. 4 (April, 1971), Overview—first chapter of "Pollution and the Law."

HON. ROBERT J. CORBETT

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. WHALEN. Mr. Speaker, I join my colleagues in their eloquent and heartfelt tributes to Congressman Robert J. Corbett.

While many recall Bob's outstanding

contributions through the Post Office and Civil Service Committee during his 28 years in this House, I would like to mention his work with the Armed Services Committee on which he served during the 91st Congress. Despite his numerous responsibilities as the ranking minority member on the Post Office and Civil Service Committee, he quickly became knowledgeable in the field of military affairs. His perception and incisiveness were of much benefit to our deliberations. The Nation's debt to him is great indeed.

Mrs. Whalen joins me in extending our sympathy to Congressman Corbett's family.

May he rest in peace.

LITHOGRAPHERS AND PHOTOENGRAVERS INTERNATIONAL UNION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. EILBERG. Mr. Speaker, it is worth taking official note that another international union has established its headquarters in Washington, D.C. It is the 55th international to locate in the Nation's Capital. A major factor in this trend is that unions feel more and more their headquarters should be located in close proximity to the Nation's legislative center, whose actions are of increasing concern to the labor movement.

It was my pleasure recently—along with other Members of this House of Representatives and the Senate—to participate in the official ceremonies and reception that welcomed to the Nation's Capital this 55th international union—the Lithographers and Photoengravers International Union, located in a modern, handsome nine-story office building at 1900 L Street NW.

In an age of vast technological change, there is perhaps no industry where the change has been more dramatic—yes, even revolutionary—than the graphic arts, where it has been authoritatively estimated there has been more new developments in printing in the past decade than in all the years previous since Gutenberg.

And, perhaps, no union has demonstrated a more keen understanding and flexibility in dealing with this phenomenon than the Lithographers and Photoengravers International Union, with all the demands such changes create for a continuing high—but adjusted—skill of the craftsman.

Management requires such continued high skill levels to handle these changes if it is to provide its customers with the quality product they demand, as well as to maintain the productivity it needs. The craftsmen needs a way to adjust his skills quickly if he is to maintain his stake in his trade, which is the job that provides his livelihood.

The Lithographers and Photoengravers International Union has in recent years demonstrated the intelligence, vision and the practical knowhow to master this vast change in the graphic arts. It has, in an industry that has all too long had jurisdictional conflict among unions, led the way deliberately as a major priority in bringing about a unification of the unions in the graphic arts.

In 1964, it created the first merger of graphic arts unions in half a century when the Amalgamated Lithographers of America, founded in 1882, and the International Photo Engravers Union, founded in 1900, joined forces to become the Lithographers and Photoengravers International Union.

Now, in 1971, that same union's executive council has reached unanimous agreement with the executive council of the International Brotherhood of Bookbinders, founded in 1900, to merge their two unions into one merged organization by Labor Day, 1972, which will be voted upon in their traditional democratic manner by conventions this fall and referendums of the entire memberships thereafter.

In 1966, the Lithographers and Photoengravers International Union projected a new training and retraining program that has in 6 years established an entirely new concept of decentralized training in the communities where the skilled craftsmen lives and works. This program was designed to best anticipate and meet the skill changes needed by technological development by making it possible for the craftsmen to apply in the shop tomorrow what he has learned today. Such programs have now been established in 6 years in 46 cities in the United States and Canada—with the expectation of another 20 in the not too far future.

The membership of this union voted the financing of this program through a regular addition to their monthly dues—which is supplemented by funds negotiated in the localities, where the union and management together administer and operate these programs. Nearly 10,000 of the members have benefited from this program since 1966—and been able to keep pace with technological developments.

Also, in 1966, the lithographers and photoengravers established an early retirement program, which provides a level of income that permits a member to retire at age 60—if he so desires. This makes possible earlier retirement with dignity for those craftsmen who feel their age does not permit the adjustments demanded by technological change—and opens the way for younger persons to enter the trade—or be upgraded to the skill level required. Increasingly, this union is concerned with its role in relation to society in general—and the need for its members to participate more fully in our legislative and electorial processes to further those progressive policies it has traditionally supported. As part of this effort, it established a legislative department in 1968, that coordinates the activity of similar legislative committees in a majority of its local unions. In 1970, it held its first national legislative seminary here in Washington and plans another later in this summer.

To implement all these programs and aspirations, the Lithographers and Photoengravers International Union in recent years became convinced that a modern, effective international union today should be headquartered in the Nation's Capital, because, as has been stated by its international president, Kenneth J. Brown, "that's where the action is."

Because many of my constituents are members of this organization, I have been aware for sometime of what I consider the remarkable and outstanding example the lithographers and photoengravers has set in recent years among the unions of North America. It was not only my pleasure to personally welcome them to Washington, D.C., on June 23—but to identify myself with their programs, accomplishments, and forward looking programs.

SMITHSONIAN CALENDAR OF EVENTS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure for me to introduce into the CONGRESSIONAL RECORD the fine calendar of events taking place at the Smithsonian Institution for the month of July 1971. The calendar follows:

JULY AT THE SMITHSONIAN

JULY 1 THROUGH JULY 5

Festival of American Folklife, sponsored by the Division of Performing Arts. Featured in this fifth annual presentation will be the State of Ohio, the Northwest Coast Indians and Eskimos, and the American working man as a member of organized labor. All activities are located on the Mall between 10th and 14th Streets. Continuous craft demonstrations in all three areas will begin at 11 a.m. and continue to 5 p.m. Informal concerts, workshops, and an Indian panel discussion will be held daily.

Other activities will include:

Sheep shearing, 11 a.m.–4 p.m. on the hour.

Glass bottle blowing, 11:30 a.m.–4:30 p.m. on the half-hour.

Erecting steel skeleton structure, 11 a.m., 2 and 4 p.m.

Films—Eskimo and Indians, 1 and 2 p.m., Natural History Building auditorium.

Evening concerts, 7:30 p.m. daily except July 5. Main Stage at 10th Street.

Indian Pow Wows, 7:30 p.m. daily except July 5.

On the Mall at 13th Street July 1–3; Monument Grounds, July 4.

Traditional Ohio and Indian food lunches will be sold.

THURSDAY, JULY 1

Exhibition: American Holidays—July 4th. All 28 flags that have represented the nation since 1773, plus three seals of the United States, reproduced in marquetry by Indiana artist Wayne Roth, will be displayed in the Flag Hall, Museum of History and Technology, through August 15.

WEDNESDAY, JULY 7

Exhibition: *American Master Prints from the Smithsonian Collection.* A survey of three centuries of graphic art in the U.S., including works by artists Currier and Ives, John Marin, and Roy Lichtenstein. Print

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Gallery, National Collection of Fine Arts. Through September 12.

Informal Concert: *Maureen McKibben,* one-keyed flute; *Elizabeth Cox,* harpsichordist. Instruments are from the Smithsonian collections. 1:30 p.m., Hall of Musical Instruments, Museum of History and Technology. Free admission.

THURSDAY, JULY 8

Creative Screen: *Artists: U.S.A.* Robert Rauschberg is the first of eight major contemporary artists whose work, personalities, and surroundings will be featured in a special series of six films designed to examine the creative process. Continuous half-hour showings begin at 11 a.m., last showing at 2:30 p.m. National Collection of Fine Arts. Free admission. The series will continue through September.

FRIDAY, JULY 9

Exhibition: *Society of Animal Artists.* Grouping of 23 paintings and sculptures of wildlife from throughout the world, by some of today's foremost animal artists. Foyer, Museum of Natural History, through Labor Day.

SATURDAY, JULY 10

Creative Screen: *Artists: U.S.A.* Robert Rauschenberg is the subject artist. Repeat. See July 8 for details.

FRIDAY, JULY 16

Exhibition: *Romare Bearden: The Prevalence of Ritual.* Fifty-six works including many colleges by contemporary black artist Bearden. Included is an 18-foot collage-mural entitled "The Block," mirroring life on a Harlem street. Second floor, National Collection of Fine Arts, through September 26.

SATURDAY, JULY 17

Lecture: *Master Prints from the Smithsonian Collections,* by Jacob Kainen, artist; former Curator of Prints and Drawings, and now special Consultant to the National Collection of Fine Arts. 3 p.m., NCFA. Free admission.

SUNDAY, JULY 18

Exhibition: *Science: Man's Greatest Adventure.* Black scientists are honored with this exhibit, which covers their achievements from the earliest times to the present and projects their future roles. Anacostia Neighborhood Museum, through October 31.

MONDAY, JULY 19

Exhibition: *Photographic Competition.* Entries have been submitted by D.C. youths ages 10–18 and will be judged by Maurice Sorrell, Matthew Lewis, Ellsworth Davis, Roland Freeman, Topper Carew and Bernard Boston prior to the show. Sponsored by the Black Women's League of Washington, D.C. and the National Collection of Fine Arts, NCFA, through August 31.

WEDNESDAY, JULY 21

Informal Concert: *Mary Price,* baroque violin; *James Weaver,* harpsichordist, in music of Biber and Corelli. Instruments are from the Smithsonian collections. 1:30 p.m., Hall of Musical Instruments, Museum of History and Technology. Free admission.

THURSDAY, JULY 22

Creative Screen: *Artists: U.S.A.* The work of Morris Louis and Kenneth Noland will be shown and discussed by art critic Clement Greenberg, Louis' widow Marcella Brenner, and painter Helen Frankenthaler, with additional comments by Noland. Continuous half-hour showings begin at 11 a.m., last showing at 2:30 p.m. National Collection of Fine Arts. Free admission.

SATURDAY, JULY 24

Creative Screen: *Artists: U.S.A.* Morris Louis and Kenneth Noland are the subject artists. Repeat. See July 22 for details.

HOURS

Smithsonian museums are open to the public 7 days a week. Hours: 10 a.m. to 5:30 p.m. daily. Museum of History and Technology: 10 a.m. to 9 p.m. daily through Labor Day.

Cafeteria: 11 a.m.–8:30 p.m., MHT

Snack Bar: 10 a.m.–4:00 p.m., MHT

National Zoo Buildings: 9 a.m.–6 p.m., 7 days a week.

Anacostia Neighborhood Museum: 10 a.m.–6 p.m., weekdays; 1–6 p.m., weekends.

DEMONSTRATIONS

(No demonstrations July 5)

Museum of History and Technology

Musical Instruments, from the Smithsonian's collection. Monday, Wednesday, Friday, 3 p.m., Hall of Musical Instruments, 3rd floor.

Music Machines—American Style—mechanical and electronic music machines. Daily except Wednesday and Saturday, 1:30 p.m., 2nd floor.

Spinning and Weaving. 10:30–12:30, Monday through Friday; 1:30–2:30, Monday Wednesday, Friday. Textile Hall, 1st floor.

CLASSES AND WORKSHOPS

Sponsored by the Smithsonian Associates

By Subscription Only—Call 381–6159

Classes begin July 6 and are available for adults, young people and tiny tots.

Adults (twice a week, 4 weeks): City Building and Gaming-Simulation; Common Sense Science Design and Function; Fabric Design and Decoration I; Identification of Local Trees; the Musical Film; Variations in Fabric Construction; Basic Photography; Photography for Teenagers.

Young People (twice a week, 4 weeks): Applied Natural Science; City Building; Dimensions.

Tiny Tots (twice a week, 3 weeks): Color, Form, and Texture; Then and Now—Living History; World of Science.

Craft workshops begin July 9 and are available for adults (including teenagers) and young people (ages 7–12).

Adults (Monday evenings or Wednesday afternoons):

Candle Making (July 12 or 14); Macrame (July 19 or 21); Fold-and-Dye (July 26–28).

Young People (Fridays):

Enameling (July 9); Puppet Making (July 16); Nonloom Weaving (July 23).

MUSEUM TOURS

Walk-In Tours are available in the Museum of History and Technology, Museum of Natural History, and the Arts and Industries Building (including the Air and Space Museum), Mondays through Fridays every half-hour from 10 a.m.–12 noon and from 2–4 p.m. (Meet at Info '71 desk, mall entrance.) A Walk-In Tour is also available in the National Collection of Fine Arts, Thursday, beginning at 11:30 a.m. in the Granite Gallery. No tours July 5.

Pre-Scheduled Group Tours for the above museums may be arranged by calling Cindy Howar, 381–5680, –5304.

For the Freer Gallery of Art, 381–5344;

National Collection of Fine Arts, 381–6305;

National Portrait Gallery, 381–6347;

National Zoological Park, 332–9322.

FOREIGN STUDY TOURS

Available to National and Local Associates. All 1971 tours are full. For itineraries and details of the 1972 tours, listed below, please write to Miss Kennedy, Smithsonian Institution, D.C. 20560.

Mexico and Guatemala: Jan. 3–22.

St. Croix and Puerto Rico: Feb. 1–14.

Australia and New Zealand: Late March-April.

No-Tour Tour (Paris): May 29–June 19.

Greece and Yugoslavia: June 15–July 8.

No-Tour Tour (Frankfurt): July 3–24.

King Arthur's England: July 12–Aug. 2.

The Pilgrimage Road: Sept. 11–Oct. 9.

No-Tour Tour (London): Sept. 11–Oct. 2.

Pakistan and Afghanistan: Oct. 10–Nov. 15.

EXPEDITIONS

The Smithsonian Institution in cooperation with Educational Expeditions International also offers a series of expeditions beginning this summer which will be headed by prominent scientists and which will result in one or more publications. Field work will be done entirely by expedition participants. No special qualifications are required; costs begin at $1,000.

Amaro Mountains: 16-day geological field survey, mapping, and exploration expedition to Ethiopian Rift Valley. Departs July 14. A few spaces still available.

Mbangombe: 20-day archaeological excavation of pre-historic Iron Age site in Zambia, Africa. Departs August 12. A few spaces still available.

For further details, write EXPEDITIONS, Smithsonian Associates Reception Center, Great Hall, Smithsonian Building, Washington, D. C. 20560.

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Mailing list requests and changes of address should be sent to the Smithsonian Calendar, 107 Smithsonian Institution Bldg., Washington, D.C. 20560.

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The Smithsonian Monthly Calendar of Events is prepared by the Office of Public Affairs. Editor: Lilas Wiltshire. *Deadline for entries in the August Calendar: July 6.*

CONTINUING EXHIBITIONS

Arts and Industries Building, 900 Jefferson Drive, S.W., (Air and Space Museum): *Space and Artists.* Realistic illustration, impressionistic and abstract paintings and sculpture inspired by the space program.

Freer Gallery of Art, 12th and Jefferson Drive, S.W.: *Chinese Album Leaves and Lacquer Ware.* Twenty-four painted album leaves dating from the Sung through the Ch'ing dynasty, and five examples of Chinese lacquer ware that represent the change in style from 1280 A.D. through the late 15th century. On display indefinitely; and

Japanese Screen Paintings. Bird and flower screens from the Freer collection ranging in date from the late 15th century to the 18th century. Through July.

Museum of History and Technology, 14th and Constitution Ave., N.W: *Plastic Surgery.* The history, development and scope of plastic and reconstructive surgery from its beginnings in ancient Egypt to the present day. Exhibit includes instruments, rare books and other related material contributed by plastic surgeons throughout the world. On display indefinitely in the Hall of Health;

The Campbell Museum Collection. Antique silver and porcelain soup tureens, bowls and ladles from around the world dating as far back as 1735. Second floor, through Labor Day;

American Heroes. Continuous slide showings for one hour beginning at 9 p.m. each night project the images of American heroes 41 feet tall on the exterior wall of the museum, on the Constitution Avenue side;

The Black Ships. Color film by Charles Eames shown every 15 minutes depicting the Japan Expedition of Commodore Perry, 1852–54, as represented by Japanese artists. Contemporary Japanese and American prints of the historic diplomatic encounter are also on display along with a model of Perry's flagship. On display indefinitely;

Do It the Hard Way: Rube Goldberg and Modern Times. Featuring cartoons, writings, sculptures and cartoon "inventions." On display through Labor Day, and

Music Machines—American Style. From barrel organs and player pianos to the most up-to-date high fidelity equipment, with continuous tapes of the sounds of the machines and continuous showings of excerpts from the musical films of the 30's and 40's.

Museum of Natural History, 10th and Constitution Ave., N.W.:

Logan Sapphire. A 423-carat sapphire, 1½ x 2 inches, mounted in a brooch surrounded by 20 diamonds, recently presented to the Smithsonian. The largest blue sapphire of quality on public display. Gem Hall;

General Electric Diamonds. The first gem-quality synthetic diamonds ever created, recently presented to the Smithsonian, including cut stones and uncut crystals, all about one carat in weight. Gem Hall, and

Insect Zoo. Live insects include a bee hive, termites, cockroaches, mosquitoes and dragonfly nymphs. Also included are tarantulas and spiders spinning webs. Through Labor Day.

National Collection of Fine Arts, 8th and G Street, N.W.: *Hidden Aspects of the National Collection of Fine Arts.* Objects representing the entire range of collections held by the NCFA, particular objects not previously exhibited. Through October.

National Portrait Gallery, 8th and F Streets, N.W.:

"A Glimmer of Their Own Beauty." Black Sounds of the Twenties. Educational exhibit focusing on blues, jazz and poetry as an expression of black life in the period of the Harlem Renaissance. Featured are Bessie Smith, "Ma" Rainey, Louis Armstrong, Langston Hughes and Claude McKay. Through Oct. 15, and

John L. Lewis Bust. Bronze portrait bust of one of the most powerful figures in the history of the American labor movement, by Ben Goodkin. Second floor sculpture court.

DOMESTIC TOURS

(Sponsored by the Smithsonian Associates)

The following tours in 1971 are available dealing with various natural sciences, history and notable areas of wildlife habitat in North America. By subscription only. For further information, phone Mrs. Kilkenny, 381–5159.

A Look at the Cascade Volcanoes. Aug. 9–17. Inspection and study of the recent history of Mt. Hood and Mt. St. Helens. This trip will give close attention to the recent basalt flows and lava tubes, and will include rigorous hiking and climbing, possibly over glaciers.

Photography and Nature. Sept. 7–12. A trip to Moosehorn Wildlife Refuge, Cobscook Bay and the tidal and inland regions of Passamoquoddy Bay.

Hudson River Palisades and West Point. Oct. 15–18. Details to be announced.

The Everglades and Pennekamp Coral Reef State Park. Nov. 9–14. Details to be announced.

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DIAL-A-MUSEUM—737–8811 for daily announcements on new exhibits and special events.

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DIAL - A - PHENOMENON — 737 – 8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

SMITHSONIAN PUPPET THEATRE

The Waywardly Wandering Wagonful of Banjo and Jack, created and presented by Allan Stevens and Company, is based on the old traveling wagon show of the latter half of the 19th century. Performances Wednesday through Sunday, 11 a.m., 1 and 3 p.m. through Labor Day. History and Technology Building auditorium. $1 for children; $1.50, adults; 75 cents group rate for 20 or more. Tickets may be purchased in advance at the box office or call 381–5395.

RADIO SMITHSONIAN

Radio Smithsonian weekly presents conversation and music growing out of the Institution's exhibits, research and other activities and is broadcast in 35 states, Canada, and throughout the world via the Armed Forces Radio and Television Service.

Radio Smithsonian is broadcast every Sunday night on WGMS–AM (570) and FM (103.5) from 9–9:30 p.m. The program scheduled for July:

4th—*What Is the Archives of American Art?* with Garnet McCoy, Deputy Director and Archivist; *Behind the Scenes,* with radio and TV personality Ted Mack.

11th—*How To Protect Your Painting,* with Charles Olin, Head Conservator, NCFA/NPA; *How About a Change of Face,* with Dr. Blair Rogers, plastic surgeon.

18th—*Government and the Press.* Part I. Panel discussion of their relationship today.

25th—*Government and the Press.* Part II. Panel discussion of possible alternatives for the future.

ON COMPREHENSIVE TEST BANS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HOSMER. Mr. Speaker, during my remarks of June 30 which appear at page 23107 of this RECORD, I made reference to a statement by Dr. Steven Lukasik made at the informal meeting of the Conference of the Committee on Disarmament at Geneva which was made yesterday. I now have the text of Dr. Lukasik's remarks and they appear below:

STATEMENT BY DR. S. LUKASIK

INTRODUCTION

As is well known, the United States as its contribution to progress toward a comprehensive test ban has devoted considerable effort to the study of the seismic detection, location, and identification of earthquakes and explosions. This research has been directed toward improving detection capability and location accuracy, the development of discrimination criteria, and the installation of appropriate instrumentation to provide the necessary seismic data to support the discrimination research. This presentation reviews our work regarding the present state-of-the-art of seismic verification and its concomitant limitations. We shall review the progress to date in pursuing this research from teleseismic distances, for which some major tools, including two new large arrays, are just now coming into full operation. Notwithstanding the success that may be achieved in such research, there are inherent limitations to seismic techniques for the verification of a comprehensive test ban treaty which we shall also mention.

DISCRIMINATION CRITERIA

Clearly there is a relationship between an understanding of source mechanisms and an understanding of seismic signatures arising from those sources. Thus, much emphasis is being placed in our current research program on earthquake and explosion source mechanisms. The effect of the source time-function, the source dimension, the inherent symmetry and asymmetry of explosive and earthquake sources respectively, the focal depth, and realistic earth structures have all to be taken into account in developing theoretical models for seismic sources.

As discussed perhaps most recently at the Woods Hole Conference on seismic discrimination, theory supported by experimental data now suggests the basis of several methods to distinguish between earthquakes and explosions. Although the techniques may or may not prove to be practical in a real world noise environment, we feel this development is extremely important. As long as progress is totally dependent on empirical correlations to suggest differences between earthquakes and explosions we shall suffer from the severe limitation introduced by the small size of the explosion sample. For a full understanding of the seismic verification aspects relevant to a test ban, explosions at arbitrary locations, in a variety of media, and at low yields, should be considered.

The practical management of a nuclear test program tends to limit the variety of locations, media, and the number of low yield explosions to the point where the available empirical evidence is either inadequate or at least ambiguous. But the combination of theoretical insight coupled with empirical observations may offer the possibility of reasonably definitive scientific extrapolations where data are deficient.

As an example, in the M_s:m_b method, it is believed that the source time function affects the M_s:m_b ratio for earthquakes in a manner different from explosions and that the source dimension function results in a more efficient radiation of surface waves for earthquakes than for explosions. In a similar manner, the depth of focus, as well as source time and dimension, affect the spectral content of surface and body waves from earthquakes and explosions. Although the question of why some earthquakes exhibit unusually little surface wave radiation is still not resolved, the theory of the seismic source as it is now understood indicates that in principle the separation of shallow earthquakes and explosions will continue below magnitude 4.5. Indeed, recent data on M_s:m_b indicates that the method which applies at m_b5 extends below 4.5, whether discrimination is based on 10, 20 or 40 second Rayleigh waves. It should be noted, however, that there is increasing overlap of the earthquake and explosion populations with decreasing magnitude, in part as a result of the small signal-to-noise ratios involved and in part due to regional variations in tectonic stress, attenuation, and surface wave propagation. The former can be improved by increased signal-to-noise ratio (although the problem becomes greater at longer ranges), but the practicality of calibrating all seismic regions of interest is unknown.

Another discrimination approach which previously appeared promising was the shape of the amplitude spectra of Rayleigh waves. Recent theoretical results have demonstrated, however, that this is not the case, and that earthquake source orientation has a drastic influence on the shape of the surface wave spectra. For example, a shallow focus dip slip fault has been found to give a spectrum similar to that of an explosion.

Two important points concerning long period P, S, and Love waves have emerged from our research. The ratio of Love to Rayleigh waves appears to be a useful, but not as yet fully developed, discriminant. Also the P wave spectra (0.3 to 3 Hz) of the Aleutian explosions Long Shot and Milrow were quite different from the P wave spectra of Aleutian earthquakes of comparable body wave magnitude. Corner frequencies for these earthquakes were approximately one decade lower than for the explosions.

The possibility of tectonic energy release has been studied but the effects so far observed have been minor and have not weakened the M_s:m_b criterion.

We have also examined the utility of the short period P wave for identification. It would appear that we will rely on the P wave for event detection for a long time to come and in some cases the P wave will be the only signal available for further analysis. The P wave may, at sufficiently high signal-to-noise ratios, show an unambiguous earthquake first motion and it may also show pP and sP phases that are adequate to establish the depth of focus with sufficient precision to exclude an explosive origin. Furthermore

S–P time differences, P arrival time residuals, and the use of master events can provide useful ways to determine source depth.

Short period spectral ratio techniques have been somewhat less successful and must at best be considered diagnostic aids. We have found that the influence of propagation path and receiver site characteristics are such that the techniques must be carefully "tailored" in order to be useful. For example, techniques useful at LASA to identify presumed explosions in Eastern Kazakh fail when applied to NOSAR data on the same events nor are they useful to identify explosions in Nevada recorded at NORSAR.

A general problem with all seismic discriminants, both short period and long period, is that they fail when applied to small events near the detection threshold of the network due to signal-to-noise limitations. The aim of the ARPA large array program and the Very Long Period Experiment is to explore techniques to enhance signal-to-noise ratios thereby extending the effectiveness of discrimination criteria to events of lower magnitude at teleseismic distances. A further aim is to demonstrate the feasibility of the automatic digital processing of the large number of events which occur at lower magnitudes.

LARGE ARRAY PROGRAM

The mechanism for signal-to-noise enhancement in long and short period arrays is essentially different. Long period noise, for periods of less than 25 seconds such as that induced by oceanic storms, is generally coherent across the aperture of our largest seismic array. The noise reduction relies on the formation of narrow beams which allow the noise to be subtracted from the signal by beam steering. The short period noise on the other hand is incoherent at sensor spacings of a few kilometers and noise suppression relies on the number of elements in the array, the signal-to-noise ratio increasing as the square root of the number of elements. Two of ARPAA's three large teleseismic arrays are a combination of short and long period instruments, while the third is composed entirely of long period sensors.

The first of these arrays, the Montana LASA, was completed in 1965 and has operated continuously since that time. Its current configuration comprises 345 short period and 16 three-component, long period instruments distributed over a 200 km aperture. The teleseismic detection threshold of LASA, at the 90% incremental level for the distance range of 20° to 90° is about mb 4.2 for short period signals using automated data processing techniques. As a result of experience gained at LASA, improvements were incorporated in the Norwegian array, NORSAR, particularly in respect to the sensor spacing and distribution, automatic array monitoring systems, and automated data processing. A six-month operational test and evaluation of NORSAR was initiated in February 1971. NORSAR, which is operated by the Royal Norwegian Council for Scientific and Industrial Research, comprises 132 short period seismometers and 22 three-component long period instruments. The teleseismic zones from which LASA and NORSAR will record seismic events overlap and this will allow increased corroboration between events particularly when our aim of multi-array analysis is attained shortly. The recently completed Alaskan array, ALPA, is concerned with the long period region of the spectrum. This array comprises 19 three-component instruments in 60-foot boreholes. ALPA and NORSAR will allow corroborative data to be obtained for long period signals from events in many of the world's seismic regions.

VERY LONG PERIOD EXPERIMENT

A companion program to the large arrays is the very long period experiment initiated to obtain seismic data covering the 30–60 second spectral ban by utilizing recently developed high gain broad band instruments. This instrument will be installed at carefully selected, deeply buried, very quiet sites and is expected to be capable of recording seismic signals much smaller than normally recorded by the World Wide Standards Seismic Network instruments in this frequency band. A prototype system has been operating at Ogdensburg, New Jersey, for the past two years with encouraging results. Identical systems have been installed at five other locations: Fairbanks, Alaska; Charter Towers, Australia; Chiang Mai, Thailand; Eilat, Israel; and Toledo, Spain. Plans call for improved instrumentation at four other stations in the near future.

AUTOMATIC DATA PROCESSING

In discussing the large array program, attention is often focused on the distribution of instruments, their siting, response characteristics, and monitoring utility. One of the major research objectives, however, has been to test the feasibility of operating and maintaining such an array and at the same time process the large amount of data in an effective manner. There are over ten times as many events to process if the array is operating at mb 4.0 magnitude threshold rather than at 5.0. Thus the very improvement in signal-to-noise ratio sought from the arrays, which allows the detection of smaller magnitude events, imposes a critical constraint on the data processing; it must be automated in order to handle the greatly increased volume of data. Furthermore, recording systems must necessarily be digital rather than analog.

The focal point for data from the three large arrays is the Seismic Array Analysis Center in Alexandria, Virginia, which also handles data from the Very Long Period Experiment. Multi-array analysis can thus be performed to compare signals from different azimuths for the various discrimination criteria previously mentioned. However, the implementation on a routine basis of a new generation of azimuthal and spectral discriminants would require a major transformation and expansion of even this very advanced data acquisition and analysis facility.

SEISMIC LOCATION

An essential element of a seismic verification capability is accurate location of all detected seismic events. The location error is dependent upon the accuracy with which average travel time curves and regional travel time anomalies are known, and to a large extent, on the number and azimuthal distribution of recording stations about the source area.

As a result of our research program improved P-wave world average travel time tables, based on 400 earthquakes and a number of large nuclear explosions (well recorded worldwide), have been developed. Azimuthally-dependent station corrections have been established for our major seismic observatories and source corrections have been calculated for a number of source regions.

We have found that location error has been observed at essentially all sites where known source locations are available for comparison. One important cause of errors in estimates of epicenters is source bias, i.e., variation in velocity with azimuth and incidence angle in a source region. Tectonic regions known to display significant bias (errors of 25–45 kilometers) include the volcanic island chains of the Aleutians and Hawaii. Where bias can be effectively removed by use of calibration events to determine regional travel time anomalies, it appears possible to locate large events to within a few kilometers if recorded by a sufficient number of instruments well-distributed in azimuth.

However, neither statistical study of large numbers of earthquakes nor the use of master earthquakes provides a solution to the bias problem. Only explosions or shallow earthquakes well recorded by local networks can provide calibrations for estimating source bias from the various source regions. As previously discussed, the practicality of this is unknown.

As an example of the improvement possible with the application of travel time anomaly corrections, consider the locations determined for 19 Nevada explosions recorded at teleseismic distances by a network of 4–13 stations. Mean location error was 26 km without corrections for travel time anomalies. The error was reduced to 3 km when predetermined travel time anomalies derived from other nearby explosions were utilized in the calculations.

FUTURE PROSPECTS FOR SEISMIC VERIFICATION

Since the thrust of our concern at this meeting is the future as much as the past and present, it is appropriate to comment on our expectations of the amount and the rate of progress that might be expected in the area of identification and detection by seismic means. In the area of discrimination criteria, considerable progress has been achieved during the past decade by a number of research workers in various countries. Judging from the progress made to date and the wealth of ideas currently being discussed for further improvements, it appears that the problem of discriminating earthquakes from explosions by seismic means is a difficult but not totally insoluble problem. Background seismic noise, however, will almost inevitably constitute a limitation on how far this progress can be pursued, and we anticiapte that some uncertainties will persist above the identification threshold. Improved seismic instrumentation is clearly needed to attain further advances below magnitude 4.5 and to assess the limits of teleseismic discrimination.

We have seen that to translate the greater scientific understanding of the identification problem into improvements in the seismic verification capability requires more sophisticated installations than currently exist. One might suggest that it will become important, for instance to upgrade the capability to detect P-waves at lower levels than is currently feasible in order to enhance detection and location. Similarly, it would also seem important to improve identification capabilities preferably down to where tamped nuclear explosions at the few kiloton level can be readily identified at teleseismic distances. Likewise, expansion of the existing network of seismic arrays and individual stations would seem highly desirable. This expansion would help to provide coverage for seismic events in all land areas, particularly those in the northern hemisphere.

Many of these improvements would undoubtedly require considerable time and they would represent a substantial capital investment. Much effort would have to go into determining where these additional facilities should be located in order to achieve maximum performance.

As the recent Canadian study has shown, of the large number of existing seismic stations, it is the sophisticated array stations and the single instrument stations in strategically-located quiet sites that provide most of the capability. The array stations have generally required several years for site selection and installation. Quiet single instrument sites similarly require time for site surveys and the installation is certain to involve a remote location in order to minimize man-made noise.

Nevertheless, various combinations of new stations at quiet locations, long and short period arrays, and the latest in broadband long period instruments could provide much of the data. Decisions will also have to be made on the design of such a network based on the discrimination criteria employed.

The cost of new installations is very difficult to estimate until the number, size, and specific locations of the stations are known. In general, cost estimates become less reliable the further one departs from an existing understood system. Also, it must be kept in mind that optimum system performance requires a good deal of operating experience before it is actually achieved, and it is cru-

cially dependent on the quality of system management. The more one relies, as one will have to, on sophisticated techniques such as automatic real time digital processing and high gain long period instruments, the more important overall system management will become.

LIMITATIONS OF THE SEISMIC VERIFICATION METHOD

It should be recognized that seismic means alone are not sufficient to achieve the identification of earthquakes and explosions in all cases, even when the magnitude of the event would seem sufficient. Moreover, it seems unlikely that such a goal will ever be realized because of inherent limitations in the method. In the first place, identification can only take place where detection has preceded it. The practical limit for the teleseismic detection of short period signals is set by the natural noise field of the earth. Array technology, including the use of sophisticated digitized adaptive filtering has provided a means for increasing the signal-to-noise ratio. It must be recognized that there may be some minimum practical detection threshold for short period signals. At higher magnitudes, it should be remembered that there are now several ambiguities per year above magnitude 4.5 which cannot be resolved. Considering the vagaries of seismic sources and seismic propagation paths, it seems likely that there will continue to be circumstances where natural events cannot be distinguished from explosions by seismic means alone. Also, as teleseismic identification threshholds are progressively lowered, explosions will be identified whose origin is non-nuclear, without the seismic means for drawing the distinction between them and nuclear explosions of the same magnitude.

Detection can also be lacking where the noise field is temporarily high, as in the case of the saturation response of seismometers to large earthquakes anywhere in the world and the interference of their aftershocks. Such high noise fields may be sufficient to blank out explosions of significant yields. It is also possible that there would not be identifiable seismic signals from an underground explosion of a device pre-emplaced in or near a naturally seismic region and detonated a short time after the onset of the signals from a larger magnitude earthquake. This could be the situation if the earthquake were at least ½ to 1 magnitude units larger than the explosion magnitude and if the epicenter were within a few hundred kilometers of the location of the nuclear explosion. In some seismic regions of the world this would seem to indicate the possibility that a number of explosions of significant yields could take place in a year. Even if signals from such explosions were detected, they might be interpreted as those from a natural earthquake. This would be particularly true of an earthquake with a definite aftershock sequence.

Neither should it be overlooked that the seismic coupling from an explosion would be reduced if it took place in an underground cavity. Cavities already exist that have been washed in salt domes by solution mining techniques in the course of the storage of hydrocarbons. Moreover, with the inherent limitations in detection already noted, partial, as well as complete, decoupling would affect the ability to detect and identify seismic signals.

COURT VICTORY FOR FREEDOM

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. FINDLEY. Mr. Speaker, the decision of the Supreme Court yesterday denying an injunction against newspaper publication of the Pentagon papers is a great landmark that should cause all who love freedom to rejoice.

The court refused to let Government decide what is fit to print, and thus strengthened the historic tradition so well directed by the first amendment under which the press is not to be subjected to prior restraint and may be punished only after the fact.

It is noteworthy that the issue arose in the same city, New York, where the first great court test of press freedom in our history occurred in 1735. The prior year British Governor Cosby arrested John Peter Zenger for printing in his weekly newspaper, the Weekly Journal, "seditious libel," that is, criticizing the Governor's conduct in office. Brought to trial after 10 months of incarceration, Zenger was acquitted, despite the court's refusal to admit evidence establishing the truth of the libel.

The editors of the New York Times and the Washington Post acted in the great tradition of Peter Zenger in challenging the right of the Government to suppress the documents, and the Court's majority acted in the great tradition established by Zenger's acquittal 236 years ago.

CITY OF CHICAGO

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. CRANE. Mr. Speaker, I congratulate my colleagues on the other side of the aisle for their apparently successful fund raiser earlier this week, but I was somewhat disturbed to note that a number of derogatory remarks about the city of Chicago were made by several prominent persons in attendance.

It is particularly unfortunate that the majority party's 1968 presidential candidate was quoted as saying:

If our convention had been held in Miami Beach in 1968, we would be having this party in the East Room of the White House tonight.

Mr. Speaker, I do not represent any part of the city of Chicago. However, I do believe that her fine reputation as the second largest city of the Nation, and the heartland of the Nation, is worthy of defense. I am proud of Chicago, and I resent those who chastise our fair city for her hospitality.

Let me also point out to my colleagues on both sides of the aisle that Chicago has repeatedly and consistently shown her hospitality to Presidents from both parties. Within the last week, for example, President Nixon visited Chicago and was very warmly and cordially received by all of her citizens.

Mr. Speaker, I would like to point out that the disturbances during the Democratic Convention of 1968 were caused by a vocal minority composed primarily of residents from other areas other than the city of Chicago. These activities would probably have occurred wherever the convention was held.

To those who deprecate the administration of the city of Chicago, I would only point to the record of Mayor Richard J. Daley and contrast his administration with the virtual chaos which reigns in many other cities, particularly New York.

THE SUPREME COURT'S WISE DECISION

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HARRINGTON. Mr. Speaker, the Supreme Court made a wise decision yesterday in limiting the Government's ability to use prior restraint. As I have said often during the course of the past 2 weeks, I see nothing which would damage American interests by publishing what I believe are historical documents. The newspapers which had access to the Pentagon documents were operating, as Justice Black said in his concurring decision, in a way which served "the purpose the Founding Fathers saw so clearly. In revealing the workings of Government that led to the Vietnam war, the newspapers nobly did precisely that which the Founders hoped and trusted they would do."

I am disturbed, however, that so many newspapers were enjoined from publishing as they wished for 2 weeks. That is a serious matter. But in this case, justice has been served and I hope this marks an end to this harassment of our newspapers and our news broadcasters, for that matter. Both deserve to be sheltered under the same aegis of the first amendment.

At this point, I would like to insert the Supreme Court decisions in the RECORD:

[From the New York Times, July 1, 1971]

TEXTS OF THE SUPREME COURT DECISION, OPINIONS, AND DISSENTS IN TIMES-POST CASE

WASHINGTON.—Following is the text of the decision by the United States Supreme Court upholding The New York Times and The Washington Post against an effort by the Federal Government to halt publication of articles and documents based on the Pentagon study of the Vietnam war and the texts of the concurring and dissenting opinions:

DECISION

Per curiam.

We granted certiorari in these cases in which the United States seeks to enjoin The New York Times and The Washington Post from publishing the contents of a classified study entitled "History of U.S. Decision-Making Process on Viet Nam Policy."—U.S.—(1971).

"Any system of prior restraints of expression comes to this court bearing a heavy presumption against its constitutional validity." Bantam Books, Inc. v. Sullivan, 372 U.S. 58, 70 (1963); see also Near v. Minnesota, 283 U.S. 697 (1931). The Government "thus carries a heavy burden of showing justification for the enforcement of such a restraint." Organization for a Better Austin v. Keefe—U.S.—(1971). The District Court for the Southern District of New York in The New York Times case and the District Court for the District of Columbia and the Court of

Appeals for the District of Columbia Circuit in The Washington Post case held that the Government had not met that burden.

We agree.

The judgment of the Court of Appeals for the District of Columbia Circuit is therefore affirmed. The order of the Court of Appeals for the Second Circuit is reversed and the case is remanded with directions to enter a judgment affirming the judgment of the District Court for the Southern District of New York. The stays entered June 25, 1971, by the court are vacated. The mandates shall issue forthwith.

So ordered.

CONCURRING OPINIONS

Mr. Justice Douglas, with whom Mr. Justice Black joins, concurring:

While I join the opinion of the Court I believe it necessary to express my views more fully.

It should be noted at the onset that the First Amendment provides that "Congress shall make no law . . . abridging the freedom of speech or of the press." That leaves, in my view, no room for government restraint on the press.

There is, moreover, no statute barring the publication by the press of the material which the Times and Post seek to use. 18 U.S.C. Section 793(e) provides that "whoever having unauthorized possession of, access to, or control over any document, writing, . . . or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates . . . the same to any person not entitled to receive it . . . shall be fined not more than $10,000 or imprisoned not more than 10 years or both."

The Government suggests that the word "communicates" is broad enough to encompass publication.

There are eight sections in the chapter on espionage and censorship, sections 792–799. In three of those eight, "publish" is specifically mentioned: Section 794(b) provides, "Whoever in time of war, with the intent that the same shall be communicated to the enemy, collects records, publishes, or communicates . . . [the disposition of armed forces]."

Section 797 prohibits "reproduces, publishes, sells, or gives away" photos of defense installations.

Section 798 relating to cryptography prohibits: "communicates, furnishes, transmits, or otherwise make available . . . or publishes." Thus it is apparent that Congress was capable of and did distinguish between publishing and communication in the various sections of the Espionage act.

Rejected version recalled

The other evidence that Section 793 does not apply to the press is a rejected version of Section 793. That version read: "During any national emergency resulting from a war to which the U.S. is a party or from threat of such a war, the President may, by proclamation, prohibit the publishing or communicating of, or the attempting to publish or communicate, any information relating to the national defense, which in his judgment is of such character that it is or might be useful to the enemy." During the debates in the Senate the First Amendment was specifically cited and that provision was defeated. 55 Cong. Rec. 2166.

Judge Gurfein's holding in The Times case that this act does not apply to this case was therefore pre-eminently sound. Moreover, the act of Sept. 23, 1950, in amending 18 U.S.C. Section 793, states in Section 1(b) that:

"Nothing in this act shall be construed to authorize, require, or establish military or civilian censorship or in any way to limit or infringe upon freedom of the press or of speech as guaranteed by the Constitution of the United States and no regulation shall be promulgated hereunder having that effect." 64 Stat. 987.

Thus Congress has been faithful to the command of the First Amendment in this area.

So any power that the Government possesses must come from its "inherent power."

The power to wage war is "the power to wage war successfully." See Hirabayashi v. United States, 320 U.S. 81, 93. But the war power stems from a declaration of war. The Constitution by Article I, Section 8, gives Congress, not the President, power "to declare war." Nowhere are Presidential wars authorized. We need not decide therefore what leveling effect the war power of Congress might have.

These disclosures may have a serious impact. But that is no basis for sanctioning a previous restraint on the press. As stated by Chief Justice Hughes in Near v. Minnesota, 283 U.S. 697, 719–720:

". . . While reckless assaults upon public men, and efforts to bring obloquy upon those who are endeavoring faithfully to discharge official duties, exert a baleful influence and deserve the severest condemnation in public opinion, it cannot be said that this abuse is greater, and it is believed to be less, than that which characterized the period in which our institutions took shape. Meanwhile, the administration of Government has become more complex, the opportunities for malfeasance and corruption have multiplied, crime has grown to most serious proportions, and the danger of its protection by unfaithful officials and of the impairment of the fundamental security of life and property by criminal alliances and official neglect, emphasizes the primary need of a vigilant and courageous press, especially in great cities. The fact that the liberty of the press may be abused by miscreant purveyors of scandal does not make any the less necessary the immunity of the press from previous restraint in dealing with official misconduct."

As we stated only the other day in Organization for a Better Austin v. Keefe,—U.S.—, "any prior restraint on expression comes to this court with a 'heavy presumption' against its constitutional validity."

The Government says that it has inherent powers to go into court and obtain an injunction to protect that national interest, which in this case is alleged to be national security.

Near v. Minnesota, 283 U.S. 697, repudiated that expansive doctrine in no uncertain terms.

The dominant purpose of the First Amendment was to prohibit the widespread practice of governmental suppression of embarrassing information. It is common knowledge that the First Amendment was adopted against the widespread use of the common law of seditious libel to punish the dissemination of material that is embarrassing to the powers-that-be. See Emerson, "The System of Free Expressions," C. XIII (1941). The present cases will, I think, go down in history as the most dramatic illustration of that principle. A debate of large proportions goes on in the nation over our posture in Vietnam. That debate antedated the disclosure of the contents of the present documents. The latter are highly relevant to the debate in progress.

Secrecy in government is fundamentally antidemocratic, perpetuating bureaucratic errors. Open debate and discussion of public issues are vital to our national health. On public questions there should be "open and robust debate." New York Times, Inc. v. Sullivan, 376 U.S. 254, 269–270.

I would affirm the judgment of the Court of Appeals in The Post case, vacate the stay of the Court of Appeals in The Times case and direct that it affirm the District Court.

The stays in these cases that have been in effect for more than a week constitute a flouting of the principles of the First Amendment as interpreted in Near v. Minnesota.

Mr. Justice Brennan, concurring:

I. I write separately in these cases only to emphasize what should be apparent: that our judgment in the present cases may not be taken to indicate the propriety, in the future, of issuing temporary stays and restraining orders to block the publication of material sought to be suppressed by the Government. So far as I can determine, never before has the United States sought to enjoin a newspaper from publishing information in its possession. The relative novelty of the questions presented, the necessary haste with which decisions were reached, the magnitude of the interests asserted, and the fact that all the parties have concentrated their arguments upon the question whether permanent restraints were proper may have justified at least some of the restraints heretofore imposed in these cases. Certainly it is difficult to fault the several courts below for seeking to assure that the issues here involved were preserved for ultimate review by this Court. But even if it be assumed that some of the interim restraints were proper in the two cases before us, that assumption has no bearing upon the propriety of similar judicial action in the future. To begin with there has now been ample time for reflection and judgment; whatever values there may be in the preservation of novel questions for appellate review may not support any restraints in the future. More important, the First Amendment stands as an absolute bar to the imposition of judicial restraints in circumstances of the kind presented by these cases.

II. The error which has pervaded these cases from the outset was the granting of any injunctive relief whatsoever, interim or otherwise. The entire thrust of the Government's claim throughout these cases has been that publication of the material sought to be enjoined "could," or "might" or "may" prejudice the national interest in various ways. But the First Amendment tolerates absolutely no prior judicial restraints of the press predicted upon surmise or conjecture that untoward consequences may result. Our cases, it is true, have indicated that there is a single, extremely narrow class of cases in which the First Amendment's ban on prior judicial restraint may be overridden.

Our cases have thus far indicated that such cases may arise only when the nation "is at war," Schenck v. United States, 249 U.S. 47, 52 (1919), during which times "no one would question but that a government might prevent actual obstruction to its recruiting service or the publication of the sailing dates of transports or the number and location of troops." Near v. Minnesota, 283 U.S. 697, 716 (1931). Even if the present world situation were assumed to be tantamount to a time of war, or if the power of presently available armaments would justify even in peacetime the suppression of information that would set in motion a nuclear holocaust, in neither of these actions has the Government presented or even alleged that publication of items from or based upon the materials at issue would cause the happening of an event of that nature. "The chief purpose of [the First Amendment's] guarantee [is] to prevent previous restraints upon publication." Near v. Minnesota, supra, at 713. Thus, only governmental allegation and proof that publication must inevitably, directly and immediately cause the occurrence of an event kindred to imperiling the safety of a transport already at sea can support even the issuance of an interim restraining order. In no event may mere conclusions be sufficient: for if the executive branch seeks judicial aid in preventing publication, it must inevitably submit the basis upon which that aid is sought to scrutiny by the judiciary. And, therefore, every restraint issued in this case, whatever its form, has violated the First Amendment—and none the less so because that restraint was justified as necessary to afford the Court an opportunity to

examine the claim more thoroughly. Unless and until the Government has clearly made out its case, the First Amendment commands that no injunction may issue.

Mr. Justice Stewart, with whom Mr. Justice White joins, concurring:

In the governmental structure created by our Constitution, the executive is endowed with enormous power in the two related areas of national defense and international relations. This power, largely unchecked by the legislative and judicial branches, has been pressed to the very hilt since the advent of the nuclear missile age. For better or for worse, the simple fact is that a President of the United States possesses vastly greater constitutional independence in these two vital areas of power than does, say, a prime minister of a country with a parliamentary form of government.

In the absence of the governmental checks and balances present in other areas of our national life, the only effective restraint upon executive policy and power in the areas of national defense and international affairs may lie in an enlightened citizenry—in an informed and critical public opinion which alone can here protect the values of democratic government. For this reason, it is perhaps here that a press that is alert, aware, and free most vitally serves the basic purpose of the First Amendment. For without an informed and free press there cannot be an enlightened people.

Yet it is elementary that the successful conduct of international diplomacy and the maintenance of an effective national defense require both confidentiality and secrecy. Other nations can hardly deal with this nation in an atmosphere of mutual trust unless they can be assured that their confidences will be kept. And within our own executive departments, the development of considered and intelligent international policies would be impossible if those charged with their formulation could not communicate with each other freely, frankly and in confidence. In the area of basic national defense the frequent need for absolute secrecy is, of course, self-evident.

I think there can be but one answer to this dilemma, if dilemma it be. The responsibility must be where the power is. If the Constitution gives the executive a large degree of unshared power in the conduct of foreign affairs and the maintenance of our national defense, then under the Constitution the executive must have the largely unshared duty to determine and preserve the degree of internal security necessary to exercise that power successfully. It is an awesome responsibility, requiring judgment and wisdom of a high order. I should suppose that moral, political and practical considerations would dictate that a very first principle of that wisdom would be an insistence upon avoiding secrecy for its own sake.

If everything, then nothing

For when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion. I should suppose in short, that the hallmark of a truly effective international security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained. But be that as it may, it is clear to me that it is the constitutional duty of the executive—as a matter of sovereign perogative and not as a matter of law as the courts know law—through the promulgation and enforcement of executive regulations, to protect the confidentiality necessary to carry out its responsibilities in the fields of international relations and national defense.

This is not to say that Congress and the courts have no role to play. Undoubtedly Congress has the power to enact specific and appropriate criminal laws to protect Government property and preserve Government secrets. Congress has passed such laws, and several of them are of very colorable relevance to the apparent circumstances of these cases, and if a criminal prosecution is instituted, it will be the responsibility of the courts to decide the applicability of the criminal law under which the charge is brought. Moreover, if Congress should pass a specific law authorizing civil proceedings in this field, the courts would likewise have the duty to decide the constitutionality of such a law as well as its applicability to the facts proved.

But in the cases before us we are asked neither to construe specific regulations nor to apply specific laws. We are asked, instead, to perform a function that the Constitution gave to the executive, not the judiciary. We are asked, quite simply, to prevent the publication by two newspapers of material that the executive branch exists should not, in the national interest, be published. I am convinced that the executive is correct with respect to some of the documents involved. But I cannot say that disclosure of any of them will surely result in direct, immediate and irreparable damage to our nation or its people. That being so, there can under the first amendment be but one judicial resolution of the issues before us.

I join the judgments of the court.

Mr. Justice Marshall, concurring:

The Government contends that the only issue in this case is whether in a suit by the United States, "the First Amendment bars a court from prohibiting a newspaper from publishing material whose disclosure would pose a grave and immediate danger to the security of the United States." Brief of the Government, at 6. With all due respect, I believe the ultimate issue in this case is even more basic than the one posed by the Solicitor General. The issue is whether this Court or the Congress has the power to make law.

In this case there is no problem concerning the President's power to classify information as "secret" or "top secret." Congress has specifically recognized Presidential authority, which has been formally exercised in Executive Order 10501, to classify documents and information. See, e.g., U.S.C. Section 798; 50 U.S.C. Section 783. Nor is there any issue here regarding the President's power as Chief Executive and Commander in Chief to protect national security by disciplining employes who disclose information and by taking precautions to prevent leaks.

"Utterly inconsistent"

The problem here is whether in this particular case the executive branch has authority to invoke the equity jurisdiction of the courts to protect what it believes to be the national interest. See in Re Debs, 158 U.S. 564, 584 (1895). The Government argues that in addition to the inherent power of any government to protect itself, the President's power to conduct foreign affairs and his position as Commander in Chief gave him authority to impose censorship on the press to protect his ability to deal effectively with foreign nations and to conduct the military affairs of the country. Of course, it is beyond cavil that the President has broad powers by virtue of his primary responsibility for the conduct of our foreign affairs and his position as Commander in Chief. Chicago & Southern Air Lines, Inc., v. Waterman Corp., 333 U.S. 103 (1948); Hirabayashi v. United States, 320 U.S. 81, 93 (1943); United States v. Curtiss-Wright Export Co., 299 U.S. 304 (1936). And in some situations it may be that under whatever inherent powers the Government may have, as well as the implicit authority derived from the President's mandate to conduct foreign affairs and to act as Commander in Chief there is a basis for the invocation of the equity jurisdiction of this Court as an aid to prevent the publication of material damaging to "national security," however, that term may be defined.

It would, however, be utterly inconsistent with the concept of separation of power for this Court to use its power of contempt to prevent behavior that Congress has specifically declined to prohibit. There would be a similar damage to the basic concept of these coequal branches of government if when the executive has adequate authority granted by Congress to protect "national security," it can choose instead to invoke the contempt power of a court to enjoin the threatened conduct. The Constitution provides that Congress shall make laws, the President execute laws, and courts interpret law. Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952). It did not provide for government by injunction, in which the courts and the executive can "make law" without regard to the action of Congress. It may be more convenient for the executive if it need only convince a judge to prohibit conduct rather than to ask the Congress to pass a law, and 't may be more convenient to enforce a contempt order than seek a criminal conviction in a jury trial. Moreover, it may be considered politically wise to get a court to share the responsibility for arresting those who the executive has probably cause to believe are violating the law. But convenience and political considerations of the moment do not justify a basic departure from the principles of our system.

In this case we are not faced with a situation where Congress has failed to provide the executive with broad power to protect the nation from disclosure of damaging state secrets. Congress has on several occasions given extensive consideration to the problem of protecting the military and strategic secrets of the United States. This consideration has resulted in the enactment of statutes, making it a crime to receive, disclose, communicate, withhold and publish certain documents, photographs, instruments, appliances and information. The bulk of these statutes are found in Chapter 37 of U.S.C., Title 18, entitled "Espionage and Censorship." In that chapter, Congress has provided penalties ranging from a $10,000 fine to death for violating the various statutes.

Thus it would seem that in order for this Court to issue an injunction it would require a showing that such an injunction would enhance the already existing power of the Government to act. See Bennett v. Laman, 277 N.Y. 368, 14 N.E. 2d 439 (1938). It is a traditional axiom of equity that a court of equity will not do a useless thing just as it is a traditional axiom that equity will not enjoin the commission of a crime. See Z. Chaffe & E. Re, Equity 935–954 (5th ed. 1967); H. Joyce, injunctions sections 58–60A (1909). Here there has been no attempt to make such a showing. The Solicitor General does not even mention in his brief whether the Government considers there to be probable cause to believe a crime has been committed or whether there is a conspiracy to commit future crimes.

If the Government had attempted to show that there was no effective remedy under traditional criminal law, it would have had to show that there is no arguably applicable statute. Of course, at this stage this Court could not and cannot determine whether there has been a violation of a particular statute nor decide the constitutionality of any statute. Whether a good-faith prosecution could have been instituted under any statute could, however, be determined.

Relevant statute noted

At least one of the many statutes in this area seems relevant to this case. Congress has provided in 18 U.S.C. Section 793(e) that whoever "having unauthorized possession of, access to, or control over any document, writing, code book, signal book . . . or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of

the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits . . . the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employe of the United States entitled to receive it . . . shall be fined not more than $10,000 or imprisoned not more than 10 years, or both." 18 U.S.C. Section 793(e). Congress has also made it a crime to conspire to commit any of the offenses listed in 18 U.S.C. Section 793(e).

It is true that Judge Gurfein found that Congress had not made it a crime to publish the items and material specified in Section 793(e): He found that the words "communicates, delivers, transmits . . ." did not refer to publication of newspaper stories. And that view has some support in the legislative history and conforms with the past practice of using the statute only to prosecute those charged with ordinary espionage. But see 103 Cong. Rec. 10449 (remarks of Senator Humphrey). Judge Gurfein's view of the statute is not, however, the only plausible construction that could be given. See my brother White's concurring opinion.

Even if it is determined that the Government could not in good faith bring criminal prosecutions against The New York Times and The Washington Post, it is clear that Congress has specifically rejected passing legislation that would have clearly given the President the power he seeks here and made the current activity of the newspapers unlawful. When Congress specifically declines to make conduct unlawful it is not for this Court to redecide those issues—to overrule Congress. See Youngstown Sheet & Tube v. Sawyer, 345 U.S. 579 (1952).

On at least two occasions Congress has refused to enact legislation that would have made the conduct engaged in here unlawful and given the President the power that he seeks in this case. In 1917 during the debate over the original Espionage Act, still the basic provisions of Section 793, Congress rejected a proposal to give the President in time of war or threat of war authority to directly prohibit by proclamation the publication of information relating to national defense that might be useful to the enemy. The proposal provided that:

"During any national emergency resulting from a war to which the United States is a party, or from threat of such a war, the President may, by proclamation, prohibit the publishing or communicating of, or the attempting to publish or communicate any information relating to the national defense which, in his judgment, is of such character that it is or might be useful to the enemy. Whoever violates any such prohibition shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 10 years, or both: provided, that nothing in this section shall be construed to limit or restrict any discussion, comment or criticism of the acts or policies of the Government or its representatives or the publication of the same." 55 Cong. Rec. 1763.

No request of Congress

Congress rejected this proposal after war against Germany had been declared even though many believed that the threat of security leaks and espionage were serious. The executive has not gone to Congress and requested that the decision to provide such power be reconsidered. Instead, the executive comes to this Court and asks that it be granted the power Congress refused to give.

In 1957 the United States Commission on Government Security fund that "airplane journals, scientific periodicals and even the daily newspaper have featured articles containing information and other data which should have been deleted in whole or in part for security reasons." In response to this problem the commission, which was chaired by Senator Cotton, proposed that "Congress enact legislation making it a crime for any person willfully to disclose without proper authorization, for any purpose whatever, information classified 'secret' or 'top secret,' knowing, or having reasonable grounds to believe, such information to have been so classified." Report of Commission on Government Security 619–620 (1957). After substantial floor discussion on the proposal, it was rejected. See 103 Cong. Rec. 10447–10450. If the proposal that Senator Cotton championed on the floor had been enacted, the publication of the documents here would certainly have been a crime. Congress refused, however, to make it a crime. The Government is here asking this Court to remake that decision. This court has no such power.

Either the Government has the power under statutory grant to use traditional criminal law to protect the country or, if there is no basis for arguing that Congress has made the activity a crime, it is plain that Congress has specifically refused to grant the authority the Government seeks from this court. In either case this court does not have authority to grant the requested relief. It is not for this Court to fling itself into every breach perceived by some Government official, nor is it for this Court to take on itself the burden of enacting law, especially law that Congress has refused to pass.

I believe that the judgment of the United States Court of Appeals for the District of Columbia should be affirmed and the judgment of the United States Court of Appeals for the Second Circuit should be reversed insofar as it remands the case for further hearings.

Mr. Justice Black, with whom Mr. Justice Douglas joins, concurring:

I adhere to the view that the Government's case against The Washington Post should have been dismissed and that the injunction against The New York Times should have been vacated without oral argument when the cases were first presented to this Court. I believe that every moment's continuance of the injunctions against these newspapers amounts to a flagrant, indefensible and continuing violation of the First Amendment. Furthermore, after oral arguments, I agree completely that we must affirm the judgment of the Court of Appeals for the District of Columbia and reverse the judgment of the Court of Appeals for the Second Circuit for the reasons stated by my brothers Douglas and Brennan. In my view it is unfortunate that some of my brethren are apparently willing to hold that the publication of news may sometimes be enjoined. Such a holding would make a shambles of the First Amendment.

Our Government was launched in 1789 with the adoption of the Constitution. The Bill of Rights, including the First Amendment, followed in 1791. Now, for the first time in the 182 years since the founding of the Republic, the Federal courts are asked to hold that the First Amendment does not mean what is says, but rather means that the Government can halt the publication of current news of vital importance to the people of this country.

In seeking injunctions against these newspapers and in its presentation to the court, the executive branch seems to have forgotten the essential purpose and history of the First Amendment. When the Constitution was adopted, many people strongly opposed it because the document contained no bill of rights to safeguard certain basic freedoms. They especially feared that the new powers granted to a central government might be interpreted to permit the government to curtail freedom of religion, press, assembly and speech.

In response to an overwhelming public clamor, James Madison offered a series of amendments to satisfy citizens that these great liberties would remain safe and beyond the power of government to abridge. Madison proposed what later became the First Amendment in three parts, two of which are set out below, and one of which proclaimed: "The people shall not be deprived or abridged of their right to speak, to write, or to publish their sentiments; and the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable." The amendments were offered to curtail and restrict the general powers granted to the executive, legislative and judicial branches two years before in the original Constitution. The Bill of Rights changed the original Constitution into a new charter under which no branch of government could abridge the people's freedoms of press, speech, religion and assembly.

"Perversion of history"

Yet the Solicitor General argues and some members of the Court appear to agree that the general powers of the Government adopted in the original Constitution should be interpreted to limit and restrict the specific and emphatic guarantees of the Bill of Rights adopted later. I can imagine no greater perversion of history. Madison and the other framers of the First Amendment, able men that they were, wrote in language they earnestly believed could never be misunderstood: Congress shall make no law . . . abridging the freedom of the press." Both the history and language of the First Amendment support the view that the press must be left free to publish news, whatever the source, without censorship, injunctions or prior restraints.

In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government. The press was protected so that it could bare the secrets of government and inform the people. Only a free and unrestrained press can effectively expose deception in government. And paramount among the responsibilities of a free press is the duty to prevent any part of the Government from deceiving the people and sending them off to distant lands to die of foreign fevers and foreign shot and shell. In my view, far from deserving condemnation for their courageous reporting, The New York Times, The Washington Post and other newspapers should be commended for serving the purpose that the Founding Fathers saw so clearly. In revealing the workings of government that led to the Vietnam war, the newspapers nobly did precisely that which the founders hoped and trusted they would do.

The Government's case here is based on premises entirely different from those that guided the framers of the First Amendment. The Solicitor General has carefully and emphatically stated:

"Now, Mr. Justice [Black], your construction of . . . [the First Amendment] is well known, and I certainly respect it. You say that no law means no law, and that should be obvious. I can only say, Mr. Justice, that to me it is equally obvious that 'no law,' and I would seek to persuade the Court that that is true . . . [t]here are other parts of the Constitution that grant power and responsibilities to the executive end . . . the First Amendment was not intended to make it impossible for the executive to function or to protect the security of the United States."

GOVERNMENT STAND REBUTTED

And the Government argues in its brief that in spite of the First Amendment, "the authority of the executive department to protect the nation against publication of information whose disclosure would endanger the national security stems from two interrelated sources: the constitutional power of the President over the conduct of foreign affairs and his authority as Commander in Chief."

In other words, we are asked to hold that

despite the First Amendment's emphatic command, the executive branch, the Congress and the judiciary can make laws enjoining publication of current news and abridging freedom of the press in the name of "national security." The Government does not even attempt to rely on an act of Congress. Instead it makes the bold and dangerously far-reaching contention that the courts should take it upon themselves to "make" a law abridging freedom of the press in the name of equity, Presidential power and national security, even when the representatives of the people in Congress have adhered to the command of the First Amendment and refused to make such a law. See concurring opinion of Mr. Justice Douglas, Post.

To find that the President has "inherent power" to halt the publication of news by resort to the courts would wipe out the First Amendment and destroy the fundamental liberty and security of the very people the Government hopes to make "secure." No one can read the history of the adoption of the First Amendment without being convinced beyond any doubt that it was injunctions like those sought here that Madison and his collaborators intended to outlaw in this nation for all time.

The word "security" is a broad, vague generality whose contours should not be invoked to abrogate the fundamental law embodied in the First Amendment. The guarding of military and diplomatic secrets at the expense of informed representative government provides no real security for our Republic.

The framers of the First Amendment, fully aware of both the need to defend a new nation and the abuses of the English and colonial Governments, sought to give this new society strength and security by providing that freedom of speech, press, religion and assembly should not be abridged. This thought was eloquently expressed in 1937 by Mr. Chief Justice Hughes—great man and great Chief Justice that he was—when the Court held a man could not be punished for attending a meeting run by Communists.

"The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional r'ghts of free speech, free press and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government."

Mr. Justice White, with whom Mr. Justice Stewart joins, concurring:

I concur in today's judgments, but only because of the concededly extraordinary protection against prior restraints enjoyed by the press under our constitutional system. I do not say that in no circumstances would the First Amendment permit an injunction against publishing information about Government plans or operations. Nor, after examining the materials the Government characterizes as the most sensitive and destructive, can I deny that revelation of these documents will do substantial damage to public interests. Indeed, I am confident that their disclosure will have that result. But I nevertheless agree that the United States has not satisfied the very heavy burden which it must meet to warrant an injunction against publication in these cases, at least in the absence of express and appropriately limited Congressional authorization for prior restraints in circumstances such as these.

The Government's position is simply stated: The responsibility of the executive for the conduct of the foreign affairs and for the security of the nation is so basic that the President is entitled to an injunction against publication of a newspaper story whenever he can convince a court that the information to be revealed threatens "grave and irreparable" injury to the public interest; and the injunction should issue whether or not the material to be published is classified, whether or not publication would be lawful under relevant criminal statutes enacted by Congress and regardless of the circumstances by which the newspaper came into possession of the information.

At least in the absence of legislation by Congress, based on its own investigations and findings, I am quite unable to agree that the inherent powers of the executive and the courts reach so far as to authorize remedies having such sweeping potential for inhibiting publications by the press. Much of the difficulty inheres in the "grave and irreparable danger" standard suggested by the United States. If the United States were to have judgment under such a standard in these cases, our decision would be of little guidance to other courts in other cases, for the material at issue here would not be available from the Court's opinion or from public records, nor would it be published by the press. Indeed, even today where we hold that the United States has not met its burden, the material remains sealed in court records and it is properly not discussed in today's opinions. Moreover, because the material poses substantial dangers to national interests and because of the hazards of criminal sanctions, a responsible press may choose never to publish the more sensitive materials. To sustain the Government in these cases would start the courts down a long and hazardous road that I am not willing to travel, at least without Congressional guidance and direction.

"Not easy to deny relief"

It is not easy to reject the proportion urged by the United States and to deny relief on its good-faith claims in these cases that publication will work serious damage to the country. But that discomfiture is considerable dispelled by the infrequency of prior restraint cases. Normally, publication will occur and the damage be done before the Government has either opportunity or grounds for suppression. So here, publication has already begun and a substantial part of the threatened damage has already occurred. The fact of a massive breakdown in security is known, access to the documentary by many unauthorized people is undeniable and efficacy of equitable relief against these or other newspapers to avert anticipated damage is doubtful at best.

What is more, terminating the ban on publication of the relatively few sensitive documents the Government now seeks to suppress does not mean that the law either requires or invites newspapers or others to publish them or that they will be immune from criminal action if they do. Prior restraints require an unusually heavy justification under the First Amendment; but failure by the Government to justify prior restraints does not measure its constitutional entitlement to a conviction for criminal publication. That the Government mistakenly chose to proceed by injunction does not mean that it could not successfully proceed in another way.

When the Espionage Act was under consideration in 1917, Congress eliminated from the bill a provision that would have given the President broad powers in time of war to proscribe, under threat of criminal penalty, the publication of various categories of information related to the national defense. Congress at that time was unwilling to clothe the President with such far-reaching powers to monitor the press, and those opposed to this part of the legislation assumed that a necessary concomitant of such power was the power to "filter out the news to the people through some man." 55 Cong. Rec. 2008 (1917) (remarks of Senator Ashurst). However, these same members of Congress appeared to have little doubt that newspapers would be subject to criminal prosecution if they insisted on publishing information of the type Congress had itself determined should not be revealed. Senator Ashurst, for example, was quite sure that the editor of such a newspaper "should be punished if he did publish information as to the movements of the fleet, the troops, the aircraft, the location of powder factories, the location of defense works and all that sort of thing." 55 Cong. Rec. 2009 (1917).

The Criminal Code contains numerous provisions potentially relevant to these cases. Section 797 makes it a crime to publish certain photographs or drawings of military installations. Section 798, also in precise language, proscribes knowing and willful publications of any classified information concerning the cryptographic systems or communication intelligence activities of the United States as well as any information obtained from communication intelligence operations. If any of the material here at issue is of this nature, the newspapers are presumably now on full notice of the position of the United States and must face the consequences if they publish. I would have no difficulty in sustaining convictions under these sections on facts that would not justify the intervention of equity and the imposition of a prior restraint.

UNDER "A WIDER NET"

The same would be true under those sections of the Criminal Code casting a wider net to protect the national defense. Section 798 (e) makes it a criminal act for any unauthorized possessor of a document "relating to national defense" either (1) willfully to communicate or cause to be communicated that document to any person not entitled to receive it or (2) willfully to retain the document and fail to deliver it to an officer of the United States entitled to receive it. The subsection was added in 1950 because pre-existing law provided no penalty for the unauthorized possessor unless demand for the documents was made. "The dangers surrounding the unauthorized possession of such items are self-evident, and it is deemed advisable to require their surrender in such a case, regardless of demand, especially since their unauthorized possession may be unknown to the authorities who would otherwise make the demand." S. Rep. No. 2369, 81st Cong., 2d Sess., 9 (1950). Of course, in the cases before us, the unpublished documents have been demanded by the United States and their import has been made known at least to counsel for the newspapers involved. In Gorin v. United States, 312 U.S. 19, 28 (1941), the words "national defense" as used in a predecessor of Sec. 793 were held by a unanimous court to have "a well-understood connotation"—a "generic concept of broad connotations, referring to the military and naval establishments and the related activities of national preparedness"—and to be "sufficiently definite to apprise the public of prohibited activities" and to be consonant with due process. 312 U.S., at 28. Also, as construed by the Court in Gorin, information "connected with the national defense" is obviously not limited to that threatening "grave and irreparable" injury to the United States.

It is thus clear that Congress has addressed itself to the problems of protecting the security of the country and the national defense from unauthorized disclosure of potentially damaging information. Cf. Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 585–586 (1952): see also id., at 593–628 (Frankfurter, J., concurring). It has not, however, authorized the injunctive remedy against threatened publication. It has apparently been satisfied to rely on criminal sanctions and their deterrent effect on the responsible as well as the irresponsible press. I am not, of course, saying that either of these newspapers has yet committed a crime or that either would commit a crime if they

published all the material now in their possession. That matter must await resolution in the context of a criminal proceeding if one is instituted by the United States. In that event, the issue of guilt or innocence would be determined by procedures and standards quite different from those that have purported to govern these injunctive proceedings.

DISSENTS

Mr. Chief Justice Burger, dissenting:

So clear are the constitutional limitations on prior restraint against expression, that from the time of Near v. Minnesota, 283 U.S. 697 (1931), until recently in Organization for a Better Austin v. Keefe, (1971), we have had little occasion to be concerned with cases involving prior restraints against news reporting on matters of public interest. There is, therefore, little variation among the members of the Court in terms of resistance to prior restraints against publication. Adherence to this basic constitutional principle, however, does not make this case a simple one. In this case, the imperative of a free and unfettered press comes into collision with another imperative, the effective functioning of a complex modern government, and specifically the effective exercise of certain constitutional powers of the executive. Only those who view the First Amendment as an absolute in all circumstances—a view I respect, but reject—can find such a case as this to be simple or easy.

This case is not simple for another and more immediate reason. We do not know the facts of the case. No District Judge knew all the facts. No Court of Appeals Judge knew all the facts. No member of this Court knows all the facts.

Why are we in this posture, in which only those judges to whom the First Amendment is absolute and permits of no restraint in any circumstances or for any reason, are really in a position to act?

I suggest we are in this posture because these cases have been conducted in unseemly haste. Mr. Justice Harlan covers the chronology of events demonstrating the hectic pressures under which these cases have been processed and I need not restate them. The prompt setting of these cases reflects our universal abhorrence of prior restraint. But prompt judicial action does not mean unjudicial haste.

Here, moreover, the frenetic haste is due in large part to the manner in which The Times proceeded from the date it obtained the purloined documents. It seems reasonably clear now that the haste precluded reasonable and deliberate judicial treatment of these cases and was not warranted. The precipitous action of this court aborting a trial not yet completed is not the kind of judicial conduct which ought to attend the disposition of a great issue.

"The public right to know"

The newspapers make a derivative claim under the First Amendment: they denominate this right as the public right to know; by implication, The Times asserts a sole trusteeship of that right by virtue of its journalist "scoop." The right is asserted as an absolute. Of course, the First Amendment right itself is not an absolute, as Justice Holmes so long ago pointed out in his aphorism concerning the right to shout of fire in a crowded theater. There are other exceptions, some of which Chief Justice Hughes mentioned by way of example in Near v. Minnesota. There are no doubt other exceptions no one has had occasion to describe or discuss. Conceivably such exceptions may be lurking in these cases and would have been flushed had they been properly considered in the trial courts, free from unwarranted deadlines and frenetic pressures.

A great issue of this kind should be tried in a judicial atmosphere conducive to thoughtful, reflective deliberation, especially when haste, in terms of hours, is unwarranted in light of the long period. The Times, by its own choice, deferred publication.

It is not disputed that The Times has had unauthorized possession of the documents for three to four months, during which it has had its expert analysts studying them, presumably digesting them and preparing the material for publication. During all of this time, The Times, presumably in its capacity as trustee of the public's "right to know," has held up publication for purposes it considered proper and thus public knowledge was delayed. No doubt this was for a good reason, the analysis of 7,000 pages of complex material drawn from a vastly greater volume of material would inevitably take time and the writing of good news stories takes time.

But why should the United States Government, from whom this information was illegally acquired by someone along with all the counsel, trial judges, and appellate judges by placed under needless pressure? After these months of deferral, the alleged right to know has somehow and suddenly become a right that must be vindicated instanter.

Would it have been unreasonable, since the newspaper could anticipate the Government's objections to release of secret material, to give the Government an opportunity to review the entire collection and determine whether agreement could be reached on publication? Stolen or not, if security was not in fact jeopardized, much of the material could no doubt have been declassified, since it spans a period ending in 1968.

"Duty of honorable press"

With such an approach—one that great newspapers have in the past practiced and stated editorially to be the duty of honorable press—the newspapers and Government might well have narrowed the area of disagreement as to what was and was not publishable, leaving the remainder to be resolved in orderly litigation if necessary. To me it is hardly believable that a newspaper long regarded as a great institution in American life would fail to perform one of the basic and simple duties of every citizen with respect to the discovery or possession of stolen property or secret Government documents. That duty, I had thought—perhaps naively—was to report forthwith, to responsible public officers. This duty rests on taxi drivers, justices and The New York Times. The course followed by The Times, whether so calculated or not, removed any possibility of orderly litigation of the issues. If the action of the judges up to now has been correct, that result is sheer happenstance.

Our grant of the writ before final judgment in The Times case aborted the trial in the District Court before it had made a complete record pursuant to the mandate of the Court of Appeals, Second Circuit.

The consequences of all this melancholy series of events is that we literally do not know what we are acting on. As I see it we have been forced to deal with litigation concerning rights of great magnitude without an adequate record, and surely without time for adequate treatment either in the prior proceedings or in this court. It is interesting to note that counsel in oral argument before this Court were frequently unable to respond to questions on factual points. Not surprisingly they pointed out that they had been working literally "around the clock" and simply were unable to review the documents that give rise to these cases and were not familiar with them. This Court is in no better posture. I agree with Mr. Justice Harlan and Mrs. Justice Blackmun but I am not prepared to reach the merits.

I would affirm the Court of Appeals for the Second Circuit and allow the District Court to complete the trial aborted by our grant of certiorari, meanwhile preserving the status quo in The Post case. I would direct that the District Court on remand give priority to The Times case to the exclusion of all other business of that court but I would not set arbitrary deadlines.

I should add that I am in general agreement with much of what Mr. Justice White has expressed with respect to penal sanctions concerning communication or retention of documents or information relating to the national defense.

We all crave speedier judicial processes, but when judges are pressured as in these cases the result is a parody of the judicial process.

Mr. Justice Harlan, with whom the Chief Justice and Mr. Justice Blackmun join, dissenting:

These cases forcefully call to mind the wise admonition of Mr. Justice Holmes, dissenting in Northern Securities Co. v. United States, 193 U.S. 197, 400–401 (1904):

"Great cases like hard cases make bad law. For great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment. These immediate interests exercise a kind of hydraulic pressure which makes what previously was clear seem doubtful, and before which even well settled principles of law will bend."

With all respect, I consider that the Court has been almost irresponsibly feverish in dealing with these cases.

Both the Court of Appeals for the Second Circuit and the Court of Appeals for the District of Columbia Circuit rendered judgment on June 23. The New York Times' petition for certiorari, its motion for accelerated consideration thereof, and its application for interim relief were filed in this Court on June 24 at about 11 A.M The application of the United States for interim relief in The Post case was also filed here on June 24, at about 7:15 P.M. This Court's order setting a hearing before us on June 26 at 11 A.M., a course which I joined only to avoid the possibility of even more peremptory action by the Court, was issued less than 24 hours before. The record in The Post case was filed with the clerk shortly before 1 P.M. on June 25; the record in The Times case did not arrive until 7 or 8 o'clock that same night. The briefs of the parties were received less than two hours before argument on June 26.

This frenzied train of events took place in the name of the presumption against prior restraints created by the First Amendment. Due regard for the extraordinarily important and difficult questions involved in these litigations should have led the Court to shun such a precipitate timetable. In order to decide the merits of these cases properly, some or all of the following questions should have been faced:

1. Whether the Attorney General is authorized to bring these suits in the name of the United States. Compare In Re Debs, 158 U.S. 564 (1895), with Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 479 (1952). This question involves as well the construction and validity of a singularly opaque statute—the Espionage Act, 18 U.S.C. Section 793(e).

2. Whether the First Amendment permits the Federal Courts to enjoin publication of stories which would present a serious threat to national security. See Near v. Minnesota, 283 U.S. 697, 716 (1931) (dictum).

3. Whether the threat to publish highly secret documents is of itself a sufficient implication of national security to justify an injunction on the theory that regardless of the contents of the documents harm enough results simply from the demonstration of such a breach of secrecy.

4. Whether the unauthorized disclosure of any of these particular documents would seriously impair the national security.

5. What weight should be given to the opinion of high officers in the executive branch of the Government with respect to questions 3 and 4.

6. Whether the newspapers are entitled to retain and use the documents notwithstanding the seemingly uncontested facts that the documents, or the original of which they are duplicates, were purloined from the Government's possession and that the newspapers received them with the knowledge that they had been feloniously acquired. Cf. Liberty Lobby, Inc., v. Pearson, 390 F. 2d 489 (CADC 1968).

7. Whether the threatened harm to the national security or the Government's possessory interest in the documents justifies the issuance of an injunction against publication in light of—

A. The strong First Amendment policy against prior restraints on publication;

B. The doctrine against enjoining conduct in violation of criminal statutes; and

C. The extent to which the materials at issue have apparently already been otherwise disseminated.

"Difficult questions of fact law"

These are difficult questions of fact, of law and of judgment; the potential consequences of erroneous decision are enormous. The time which has been available to us, to the lower courts and to the parties has been wholly inadequate for giving these cases the kind of consideration they deserve. It is a reflection on the stability of the judicial process that these great issues—as important as any that have arisen during my time on the Court—should have have been decided under the pressures engendered by the torrent of publicity that has attended these litigations from their inception.

Forced as I am to reach the merits of these cases, I dissent from the opinion and judgments of the Court. Within the severe limitations imposed by the time constraints under which I have been required to operate, I can only state my reasons in telescoped form, even though in different circumstances I would have felt constrained to deal with the cases in the fuller sweep indicated above.

It is a sufficient basis for affirming the Court of Appeals for the Second Circuit in The Times litigation to observe that its order must rest on the conclusion that because of the time elements the Government had not been given an adequate opportunity to present its case to the District Court. At the least this conclusion was not an abuse of discretion.

In The Post litigation the Government had more time to prepare; this was apparently the basis for the refusal of the Court of Appeals for the District of Columbia Circuit on rehearing to conform its judgment to that of the Second Circuit. But I think there is another and more fundamental reason why this judgment cannot stand—a reason which also furnishes an additional ground for not reinstating the judgment of the district court in The Times litigation, set aside by the Court of Appeals. It is plain to me that the scope of the judicial function in passing upon the activities of the executive branch of the Government in the field of foreign affairs is very narrowly restricted. This view is, I think, dictated by the concept of separation of powers upon which our constitutional system rests.

In a speech on the floor of the House of Representatives, Chief Justice John Marshall, then a member of that body, stated:

"The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations." Annals, 6th Cong., Col. 613 (1800).

From that time, shortly after the founding of the nation, to this, there has been no substantial challenge to this description of the scope of executive power. See United States v. Curtiss-Wright Export Corp., 299 U.S. 304, 319–321 (1936), collecting authorities.

From this constitutional primacy in the field of foreign affairs, it seems to me that certain conclusions necessarily follow. Some of these were stated concisely by President Washington, declining the request of the House of Representatives for the papers leading up to the negotiation of the Jay Treaty:

"The nature of foreign negotiations requires caution, and their success must often depend on secrecy; and even when brought to a conclusion a full disclosure of all the measures, demands, or eventual concessions which may have been proposed or contemplated would be extremely impolitic; for this might have a pernicious influence on future negotiations, or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers." J. Richardson, "Messages and Papers of the Presidents" 194–195 (1899).

NEED FOR JUDICIAL REVIEW SEEN

The power to evaluate the "pernicious influence" of premature disclosure is not, however, lodged in the executive alone. I agree that, in performance of its duty to protect the values of the First Amendment against political pressures, the judiciary must review the initial executive determination to the point of satisfying itself that the subject matter of the dispute does lie within the proper compass of the President's foreign relations power. Constitutional considerations forbid "a complete abandonment of judicial control." Cf. United States v. Reynolds, 345 U.S. 1, 8 (1953). Moreover, the judiciary may properly insist that the determination that disclosure of the subject matter would irreparably impair the national security be made by the head of the executive department concerned—here the Secretary of State or the Secretary of Defense—after actual personal consideration by that office. This safeguard is required in the analogous area of executive claims of privilege for secrets of state. See United States v. Reynolds, supra, at 8 and N. 20; Duncan v. Cammell, Laird & Co., (1942) A. C. 624, 638 (House of Lords).

But in my judgment the judiciary may not properly go beyond these two inquiries and redetermine for itself the probable impact of disclosure on the national security.

"The very nature of executive decisions as to foreign policy is political, not judicial. Such decisions are wholly confided by our Constitution to the political departments of the Government, executive and legislative. They are delicate, complex, and involve large elements of prophecy. They are and should be undertaken only by those directly responsible to the people whose welfare they advance or imperil. They are decisions of a kind for which the judiciary has neither aptitude, facilities nor responsibility and which has long been held to belong in the domain of political power not subject to judicial intrusion or inquiry." Chicago & Southern Air Lines v. Waterman Steamship Corp., 333 U.S. 103, 111 (1948) (Jackson, J.).

Even if there is some room for the judiciary to override the executive determination, it is plain that the scope of review must be exceedingly narrow. I can see no indication in the opinions of either the District Court or the Court of Appeals in The Post litigation that the conclusions of the executive were given even the deference owing to an administrative agency, much less that owing to a coequal constitutional prerogative.

Accordingly, I would vacate the judgment of the Court of Appeals for the District of Columbia Circuit on this ground and remand the case for further proceedings in the District Court. Before the commencement of such further proceedings, due opportunity should be afforded the Government for procuring from the Secretary of State or the Secretary of Defense or both an expression of their views on the issue of national security. The ensuing review by the District Court should be in accordance with the views expressed in this opinion. And for the reasons stated above I would affirm the judgment of the Court of Appeals for the Second Circuit.

Pending further hearings in each case or delay, by restraint or otherwise, was abhorrent and was to be deemd violative of the First Amendment and of the public's "right immediately to know." Yet that newspaper stood before us at oral argument and professed criticism of the Government for not lodging its protest earlier than by a Monday telegram following the initial Sunday publication.

The District of Columbia case is much the same.

Seemingly, from then on, every deferral conducted under the appropriate ground rules, I would continue the restraints on publication. I cannot believe that the doctrine prohibiting prior restraints reaches to the point of preventing courts from maintaining the status quo long enough to act responsibly in matters of such national importance as those involved here.

Mr. Justice Blackmun:

I join Mr. Justice Harlan in his dissent. I also am in substantial accord with much that Mr. Justice White says, by way of admonition, in the latter part of his opinion.

At this point the focus is on only the comparatively few documents specified by the Government as critical. So far as the other material—vast in amount—is concerned, let it be published and published forthwith if the newspapers, once the strain is gone and the sensationalism is eased, still feel the urge so to do.

But we are concerned here with the few documents specified from the 47 volumes. Almost 70 years ago Mr. Justice Holmes, dissenting in a celebrated case, observed:

"Great cases like hard cases make bad law. For great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment. These immediate interests exercise a kind of hydraulic pressure. . . ." Northern Securities Co. v. United States, 193 U.S. 197, 400-401 (1904).

The present cases, if not great, are at least unusual in their posture and implications, and the Holmes observation certainly has pertinent application.

The New York Times clandestinely devoted a period of three months examining the 47 volumes that came into its unauthorized possession. Once it had begun publication of material from those volumes, the New York case now before us emerged. It immediately assumed, and ever since has maintained, a frenetic pace and character. Seemingly, once publication started, the material could not be made public fast enough.

PRESSED INTO HURRIED DECISION

Two Federal District Courts, two United States Courts of Appeals, and this Court—within a period of less than three weeks from inception until today—have been pressed into hurried decision of profound constitutional issues on inadequately developed and largely assumed facts without the careful deliberation that, hopefully, should characterize the American judicial process. There has been much writing about the law and little knowledge and less digestion of the facts. In the New York case the judges, both trial and appellate, had not yet examined the basic material when the case was brought here. In the District of Columbia case, little more was done, and what was accomplished in this respect was only on required remand, with The Washington Post, on the excuse that it was trying to protect its source of information, initially refusing to reveal what material it actually possessed, and with the District Court forced to make assumptions as to that possession.

With such respect as may be due to the contrary view, this, in my opinion, is not the way to try a lawsuit of this magnitude

and asserted importance. It is not the way for Federal Courts to adjudicate, and to be required to adjudicate, issues that allegedly concern the nation's vital welfare. The country would be none the worse off were the cases tried quickly, to be sure, but in the customary and properly deliberative manner. The most recent of the material, it is said, dates no later than 1968, already about three years ago, and The Times itself took three months to formulate its plan of procedure and, thus, deprived its public for that period.

The First Amendment, after all, is only one part of an entire Constitution. Article II of the great document vests in the executive branch primary power over the conduct of foreign affairs and places in that branch the responsibility for the nation's safety.

Each provision of the Constitution is important, and I cannot subscribe to a doctrine of unlimited absolutism for the First Amendment at the cost of downgrading other provisions.

First Amendment absolutism has never commanded a majority of this court. See, for example, Near v. Minnesota, 283 U.S. 697, 708 (1931), and Schenck v. United States, 249 U.S. 47, 52 (1919). What is needed here is a weighing, upon properly developed standards, of the broad right of the press to print and of the very narrow right of the Government to prevent. Such standards are not yet developed. The parties here are in disagreement as to what those standards should be. But even the newspapers concede that there are situations where restraint is in order and is constitutional. Mr. Justice Holmes gave us a suggestion when he said in Schenck:

"It is a question of proximity and degree. When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no court could regard them as protected by any constitutional right." 249 U.S., at 52.

"Better quality" of presentation

I therefore would remand these cases to be developed expeditiously, of course, but on a schedule permitting the orderly presentation of evidence from both sides, with the use of discovery, if necessary, as authorized by the rules, and with the preparation of briefs, oral argument and court opinions of a quality better than has been seen to this point. In making this last statement, I criticize no lawyer or judge. I know from past personal experience the agony of time pressure in the preparation of litigation. But these cases and the issues involved and the courts, including this one, deserve better than has been produced thus far.

It may well be that if these cases were allowed to develop as they should be developed, and to be tried as lawyers should try them and as courts should hear them, free of pressure and panic and sensationalism, other light would be shed on the situation and contrary considerations, for me, might prevail. But that is not the present posture of the litigation.

The Court, however, decides the cases today the other way. I therefore add one final comment.

I strongly urge, and sincerely hope, that these two newspapers will be fully aware of their ultimate responsibilities to the United States of America. Judge Wilkey, dissenting in the District of Columbia case, after a review of only the affidavits before this Court, (the basic papers had not then been made available by either party), concluded that there were a number of examples of documents that, if in the possession of The Post, and if published, "could clearly result in great harm to the nation," and he defined "harm" to mean "the death of soldiers, and destruction of alliances, the greatly increased difficulty of negotiation with our enemies, the inability of our diplomats to negotiate. . . ." I, for one, have now been able to give at least some cursory study not only to the affidavits, but to the material itself. I regret to say that from this examination I fear that Judge Wilkey's statements have possible foundation. I therefore share his concern. I hope that damage already has not been done.

If, however, damage has been done, and if, with the Court's action today, these newspapers proceed to publish the critical documents and there results therefrom "the death of soldiers, the destruction of alliances, the greatly increased difficulty of negotiation with our enemies, the inability of our diplomats to negotiate," to which list I might add the factors of prolongation of the war and of further delay in the freeing of United States prisoners, then the nation's people will know where the responsibility for these sad consequences rests.

TAX-EXEMPT EDUCATION: THE NEW DOUBLE STANDARD

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. RARICK. Mr. Speaker, the U.S. Supreme Court was not alone in the judicial gymnastics to destroy quality education this week.

The U.S. Court of Appeals here in the District of Columbia continued the judicial persecution of Mississippians by deciding to order the Internal Revenue Service to forbid tax-exempt status to private schools as well as deny deductions for income tax purposes to gifts and contributions to such private schools which practice racial discrimination.

In their bizarre decision, these Federal judges felt it was necessary to judicially amend the U.S. Constitution because, "there is a declared Federal policy against support for racial discrimination in education." Many Americans have long been suspicious that some of our Federal judges had already left the Constitution, but this was one of the first judicial confessions that the laws of Congress and the tax case laws were being whipped into line merely to conform with "Federal policy." This recent decision should convince any doubters.

While private educational facilities established and paid for by the working people of America are denied equal protection of the laws, many other tax-free organizations of far more dubious character and quality are permitted to continue with favored tax breaks. For example, the Council on Abortion Research and Education, Inc., of New York City, solicits financial support and advises its donors "all contributions are tax deductible." It could be that abortion education is allowed to continue tax-exempt because "there is a declared Federal policy" to destroy unborn infant children, or because the abortion movement does not practice racial discrimination. It would rather see unborn babies of both races exterminated than to see the parents of one race have a tax break to educate their children in the culture and tradition of their ancestors.

Yet, at the same time the Federal judges forbid tax exemption to private schools, OEO announces a $240,773 grant to fund a sterilization project in Tennessee, under the control of the Planned Parenthood Association—which is a nonprofit, tax-exempt, contribution-deductible organization supposedly dedicated to education. Noteworthy, the reported sterilization project is racial and discriminatory—for the announcement is "free voluntary sterilization operations to poor whites in Appalachia." Blacks are reportedly not regarded as mentally conditioned to be ready for sterilization because they are hung up on such practices and regard them as "genocide" by whites against blacks. Yet, this discriminatory educational project is not only subcontracted to a tax-free organization, it is taxpayer subsidized.

And yet another flagrant violation of tax-free benefits to private organizations which practice discrimination is reported this week from an activist civil rights front which calls itself the United Church of Christ—for tax favoritism no doubt.

This church not only announces its approval of lifting all legal restrictions against abortions and has named itself as the promoter of an antiwhite foreign policy, but clearly violates the recent Mississippi ruling on tax preferential status by voting a $10 million emergency fund to support several southern colleges which are engaged in educating Negroes.

Indeed, the recent Federal court rulings both by the Supreme Court in the Lemon case and the court of appeals in the Mississippi case establish and promote a strange double standard in the field of education as to who is and who is not under the "declared Federal policy against support for racial discrimination in education." As matters now stand, the court ruling and the Internal Revenue Service favoritsm in tax breaks favor those who are opposed to quality education and discriminate against the children who are trying to use their freedom to obtain a quality education.

And out of all this, the attitude of the Treasury Department or the IRS bureaucrats is that they cannot assert their personal morals as a standard of conduct to determine who is or who is not in the field of education. That is, unless the education is in a private school and for white children.

The related newsclippings follow:

[From the Washington Evening Star, June 30, 1971]

SEGREGATED SCHOOLS LOSE TAX BREAK

(By Barry Kalb)

A three-judge federal panel ruled today that segregated private schools in Mississippi, and contributors to those schools, may not receive federal tax exemptions.

The ruling by U.S. Court of Appeals Judge Harold Leventhal and U.S. District Court Judges Joseph C. Waddy and John H. Pratt noted that in July the Internal Revenue Service announced that it "can no longer legally justify allowing tax-exempt status to private schools which practice racial discrimination, nor can it treat gifts to such schools as charitable deductions for income tax purposes."

COURT RULING NEEDED

But the judges concluded that a court ruling was necessary, too, to make sure the IRS would not in the future change its mind.

The court ruled that such private schools are not entitled to the federal tax exemptions normally provided for "charitable, educational institutions," because "there is a declared federal policy against support for racial discrimination in education."

The opinion noted that parents may not be stopped "from sending their children to segregated private schools at their own expense," but ruled that such parents may not receive any special benefits in doing so.

SCHOOLS INSTRUCTED

No private school in Mississippi may receive tax exemptions unless the school has prominently advertised in advance that it practices "a racially non-discriminatory policy as to students," the court said.

The court ordered all Mississippi private schools wishing a tax exemption to provide to the IRS full information on such things as the racial composition of the student body and faculty and administration, the amount of scholarships and loan funds available and the racial composition of students who have received such awards.

[From the Washington Evening Star, June 30, 1971]

UNITED STATES TO OFFER STERILIZATION IN APPALACHIA

(By Betty James)

The federal government will finance a pilot project offering free voluntary sterilization operations to poor whites in Appalachia.

The Office of Economic Opportunity, last month announced a policy change permitting the use of federal antipoverty funds for sterilization operations for men and women. Until then, OEO had confined its family planning program to contraception.

OEO's pilot project will be in the Tennessee hills, where the Anderson County Community Action Commission, a grassroots antipoverty agency, will receive a special, two-year grant of $240,773 for the effort.

A Planned Parenthood Association affiliate will conduct the program under a subcontract. It is designed to serve 150 men and 150 women.

In announcing the new policy, OEO observed that a recent, nationwide program management survey revealed that 80 percent of OEO-funded programs reported a growing demand for sterilization among both men and women.

On the part of the black community at this time, however, the demand may be small. Studies have indicated that sterilization isn't widely accepted in the black community, and some black leaders have charged in the past that programs advocating contraception were "genocide" by whites against blacks.

Dr. Warren M. Hern, chief of the program development and evaluation branch of OEO's family planning division, said one Harlem study showed negative attitudes toward sterilization among black women, as compared to what he described as "very positive attitudes" among Puerto Rican women.

Sterilization is very popular in Puerto Rico, where about a third of all women of childbearing age have been sterilized, he said.

Contraception, on the other hand, has been "extremely popular" among black women, although it has met with hostility from black men, he said.

There will be no relationship between the number of children in a family and eligibility for sterilization under OEO's policy, Dr. Hern said. However, the policy should be applied within reasonable limits, he observed. For example, a 16-year-old with no children would be considered an unlikely candidate unless the family had a heriditary disease, he said.

The Tennessee project was carefully developed over a period of time, Dr. Hern said. An extensive family planning program exclusive of sterilization already is functioning there, he said.

The pilot project in Tennessee will help OEO learn about the logistics of running such a program. Dr. Herns said. It will be an opening wedge for other community programs, he said.

OEO will pay the full cost of the operation for those not eligible for other public funds, but officials hope to determine whether funds already available can't be used for this program, too.

Now that OEO has reversed its earlier prohibition, family planning and community action agencies can include requests for sterilization money in their regular budget presentations to OEO regional offices.

[From the Washington Evening Star, June 30, 1971]

UNITED CHURCH OF CHRIST FIGHTS AFRICAN RACISM

(By William Willoughby)

GRAND RAPIDS, MICH.—The United Church of Christ has urged U.S. corporations operating in the South African subcontinent to withdraw from countries there "if their activities appear to strengthen colonial or racist oppression rather than change it."

A resolution passed yesterday by the eighth General Synod of the 2 million member church also called on the churches and their corporate agencies to use their various resources, including the leverage of their investments and stock ownership powers, "to develop vigorous policies and practices in employment, compensation, public relations attitudes and business operations which will challenge repressive and unjust conditions."

The church listed 350 firms represented in southern Africa; the heaviest concentration is in the Republic of South Africa.

ABORTION STAND LIBERAL

In other action yesterday on the closing day of the synod, the church also authorized a stand on abortions which would lift all legal restrictions against abortions when the arrangements are made between a woman and a competent physician. It was the most liberal abortion statement by any denomination thus far.

The resolutions on Southern Africa urged the U.S. government to seek new ways to press for racial justice in Southern Africa and called for a general discouragement of tourism to Portugal and to the Republic of South Africa. Portugal controls Angola, north of the Republic of South Africa.

It also urged the United States and her NATO allies to refrain from sales of arms to South Africa or Portugal.

SUGAR QUOTA CITED

In addition, it asked the United States to end any military, diplomatic and economic practices and policies which support minority rule and colonialism. Singled out was the preferential sugar quota arrangement the United States has with the Republic of South Africa.

In another resolution, the Synod called for a "fair and impartial trial" by a jury of her peers for Angela Davis, held as an accomplice in the murder of a judge in California.

The church also voted a $10 million emergency fund, most to go to support several Southern colleges principally educating Negroes.

[From the Washington Post, July 1, 1971]

JUDGES TIGHTEN PRIVATE SCHOOL TAX RULES

(By Peter Milius)

A three-judge federal panel here ordered the government yesterday to tighten the standards under which it grants tax-exempt status to all-white private academies in Mississippi and elsewhere in the South.

The panel said the Internal Revenue Service was right last July when it reversed itself and announced it would begin denying and revoking tax exempt status to all-white tax-exempt status to private discrimination.

Since then, however, IRS generally has been taking schools at their word as to whether they discriminate, and the judges said that was not enough.

The ruling was written by Judge Harold Leventhal of the U.S. Circuit Court of Appeals for the District, for himself and Judges Joseph C. Waddy and John H. Pratt of the U.S. District Court.

It came in a suit filed in 1969 for five black families in Mississippi by the Lawyers Committee for Civil Rights Under Law.

The suit said tax-exempt status amounted to a federal subsidy for the private academies that are still being formed all across the South as white havens from desegregation.

Exempt status allows donors to deduct contributions to such schools before calculating federal income tax. It thus helps the schools raise funds for construction or expansion. (It does not apply to tuition payments, which in most such schools cover operating expenses.)

The Southern Regional Council estimated last school year that 500,000 white students were in segregated private schools in the South, up from 300,000 two years before.

The IRS, after announcing its new policy last year, asked the three judges to throw out the Mississippi suit as moot. But the plaintiffs described the policy as one of "paper compliance," and asked the panel to make IRS put teeth in it.

The test, they said, should be whether the schools actually had black students or teachers, not whether they simply said they would accept them.

The judges did not go that far.

They did, however, require that the schools publicize their nondiscriminatory policies prominently, and certify that they had done nothing "qualifying or negating (their) published statements."

They also told IRS not to grant exempt status to a school until it at least found out how many blacks it had as students, on its staff and on scholarship. IRS had not been asking for these figures.

The judges told the IRS to revoke the tax-exempt status of all Mississippi private schools that cannot meet these new standards in the next three months.

They also said they expect the new standards to be applied in other states where there is a "badge of doubt" about the private schools.

IRS had no comment yesterday on the judges' decision, which may be appealed.

THE U.S. POSTAL SERVICE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. PATTEN. Mr. Speaker, today the U.S. Postal Service officially begins operations. The significance of this date should not go unnoticed. The Ben Franklin era and the old Post Office Department has come to an end, and a new independent Postal Service comes into being, nurtured by the Postal Reorganization Act of 1970.

We all know the sad plight of the postal system as it has developed over the decades. The new Postal Service holds the promise of better service for the American people, and hopefully, better opportunities for the 750,000 postal employees.

While wishing the Service well as it embarks on the new postal era, I would

raise one note of caution. Postal operations will improve, but it will not be an overnight transformation. The problems resulting from the problems of many years cannot be solved with the wave of a legislative wand.

Postmaster General Blount assures, however, that improvements are being made at this very moment and will continue to be made. It is my hope that the Postal Service will be the kind of national utility, of which we can be proud

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POT, HORSE, AND THE QUEST FOR A GOOD SOCIETY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to bring to the attention of my colleagues a speech given on June 14 of this year, by my good friend and distinguished colleague, Representative LLOYD MEEDS of Washington. Mr. MEEDS was invited to speak at the annual meeting of the National Coordinating Council on Drug Abuse Education and Information, Inc.

He was honored at this meeting for his role as the main architect of the Drug Abuse Education Act of 1970, Public Law 91–527. As a cosponsor of this vital legislation, I extend to him my sincere congratulations. I would like to include in the RECORD at this point the text of his fine speech:

POT, HORSE, AND THE QUEST FOR A GOOD SOCIETY

(Speech by Congressman LLOYD MEEDS)

Thank you for your invitation and for your kindness. As I assume the podium, many of you must have in mind Ben Franklin's apt description: "Here comes the orator, with his flood of words, and his drop of reason."

For those of us who labor on the chicken-and-creamed peas circuit, there is always a kind of mental Alka-Seltzer in the following piece of doggerel:

"These dinner speeches tire me; they are
tedious, flat, and stale;
From a hundred thousand tables comes a
melancholy wail,
As a hundred thousand banqueters sit up
in evening dress
And salute each moldy chestnut with a
signal of distress."

There is nothing tedious, flat or stale about the controversy over marijuana. Here is a dispute guaranteed to raise public and congressional blood pressures, a fracas likely to inject research with polemics.

At first Congress had no doubts whatsoever, for in 1937 we classified marijuana as a narcotic. Our experts of that time argued that smoking pot turned Joe Citizen into a psychopathic criminal whose thumbs probably turned green, too. Federal law prescribed a felony for the simple offense of possession, and the states soon followed with criminal penalties equally severe if not downright brutal. In the state of Texas possession on the first offense is a felony punishable by 2 year to life. How a mandatory felony law can ruin a young person is described vividly by mystery writer John D. MacDonald in his book, *Dress Her In Indigo*. Writes Mr. MacDonald:

"Let's say a kid in Florida, a college kid eighteen years old, is picked up with a couple of joints on him. He is convicted of possession, which is an automatic felony, and is given a suspended sentence.

"What has he lost? The judge who imposes the sentence knows that the kid has lost the right to vote, the right to own a gun, the right to run for public office.

"He can never become a doctor, dentist, C.P.A., engineer, lawyer, architect, realtor, physical therapist, private detective, pharmacist, school teacher, barber, funeral director, masseur, or stock broker.

"He can never get a job where he has to be licensed or bonded. He can't work for the city, county, or federal government. He can't get into West Point, Annapolis, or the Air Force Academy."

What Mr. MacDonald did not say was that if the same youth had drunk a pint of J.T.S. Brown and then crashed a Woolworth window, he would be reprimanded, fined, but surely not reduced to a "non-person" in the eyes of the law and denied the pursuit of a career.

To be sure, Congress and the states have enacted severe punishments for marijuana possession as a means of fending off, or trying to avoid, real or imagined threats to our moral fibre and to our productivity. Yet I'm inclined to believe that severe pot penalties are mainly the product of self-deception compounded by popular myth.

What to do about marijuana illustrates perfectly the awesome difficulties confronting any modern legislature. How can an assembly of laymen write sensible laws for a society grown complex, grown ever more technical? Put another way, which experts are we to believe and which are we to shunt aside? What do we do when academicians present sophisticated yet contrary evidence on the supersonic transport, on the pending nuclear test in the Aleutians, and on marijuana?

Just in the last six weeks Congress has received two startling reports on pot. Our distinguished panelist, Dr. Lester Grinspoon of the Harvard Medical School, has written a scholarly and calm treatise disputing the myths of marijuana usage. On the other hand, Drs. Kolansky and Moore have documented a chilling history of 38 marijuana users in the April 19 issue of the *Journal of the American Medical Association*.

Congress needs help. To render a proper verdict on marijuana and on other complex, scientific issues, it must be willing to vote adequate appropriations for its own researc efforts and for outside investigations. To me it is a national scandal that federal support for basic research has declined in recent years. To me it is shocking that the House last week passed a $619 million authorization bill for the National Science Foundation and included only $26 million for research in the social sciences.

During the past decade it has become customary for Presidents and the Congress to attack social issues by appointing commissions. It has become equally customary for the commissions to issue startling reports which are then debated fiercely and finally ignored. "You must take the following steps", say the commissions. "We'll think about it carefully", replied Congress and the President.

I find this trend disturbing. Commissions are being used as a cop-out, not as a serious and enlightened call to action. We appoint the experts, study their findings, and go to sleep. I think it's about time we woke up and took a new look at old myths.

The commission technique has now been extended to marijuana. Last year the Congress chartered a Commission on Marijuana and Drug Abuse, ostensibly to study and report objectively on the aspects of pot and other illegal substances.

The nine men appointed by President Nixon to this alleged fact-finding body are a decent and well-balanced group. But you and I know that commission reports are written by the staff members. Well, it turns out that the Marijuana Commission is mandated to issue its findings by March of 1972. It turns out that the commission has only 15 employees, and only 2 of these have medical degrees. It turns out that 3 employees, including the executive director, were formerly with the Bureau of Narcotics and Dangerous Drugs.

The director, Mr. Michael Sonnenreich, has been quoted as saying that he could "write the report right now." His statement was followed by that of President Nixon. In response to questions at a May 1 news conference in California, Mr. Nixon said that, "I have such strong views that I will expresss them. I am against legalizing marijuana. Even if the Commission does recommend that it be legalized, I will not follow that recommendation."

Your speaker tonight is not asking that marijuana be declared safe and sane. I do ask that the Commission take a longer time to evaluate this highly-controversial topic and that it pay homage to objectivity. Marijuana is already a deep gulch in the credibility gap; poorly designed research can only reinforce hardened attitudes.

In the meantime, the scientific controversy over pot is forcing us to reexamine the criminal penalties for its possession.

I am disatisfied that the Comprehensive Drug Abuse Prevention and Control Act of 1970 puts pot into the same category, Schedule I, as heroin. I am even more unhappy with the large number of states which still maintain mandatory felony laws for possession. Such statutes either do great harm to youngsters, or they invite disrespect for the law when judges refuse to impose penalties for concern about their severity.

Let me suggest an alternative. Using the doctrine of pre-emption, Congress should replace all existing statutes with a uniform law specifying a misdemeanor for marijuana possession with no intent to sell. The new federal law would remain in effect through 1975 or until such time as we have definitive, exhaustive research results about marijuana. The maximum penalty could be perhaps 90 days and/or a fine of $300; total discretion would be left with the local, state, and federal courts.

Marijuana is a quandary in search of an answer; heroin, on the other hand, is a known evil, the conquest of which offers a test of individual and national will. That heroin is a terrifying agent of physical and social destruction is obvious—or is it? In a climate of speculation and counter-claims, you can understand why "grass" is flourishing, but skyrocketing heroin addiction defies common sense.

But wait a minute. Just who is Lloyd Meeds to speak righteously of "common sense"? Well, your speaker is an educated product of the middle class. He is achievement-oriented. He enjoys his job and wants to be successful. He has written a half-dozen major pieces of legislation. He speaks before the National Coordinating Council and takes his soaring ego trip.

The personality of the drug user, especially the heroin addict, is far different, according to congressional and other reports. A penetrating account of drug usage among U.S. servicemen in Southeast Asia and in other military outposts has been written by the staff of the Senate Subcommittee on Narcotics and Alcoholism.

Among the staff's conclusions was that the average drug abuser in the military is most often aged 19 to 22, unmarried, less than a high school graduate, and either a draftee or an enlisted man not intending a military career. He is often the product of a broken home and a victim of the resulting personality scars.

The subcommittee emphasizes the role of stress as a casual factor in drug abuse. Not entirely the stress of combat, but rather the environmental tension of boring tasks, of hostility toward officers and "lifers", of a lack

of stress-relieving alternatives such as recreation, and of feeling "trapped" by the armed services and by Vietnam are cited as drug-inducing. Significantly, the report underlines the fact that users often have a low level of self-esteem. Other factors include peer-group pressure, alienation, and of course the cheap cost of the drugs.

The staff found an interesting contrast between the Army and the Air Force. Drug abuse among Air Force personnel stationed in Thailand was decidedly lower, and the factors cited were that the airmen tended to be older, mostly high school graduates, and performed tasks of a higher caliber. Also, the Air Force has no draftees and has a higher officer-enlisted man ratio.

Stateside, heroin addiction is increasing in the middle class, but it is more often associated with poverty, squalor, hopelessness, unemployment, racial discrimination, and alienation; hardly an environment that breeds Members of Congress or personal confidence.

In both the military and civilian sector, then, we see that heroin is a crutch, an escape, an alternative to an environment unfriendly if not hostile.

Taking the steps necessary to fight heroin addiction are pretty well known and shared in common by all of us here this evening. What bothers me is that we keep coming back to the same causes of so many of our troubles. Heroin is for people with no other place to go. Providing a meaningful alternative to the needle is the same path, ultimately, as the road recommended by three presidential commissions and by concerned Americans everywhere. Focusing our efforts just on heroin prevention and treatment alone ignores what is going on in America.

All right. What I'm saying, then, is that we're going to have to spend money—money for jobs, for schools, for housing, for medical care, for welfare reform, for law enforcement.

Let's face up to reality. You don't get the money simply by firing half the Pentagon. You don't get the funds by telling the farmers to feed their kids without crop subsidies. Where you get it is from taxes. The starkest truth today is that we can't defeat or even win a skirmish with our problems unless those who have it pay more taxes to help those who don't. It means, J. Paul Getty, that the oil companies are going to have to give up the depletion allowance so that Dallas can have a better school system. It means, David Rockefeller, that the banks and insurance companies are going to have to forsake a few loopholes so your servants can buy enough protein. It means, George Wallace, that you are going to have to pay additional taxes to help your black brother in the South Bronx get off the needle and onto a payroll. It means, Ronald Reagan, that you and your agri-barons are going to have to pay more taxes to support the California Rural Legal Assistance Program. It means, Mrs. Average Housewife in Dayton, that you and your husband are going to have to help put Cleveland back together again.

If we choose to ignore this reality, then we're going to face another one: this country will self-destruct in 50 years.

CONGRATULATIONS TO THE POSTAL SERVICE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. UDALL. Mr. Speaker, this is an historic day for the postal system. Today, nearly 200 years after its founding, the U.S. Post Office Department ceased to exist. In its place is the new U.S. Postal Service.

We all know the background of postal reform—the years of neglect, the slap-dash effort at postal improvements, the studying and soul-searching, and finally, last August, enactment of the Postal Reorganization Act.

I am convinced that the U.S. Postal Service represents much more than a new name for the same old thing. We should not expect overnight miracles. But we can expect to see the fruits of the Postal Reorganization Act in the form of better and faster mail service. increased efficiency of postal operations and greater career opportunities for postal employees. In the long run, I think we can expect the gradual development of a true national utility that moves the mail rapidly and efficiently.

Postmaster General Blount already has announced some major improvements in the postal system, including new air mail standards, an accelerated construction program, and a streamlined headquarters and field organization. I applaud these efforts and look forward to continued improvement by the Postal Service.

LEAD-BASED PAINT POISONING

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. SARBANES. Mr. Speaker, lead-based paint poisoning is a tragic disease which exists in a great number of communities across the country. Fortunately, it is preventable. As we all know, the 91st Congress passed the Lead-Based Paint Poisoning Prevention Act—Public Law 91–695—and authorized $10 million for fiscal 1971 and $20 million for fiscal 1972 as a start toward combating this terrible problem. Unfortunately the administration requested no funding for this vitally important program in fiscal 1971 and has requested only $2.2 million for fiscal 1972, primarily for study purposes. Mr. Speaker, the time for study has long since passed. Children in this Nation are dying and suffering permanent brain damage from lead paint poisoning. These dire consequences can be avoided if the Congress will appropriate the necessary moneys for an action program now.

An excellent report on the lead paint poisoning situation prepared by the Baltimore City Department of Housing and Community Development has recently been brought to my attention. The report estimates that in Baltimore alone the shocking number of at least 6,800 children between the ages of 1 and 5 have elevated levels of lead in their blood—levels which could cause sickness, brain damage and even death if further lead is ingested. In addition, I have received letters from Dr. Neil Solomon, Maryland secretary of health and mental hygiene; Dr. Robert Farber, commissioner of health for Baltimore City and Dr. J. Julian Chisolm, a nationally recognized expert in lead paint poisoning from the Baltimore city hospitals. The report and these letters graphically illustrate the need for full funding of the lead-based paint poisoning prevention programs. I submit these materials for the RECORD and commend them to the attention of my colleagues. I am certain that upon receiving these materials the other Members of the Congress will agree that adequate funding must be provided to meet the shocking but preventable tragedy of lead paint poisoning.

REPORT ON LEAD PAINT POISONING BY BALTIMORE CITY DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

GENERAL BACKGROUND

Lead paint poisoning is a widespread, chronic illness that leaves its victims—almost all of whom are toddlers—crippled, retarded or dead. Although commonly considered to be a problem which was solved through legislation years ago, lead paint poisoning continues to plague the Nation's cities in epidemic—though until recently unacknowledged—proportions. Studies in selected slum areas have shown that an estimated 10 to 25 percent of the preschool-aged residents have excessive amounts of lead in their systems; while children vary in their abilities to tolerate lead in their bodies, from 2 to 5 percent of these youngsters require hospitalization for lead paint poisoning.[1]

Medical advancements have cut the lead poisoning death rate to about 5 percent in recent years; nevertheless, some 25 percent of the survivors still sustain severe, permanent brain damage.[2] It is suspected that an undetermined number of other children—who have high blood-lead levels but never develop symptoms of poisoning—become slow learners who have behavioral problems throughout childhood and into their teens.[3]

Nationally, it has been estimated that lead poisoning afflicts from 100,000 to 225,000 children each year.[4] Virtually all of these children are poisoned by eating chips of lead paint that flake off the walls, window sills and bannisters of their inner-city homes. And, virtually all of these children can be saved from permanent physical damage if they receive medical treatment in time. Unfortunately, in many of these children, lead poisoning is never detected at all; in others, those who go into convulsions and are left badly handicapped, it is detected too late.

A child does not have to ingest much lead paint to become poisoned. A safe daily lead-intake would be .5 micrograms or less. A few lead-paint chips the size of a fingernail contain about 100 micrograms.[5] A mean daily oral intake of 1 to 2 micrograms a day, for about three months, will result in severe and even fatal poisoning.[6]

Early symptoms of lead poisoning are extremely easy to miss: lethargy, aggressive/irritable behavior, anemia are all lead-paint poisoning symptoms which can be and frequently are attributed by both doctor and mother to a "phase of growing up" or to a flu that's going around. However, within one to three weeks after these early symptoms appear, convulsions and coma may occur at any time.

Compounding the problem is the fact that lead poisoning cannot be uncovered by routine tests that a child would be likely to receive in an ordinary check-up. Urine and blood samples must be specially-processed by specially-trained technicians, which means that poisoning in its early stages is likely to be detected only by a doctor who knows enough to be suspicious and order these out-of-the-ordinary tests.

Lead paint poisoning is both a medical and a housing problem. The possibility of poisoning should be investigated if a child falls sick and one or more of the following conditions exists: the child lives in a house built before

1940, the child's house has flaking, peeling paint, the child has a history of pica and the weather is warm.

Pre-1940 houses were built before the inception of lead paint ordinances. Whether or not the original interior paint in these houses has been covered over many times in the ensuing years, if the original coat remains it presents a potential hazard to toddlers. If any of the coats of paint are flaking or peeling, the hazard is that much greater.

Children who have pica have a compulsion to eat strange substances and will frequently go to great lengths to obtain these substances. Pica was once thought to be a result of nutritional deficiencies. More recent studies indicate, however, that it is more an emotional/stress sort of relationship between mother and child, and one result of improper care and attention.[7]

Lead in the human system becomes particularly toxic in warm weather. An estimated 85 per cent of all lead poisoning cases occur between May and October.[8]

Lead is usually stored in the bones, where it is not dangerous. When too much lead is ingested, however, it is stored in the soft tissues of the body and becomes poisonous. Even after medical treatment, it takes roughly twice as long for the human body to rid itself of the excess lead as it did to acquire it.[9] According to medical experts, a second case of lead poisoning "always" leaves the young victim with severe, permanent brain damage.[10]

THE SITUATION IN BALTIMORE

Baltimore is apparently better off than most cities, primarily because lead paint was recognized as a problem much earlier here than in the rest of the United States. The city Health Department has maintained lead paint poisoning statistics since 1931, a city law banning paint with lead content for interior painting purposes has been in effect since 1954 and another city law requiring lead-content paint to be labeled as dangerous has been in force since 1956.

Nevertheless, Dr. J. Julian Chisolm, Jr., a nationally-recognized lead paint poisoning expert at City Hospitals and the Johns Hopkins Hospital, estimates that at least—and he stresses the "at least"—10 to 12 per cent of the children in Baltimore have elevated blood lead levels. (According to July 1, 1969 statistics supplied by the Department of Health's bio-statistics division, that would mean a minimum of 6,800 children between the ages of 1 and 5 have elevated blood lead levels.) Dr. Chisolm says his estimate is borne out by a study made during the spring of 1970 at the Hopkins clinic.

Similar conclusions were reached during a June, 1968 to July, 1969 survey conducted at the Druid-Sinai Clinic in West Baltimore.[11] During the survey, 149 children were screened for lead paint poisoning—every other child in the Druid-Sinai area between the ages of 1 and 5. Forty-two children or 18 per cent of those tested had what Druid-Sinai considered to be high blood lead levels: .04 or above. The breakdown was: .06 or above, 6 children; .05 or above, 10 children; .04 or above, 26 children.

All children with blood lead levels of .05 or above were hospitalized for further tests and treatment. None of the children, including those hospitalized, had displayed symptoms of lead paint poisoning; their high blood lead levels were discovered only through the automatic blood tests taken during the survey.

It should be noted that the city Health Department has traditionally used other, less stringent criteria for classifying the seriousness of blood lead levels in children. The Health Department does not consider children to have elevated blood lead levels until the level reaches at least .06, whereas Dr. Chisolm and others regard anything above .04 as abnormal.[12] It does not consider a child with an elevated blood lead level to be a "case" of lead paint poisoning until the level reaches .08 or until the child develops symptoms. On the other hand, presumably in response to criticism from some quarters, the Health Department lowered some of its criteria as of January, 1970. Now, when a child with a blood lead level between .04 and .049 is discovered, the Health Department sends a letter to the parent warning that the child should be watched, with a copy of the letter to the property owner. In addition, the Health Department now inspects, in conjunction with the Department of Housing and Community Development, the dwellings of children whose blood lead levels are .05 or above.

According to Health Department statistics, lead paint poisoning incidents have dropped from 53 cases and 4 deaths in 1960 to 13 cases and no deaths in 1968 and 19 cases and no deaths in 1969.

A 1957 Health Department study showed that 50 to 70 percent of the dwellings in selected slum areas contained dangerous quantities of flaking lead pigments on the painted interior surfaces. However, that study has not been updated to reflect the impact of urban renewal and public housing programs in the last 13 years. Nationally, it has been estimated that from 40 to 80 per cent of inner-city houses contain dangerous quantities of flaking lead paint.[13]

According to Dr. Chisolm and other experts, any house built before 1940 is suspect. This description fits some 70 per cent of Baltimore's dwelling units.[14] Dr. Chisolm states that, even if the lead paint problem were vigorously attacked and effectively dealt with in the inner city, poisoning cases would continue for many years as lack of maintenance and increased deterioration strike more and more of Baltimore's older houses outside the central city. He reports that one recent lead poisoning case incurred almost at the western city-county line.

FOOTNOTES

[1] J. Julian Chisolm, Jr., M.D., and Eugene Kaplan, M.D., Baltimore, Md., "Lead Poisoning in Childhood—Comprehensive Management and Prevention," *The Journal of Pediatrics*, December, 1968.

[2] *Ibid.*

[3] *Ibid.*

[4] "Toddler Lead Poisoning Has Slum Housing Origin," *Journal of Housing*, April, 1969.

[5] "Prevention, Diagnosis and Treatment of Lead Poisoning in Childhood," *Pediatrics*, Vol. 44, No. 2, July, 1964.

[6] J. Julian Chisolm, Jr., M.D., "Childhood Lead Intoxication: A Preventable Summertime Disease," *Pediatrics Digest*, Vol. 6, No. 7, July, 1964.

[7] R. S. Lourie, E. M. Layman and F. K. Millican, "Why Children Eat Things That Are Not Food," *Children*, October, 19663.

[8] Chisolm. "Children Lead Intoxication," *op. cit.*

[9] R. A. Kehoe, "Metabolism of Lead in Man in Health and Disease," (The Harben Lectures, 1960), *J. Roy. Institute of Public Health*, Vol. 24, 1961.

[10] Chisolm, "Childhood Lead Intoxication," *op. cit.*

[11] Brian Opert, Lead Poisoning Report for Sinai-Druid Comprehensive Pediatric Center, Baltimore, Md.

[12] J. Julian Chisolm, Jr., M.D., "Chronic Lead Intoxication in Children," *Developmental Medicine and Children Neurology*, Vol. 7, No. 5, October, 1965.

Jane S. Lin-Fru, M.D., *Children*, Vol. 17, No. 1 January-February, 1970.

[13] Jane S. Lin-Fu, *ibid.*

[14] Morton Hoffman and Company, consultants, Housing Market Analysis, Baltimore City, 1964–1980, 1965, p. 43.

STATE OF MARYLAND,
DEPARTMENT OF HEALTH,
Baltimore, Md., June 25, 1971.

Hon. PAUL SARBANES,
House of Representatives,
Longworth House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE SARBANES: We are responding to the article in the Baltimore Sun of June 18th, which stated that the administration's request for an appropriation of $2,000,000.00 for a lead paint poisoning prevention program is $18,000,000.00 short of the $20,000,000.00 authorized by Public Law 91–695 which was signed by President Nixon, January 13, 1971.

Funds are urgently needed to provide early identification of children who have elevated blood leads in order that treatment and removal from the lead paint environment may be initiated before severe mental retardation or death occur. The article reported that $2,000,000.00 for a nation-wide study will not eliminate the problem of lead poisoning. It is already known that the problem exists; further study is not necessary. Recent testimony before Congress revealed that a survey of 65 Children and Youth Projects found an estimated 2,704 children out of a population of 1,840,000 with lead poisoning. Severe brain damage was found in 305 of the children, while 508 had moderate brain damage. Other studies have reported:

Chicago found 456 cases of lead poisoning, 716 elevated blood lead levels and one death among 48,000 children.

Baltimore, which has no mass screening program, identified 52 cases in 1969.

Philadelphia reported a frequency distribution of high blood level of 3% for children less than 1 year old, 47% for children 1–2; 33% for those 2–3 and 17% for those more than 4.

New York tested 55,000 children in 1970 and found 3% of blood lead levels above 60 micrograms and 45% above 40 micrograms. Follow-up included hospitalization of approximately 500 of these children.

The results of these studies indicate the prompt need for massive screening programs which can be planned and carried out throughout the State of Maryland in order to prevent the tragic loss of human potential which results from this disease.

We want to encourage you to work for the restoration of the $20,000,000.00 in the House Appropriation Bill for HEW. Your continuing concern about the prevention of lead poisoning is recognized and appreciated.

Sincerely,
NEIL SOLOMON, M.D., Ph. D.,
Secretary, Department of Health and Mental Hygiene.

BALTIMORE CITY HEALTH DEPARTMENT,
June 24, 1971.

Hon. PAUL S. SARBANES,
House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR MR. SARBANES: We were shocked to see the article in The Sun of June 18th reporting that the administration is requesting an appropriation of only $2,000,000 for the lead paint poisoning prevention program instead of the $20,000,000 authorized by Public Law 91–695 passed by Congress last year and signed on January 13 by President Nixon.

As you pointed out in the article, $2,000,000 for a study will do little to attack the problem of lead poisoning. We need funds to find the children who have elevated blood levels so that we can see that they are treated and removed from the lead paint environment in order that they will not become brain damaged or casualties. We don't need a nation wide survey to find out what we already know. In testimony before Congress, it was pointed out that a survey of 65 Children and Youth Projects showed that out of a Children and Youth Project population of

1,840,000 (children under 10 years of age), an estimated 2,704 children had lead poisoning, with 305 suffering severe brain damage and 508, moderate brain damage. In other studies:

Chicago reported 456 cases of lead poisoning, 716 elevated blood lead levels and one death among 48,000 children screened in 1969.

Baltimore, which has no mass screening program but recognized the lead hazard in 1931, reported 52 cases in 1969, of which 19 were clinically diagnosed, and found 33 children with high blood lead level.

Philadelphia found a frequency distribution of high blood level among children tested of 3 percent for children less than 1 year old, 47 percent for those 1–2; 33% for those 2–3 and 17% for those more than 4.

New York reported for period January–October 1970, about 55,000 children were tested, with 3 percent of blood lead levels above 60 micrograms, and 45 percent above 40 micrograms. Approximately 600 of the children were hospitalized.

There is therefore immediate need for widespread screening programs which must be carried on at the local level to locate the children with elevated blood leads so as to prevent them from becoming lead poisoning cases, brain damaged children and deaths, secure prompt treatment of the children and remove the lead paint from their environment. The Baltimore City Health Department, in its letter of intent, to file for a grant under PL 91–695, to Mr. Robert E. Novick, Director of the Bureau of Community Environmental Management, on March 19, 1971, proposed just such a program for Baltimore City. A copy of the letter of intent is enclosed for your information. Mr. Novick assured us in his reply of March 31, 1971 that our program would be given every consideration when the program is funded.

We again urge you to do everything possible to get the $20,000,000 for this vital program restored in the House Appropriation Bill for HEW. We deeply appreciate your continuing effort for combating this national health problem.

Sincerely yours,

ROBERT E. FARBER, M.D.
Commissioner of Health.

BALTIMORE CITY HOSPITALS,
Baltimore, Md., June 25, 1971.

Hon. PAUL S. SARBANES,
Member of Congress,
Longworth Building,
Washington, D.C.

DEAR MR. SARBANES: Physicians and allied health professionals in the City of Baltimore concerned with the care of young children were deeply disappointed when funding of P.L. 91–695 (Lead-Based Paint Poisoning Prevention Act of 1970) failed to materialize for FY 1971. As you know, for the past two decades, the Baltimore City Health Department has provided an excellent laboratory diagnostic service, case study, housing inspection and enforcement of pertinent municipal ordinances related to childhood lead poisoning. This "case-finding" approach results in effective action *after* the occurrence of illness in a large proportion of the few affected children who are identified in this way. Despite modern methods of medical therapy, some of these children suffer permanent injury to the brain. While this approach has been effective to a limited extent in the past, we all recognize that it does not constitute a comprehensive and truly preventive approach to childhood lead poisoning, which is a preventable disease. The preventive type of approach has been applied most effectively in the control of other health problems in young children—I refer to immunization for the prevention of such infectious diseases as poliomyelitis, measles, rubella and so forth. Funding of PL 91–695 in FY 71 would have given many cities such as Baltimore the capability to institute a preventive program for childhood lead poisoning through existing health care facilities. Screening programs in New York City and Chicago suggest that 5 to 10% of young children have unsuspected increased lead absorption and that about 1% have unsuspected lead poisoning. These are the only cities in the country with large-scale screening programs. Application of these figures to Baltimore suggest that there may be, in Baltimore, 1500 to 3000 children in the one- to four-year-age range with increased lead absorption and perhaps 300 cases of illness: Yet only a small fraction of this number are currently recognized medically through the "case-finding" approach. In large part, this is due to the subtle and non-specific nature of the symptoms of lead poisoning and to the very limited laboratory capability necessary to document the medical diagnosis. Methods developed 30 years ago are still in use in the laboratory. While accurate, they cannot possibly meet the needs of today. Newer improved methods are available now, but these new methods will require new equipment and retraining of personnel. This is why P.L. 91–695, adequately funded, is so urgently needed. Assistance and advice at the Federal level by the Public Health Service is essential to assist states and localities in developing sound programs employing newer techniques today.

Since old paint on old houses is at the root of the problem, there is every reason to believe that the problem also exists in smaller communities as well. Yet few cases have been recognized in smaller communities. This is not surprising. The history of lead poisoning in children shows that it has been found where the awareness of physicians is high and where adequate and accurate laboratory diagnostic facliities are readily available to the physician. Two to three decades ago, lead poisoning in childhood was recognized in the United States only in Cincinnati, Baltimore and Boston which were the only cities at the time in which the above requirements were being met. Only where accurate laboratory diagnostic facilities are available to a physician can he substantiate his clinical suspicion of lead poisoning. Even during the past two decades, adequate laboratory support has been available in only a few of the larger cities in the United States. Virtually nothing is available, even today, to smaller communities. There are, of course, other facets of the problem which I have not touched upon; but the provision of sound screening programs for children and adequate environment testing procedures are fundamental to any program designed to prevent lead poisoning in children. These are the requirements that must be met first.

I understand that New York City's program is currently funded at 2.4 million dollars per annum and that Chicago's is funded at approximately $750,000 per annum. When such figures are projected to the other old, large cities and smaller communities east of the Rockies in which childhood lead poisoning has been recognized from time to time, it can be seen that the original authorization in P.L. 91–695 would be essential as seed money, if we are to begin to come to grips with this particular health problem on a national basis. This sort of categorial approach has been essential in the past when we first attempted to attack a number of health problems. It is the seed money and the expertise at the Federal level that are essential to get the ball rolling.

Lead poisoning in childhood is a preventable disease and even though our knowledge is limited at the scientific level, we know enough now to act now. I hope that you will do what you can to insure that P.L. 91–695 is adequately funded in FY 1972. Since lead poisoning in childhood is predominantly a summer-time disease, we must act now in order to prepare in time for the summer of 1972. I enclose a reprint from a recent article of mine in the *Scientific American* about lead which may be of interest to you as background material.

Yours sincerely,

J. JULIAN CHISOLM, Jr., M.D.

THE STATE OF MINORITIES IN AMERICA

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HALPERN. Mr. Speaker, a most significant address was delivered last Friday, June 25, at the David B. Adams Scholarship Fund third annual fundraising dinner at the Town and Country Restaurant in Hempstead, Long Island, N.Y.

The speaker was Robert Lee Grant, special assistant to the Assistant Secretary for Community Development, Department of Housing and Urban Development.

Mr. Grant is a distinguished former resident of my own native Queens County and he completed his undergraduate studies at Queens College where he stood out as an exemplary scholar and leader.

At 32, Mr. Grant has enjoyed a remarkable career and his enormous capability, tremendous insight, and dedication promise great future achievement. His speech, "The State of Minorities in America," is a forceful analysis which leaves meaningful impact and provides considerable food for thought. I commend the speech as "must" reading to my colleagues in the Congress:

THE STATE OF MINORITIES IN AMERICA

(By Robert Lee Grant)

Guests of honor, ladies and gentlemen, brothers and sisters. It is with extreme pleasure that I share this evening with you here in Hempstead, the area of my youth. My heart and head are filled with many feelings tonight. For some time, I have held inside thoughts about the state of minorities in this country. It is only fitting that I should express these thoughts here at home, at a dinner commemorating a man who taught me the importance of youth—who helped me to develop an understanding of how I might contribute to the cause of my people. So tonight I have come home to share with you some of my experiences and insights about the state of minorities in this country, what's being done, and what ought to be done.

But before that I must reminisce about my youth in Hempstead. For me, Hempstead brings back many fond memories. I can still vividly remember the first shoe-shine box I made at the tender age of 10 years. I remember as well the Friday nights after school and the all day Saturdays that I went on my special route of shoe-shine clients. I usually did especially well in the white bars on Friday nights. My technique was to solicit shoe-shines from the men in the company of pretty women. I used a very soft-sell approach. I put my box down at their feet, got down on my knees and asked them whether they wanted one or two coats of shoe polish. Eventually, I graduated from shoe-shining to caddying and later from caddying to busboy in a restaurant and so on. There is a lasting charm in the hustles of one's youth.

I remember the many afternoons and evenings that I spent talking to David B.

Adams. I used to frequently drop by his office on South Franklin Street. We discussed the struggle of the black man in this Nation, but at that time we called ourselves Negroes. I often visited Mr. Adams when one or another of the civil rights events of the fifties made national headlines. We spent many hours weighing what was being done, what had to be done, and most importantly, what *we* could do ourselves. He inspired me in many ways. He inspired me to pursue academic excellence as a weapon against bigotry: to be aggressive in learning the ways of all peoples; and that to be "big-time" was not having a "hog" or alligator shoes or many women, but that being "big-time" was to be intellectually independent. I will not even try to laud the numerous and outstanding contributions that David B. Adams made to the cause of equality in this community. You all know them well. It is most fitting that the auspices of this evening and the scholarship fund honor his dedication to our cause.

At present I am working in Washington. Washington, D.C., the Capital of this great Nation, is filled with many things. It is filled with personalities, persuasions, and power. Power to do a job or power to prevent a job from being done. Washington, D.C. is also filled with hundreds of thousands of our black brothers and sisters living in squalor, living examples of what power can do when it is used to stifle social justice. This is characteristic of the state of minorities in the United States.

Let's take a look at some of the other states of minorities in the U.S., the richest country in the world.

Most current estimates indicate that over 500,000 minority students are presently enrolled in colleges and universities across the country today. More than 200,000 of these undergraduates are in predominantly black institutions. There is no doubt in my mind that these men and women will enter society better equipped, more informed and more determined to meet the challenges of the times than any of their predecessors. Those who want to make a *maximum* personal contribution to the cause of social justice must have a good education. In the sixties, taking that talk and plain raising hell was substituted for a good education. These diversions will not sustain the challenges of the seventies.

It is my opinion that the most meaningful contribution that any individual can make to the cause of racial justice in America is to aid the education of a minority. This is the state of minority Americans.

The Supreme Court has just ordered an end to the "at large" elections for the State legislators in Mississippi. This decision will have the effect of dramatically increasing black representation on governing bodies across the Deep South. In outlawing at-large voting for the legislature in Hinds County, Mississippi, the Supreme Court, virtually assured the selection of several blacks to positions of Representatives and Senators in many southern States. Up until now, under the at-large system, the southern whites, who normally have a higher voter registration, have consistently been able to elect a lily-white legislative delegation. Single-member district representation will now be required in the South instead of the at-large representation scheme.

The bigots' old gerrymandering tactic used to exclude us a just voice and influence in our own destinies will work no more. But they will try other methods. And we must through education and perseverance challenge and defeat their schemes. We must safeguard our own destinies. If we do not, our destinies will be compromised. This is a fact of our history.

In another recent decision, the Supreme Court ruled that it is constitutional for a city to close up a public swimming pool to all of the city's citizens rather than integrate. This happened in Jackson, Mississippi. Many liberals were appalled at the decision. They felt that the closing of the pool was an unfair burden on the deprived members of the community. I thought about this ruling for a while and came to the conclusion that the ruling is less of a burden for those who have never used the pools. We would certainly want to use the pool if it was opened, as we have every right to do so. But the biggest burden is on those who have used the pool and now have to adjust to doing without it. If they would rather sweat that integrate, let them sweat. We are accustomed to sweating. Always did sweat. Never did use the pool built with our taxes. So I would rather we sweated a while longer. As my eighty year-old charming grandmother would say, "Let them crackers sweat a while, it might sweat some sense into them".

The infant mortality rate for each 1,000 born alive as indicated by recent statistics, places the United States. the world's most powerful and richest nation, as number 23rd among the world's nations. Three of the lowest ranking countries were scandinavian, with Sweden placing first with 12.6% for 1,000 born alive followed by Iceland with 13.7% and Finland with 14.2% respectively.

If we take a closer look at the figure of 22.1% for the whole United States we find that the highest rates are in six cities. Atlanta had 21.0; New York had 23.1; Baltimore had a remarkable 27.3; Detroit had a depressing 27.5; Chicago an amazing 27.7; and Philadelphia an unbelievable 27.9. We know who constitute significant populations in these cities. Three of these cities have, today over 40 per cent black citizens. Atlanta has 51%, Detroit has 42% and Philadelphia has 41%. The most distressing realization to me is that these city rates are averages for the whole city, and our national rate is the *average for the whole nation*. Keeping this in mind, any moral person could be nothing but appalled at the probable actual infant mortality rate of minorities in these cities and in the nation. If the 3 to 1 ratio between the black and white incident of poverty and the availability of hospital facilities are any indication of the actual rate, then the Philadelphia average rate of 27.9 would mean that the rate in that city is about 10 per 1,000 for white and 40 per 1,000 for blacks. In simple terms, this means that every time a black woman goes into the hospital to deliver a child the chances that the child will die are three hundred times greater for the black woman than they would be for a white woman. If this same argument could be continued to our national rate it would mean that the national average rate for minorities is a hell of a lot more than 22.1 per 1,000 as is the total U.S. rate. By my calculations we should rank among the underdeveloped nations, while white Americans would rank number one in the world. This is the state of black and minority Americans.

We have many blacks who earn good incomes in America. However, the overwhelming majority of minorities don't earn much compared to white. The truth of the matter is that though Bill Cosby just signed a contract with a TV network for millions of dollars, the average black college graduate still today earns less than 60 per cent of what the average white American earns. As a matter of fact my research on my master's degree thesis revealed that as a result of minorities having to pay higher costs for the same goods and services that whites consume—and ours are often of worse quality—every year it actually costs us 1,000 dollars just to be black. This is the state of minorities in America.

Poverty is still rampant in this nation. We saw a yearly reduction of poverty in the sixties. The number of poor was reduced by 4.9 percent per year from 1960 to 1968. That was a sign of progress. But the 1970 census report revealed that between 1969 and 1970 the number of persons recorded as living in poverty had actually increased by 5.1 per cent, by 1.2 million Americans. When poverty in America stops declining and starts increasing we know what that means for minorities. Now it is a fact that today in the richest nation in the world that 13 percent of all our citizens are living below the poverty level. It is also a fact that the majority of these 25.5 million Americans are white. But it is also fact that proportional to our population we have three times as much poverty as do whites and that our poor are more apt to be young people. So when the overall poverty in America increases we are not just alarmed and concerned, we minorities are alarmed and concerned three times as much as everybody else. This is a sad state for minorities in America.

On March 25 of this year, 13 proud U.S. congressmen called the Congressional Black Caucus met with President Nixon to discuss matters of "mutual concern". The caucus had unsuccessfully been trying to see the President for six months. Only after nationally embarrassing the President by boycotting his State of the Union address did he consent to meet with the congressmen. This situation focuses my major apprehension concerning our administration.

There is a gap which separates the Nixon administration on the one hand and the Nation's minorities, poor and young on the other, a confidence gap. This gap must be closed. It must be closed by this Nation's leaders not by those who are to be led.

I personally expressed these concerns to a high ranking White House official about a month ago. I was not naive enough to think that I could personally reach the President. I suggested to this official, who I knew enjoyed the confidence of the President, that the necessary first step in dealing with the national concerns of my people was to appoint a minority to a high ranking position in the White House with the overall responsibility for co-ordinating, implementing, and initiating Federal actions for civil rights and poverty. In addition, I suggested that this office would be responsible for opening up a constructive dialogue between this administration and the minorities, the poor, and the youth of this Nation.

There is a black man who enjoys the title of special assistant to the President. He is a good man, a sincere man, and a well-meaning man. He is at present the highest ranking black in the White House. But his position is much below the level of persons who make the national decisions concerning the destiny of my people. It's the old game of giving a minority a job, but no power. We know who keeps the power.

I went on to say to this official, that I thought such a new position in the White House could not only do much for my people but that it could be very effective in reducing national tensions and anxieties and thus do a service to this administration and to this Nation.

The highest ranking position in the White House is that of counselor to the President. At that time there were four such positions. There was speculation that the President was going to appoint a fifth counselor and that it was going to be a minority. I personally did not believe the President was going to appoint a minority to such a top position in the White House. So I made two alternative proposals for the position that I argued for. One proposal was that the position be one of an ambassador-at-large for domestic affairs, similar to the two existing positions of ambassador-at-large for foreign affairs and ambassador-at-large for international monetary affairs. The other proposal was that the position be an "ombudsman", on the Swedish model. The ambassador-at-large for domestic affairs or the "ombudsman" position would have been less powerful than a counselor, yet either position, with the responsibilities that I mentioned and reporting directly to the Presi-

dent would have been sufficient to do the necessary job, to close that gap.

My conversation and proposals seemed to be well received by the White House official. Months later a fifth counselor to the President was appointed. He was not a minority. To date no other appointments have been made. Everything else is status quo. I can't help but feel disappointed.

I have been asked by many people why I continue to work in an administration which deals inadequately with the needs of the nation's minorities, the nation's poor and the nation's youth. I have been asked this question all over the country by blacks and whites, old and young, rich and poor. They were all even more baffled when they learned that I am probably the youngest and the poorest black Republican appointee in the Nixon administration. I have spent many a day during my stay in Washington questioning in my own mind whether my present role provides the opportunity for me to muster a maximum effort for the cause of equality and justice for my people. I am still not sure that my present role is the best one for this cause.

But in answering this question I am usually reminded of the basic substance of a speech given at a California university in 1966 by Mayor Lindsay. He said to a packed audience of young people, black and white, "If you don't like the system, join it and change it." This is the same conclusion that I had arrived at through various experiences of the sixties, one of which was David Adams.

It is my opinion the time for sit-ins, busins, illegal actions and other actions outside the system passed with the decade of the sixties. I firmly believe that the challenge before us in the decade of the seventies is to join the system and make it work for us, we the minorities, we the poor, and we the young. And I will continue to serve as long as I feel that I am making the most effective contribution to the needs of my people. We need our own representatives protecting our interests in all systems, from the national government to the local school board: in all organizations, from the national U.S Chamber of Commerce to the local YMCA; and in all political groups, from the NAACP to the KKK. If we don't have our own representatives there we won't know what's going on. We know what happens when we let "others" represent us. We don't want white folks representing black folks. We don't want rich folks representing poor folks. We don't want old folks representing young folks. "We don't need nobody to give us nothing, open up the door, we can git it ourselves."

I am a Republican. I am proud of it. I am proud to belong to a party which historically has championed the cause of equality between men, between races, and between nations. President Eisenhower, a Republican President, did more for black Americans than any of those Presidents before his time, with the exception of Abraham Lincoln. Also a Republican. President Eisenhower was the first President to place minorities in top governmental positions. He enforced the letter and more importantly, the spirit of desegregation laws marked by Little Rock, Arkansas. His overwhelming majority at the polls reflected his ability to bring us all together. Dwight Eisenhower had his shortcomings, as do we all, but he was President of all the people. This was never doubted during his eight years of leadership of the United States. I attribute this to his spiritual greatness. You believed in his words through his deeds and his history of compassion for men, many of them young men. The leaders of this Republican administration are different people.

One thing should be made very clear. Unfair critics of the Nixon administration unjustly state that we are doing nothing to end racial injustices and to promote equal opportunity. They say that we are doing nothing to eradicate poverty, that we are doing nothing for the nation's youth. Some have even gone so far as to call the administration anti-Negro. None of these assertions are true. The Nixon administration is not anti-Negro, not anti-poor, not anti-youth. It is not that nothing is being done. The problem is that not enough is being done and that there exists a *confidence gap*. In short, this administration has not made a moral commitment to social justice, to steming poverty, to tap the spirit of the young. This state of affairs is of very serious concern to many Americans.

The most important subject of this ocsion tonight is education. I have briefly mentioned some of our educational needs. I think that I would be remiss to not also briefly mention one of the things I don't think we necessarily need educationally. A personal experience will perhaps focus my concern with black studies courses. The Department of Housing and Urban Development, where I work in Washington, has intern programs for young college graduates who aspire to a career in urban affairs. Not too long ago I interviewed a young black woman for such a position. Her resumé revealed that she had just received her master's degree from a reputable university. It also revealed that almost half of her master's degrees credits were in black studies. She did not get the position because she lacked the necessary credits in urban economics, urban planning, urban development, etc. She might have been a very "together sister" but she didn't get the *job*. If we can't get the important positions of responsibility in the system we will always be outside knocking on the door of opportunity. I want the young minorities to remember this case. I would advise you that if you want to take black studies courses, and I admit that many of them are probably very interesting, take them as extras. In contributing to the welfare of blacks in this country I assure you that you will use physics more often than black poetry, mathematics more often than African culture, economics more often than the history of jazz, and good English more often than Swahilli. And that's where it's at.

In conclusion, ladies and gentlemen, I would like to share with you these last thoughts. In a speech delivered at the very successful black caucus fund-raising dinner held in Washington last Friday night, Ossie Davis said "What blacks need most today is not a man but a plan." And this $100 a plate fund raising dinner, which netted $300,000 for the caucus's future operations, was just such a plan. Ossie also said, "It's not the rap, it's the map." He was saying that if you are going to undertake a great endeavor you need a plan and a map. Much too often we have had neither. To put together a plan you need education. To draw a map you need knowledge. The recipients of tonight's scholarships probably have the willpower, the youth, and the vigor to combat social injustices. They should be honored and grateful that you in the fund will give them the opportunity to obtain their most valuable weapon against racial injustice; education.

The Black Congressman of East St. Louis, Mo., Bill Clay who is to be commended for his fine leadership in organizing the fund-raising dinner, said that night quoting from an old Kennedy phrase, "Let friends and foes alike know that the torch for racial equality has been passed on to a new generation of Americans." I heartily embrace this sentiment in both action and deed, as I am sure do many other progressive Americans, both Republican and Democrat alike.

The age of racial segregation and social superiority is past; whether the proported superiority is black or white, rich or poor, young or old. The great task before us all, if we would not perish, is to build the earth, to build it for us all.

SUPPORT FOR AID

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. FRASER. Mr. Speaker, recently a good friend of mine, Mr. Thomas L. Farmer appeared before the Senate Foreign Relations Committee. Mr. Farmer testified as a representative of the Chamber of Commerce of the United States. He is also chairman of the International Development Panel of the chamber. His remarks indicate an intimate knowledge of the activities of the Agency for International Development reflecting his distinguished involvement with that governmental organization. In his remarks, Mr. Farmer makes three recommendations to the committee. The chamber favors separation of programs that have been proposed, the continuation of economic development programs at their present level but with an increased reliance on multilateral type programs and renewal of the present 2-year authorization for foreign aid programs. As a strong supporter of the renewal of the 2-year authorization, I was extremely glad to learn of the chamber's support for this provision. I commend the remarks of Mr. Farmer to all of my colleagues:

STATEMENT ON FOREIGN ASSISTANCE (S. 1656)

(Before the Senate Foreign Relations Committee for the Chamber of Commerce of the United States by Thomas L. Farmer, June 10, 1971)

I am Thomas L. Farmer, a Partner in the law firm of Prather, Levenberg, Seeger, Doolittle, Farmer & Ewing, and a former General Counsel for the Agency for International Development. I appear today representing the Chamber of Commerce of the United States as Chairman of its International Development Panel and a member of its International Comimttee.

With me is Donald J. Musch, Staff Executive of the International Development Panel.

We wish to thank the Committee for giving us an opportunity to express our views in support of principal provisions contained in S. 1656.

The National Chamber Federation has supported United States foreign assistance programs since the days of the Marshall Plan and the Point Four Program. Through the years these efforts have served the interests of the American people, and equally important, they have served the best interests of the people of recipient countries by stimulating their economic progress and growth.

We maintain our belief that resource flows from the industrial to the developing countries of the world need to be continued, and therefore the United States must pursue an active program of economic assistance. Additionally, we are fully aware that relationships of the developing world with the United States, with the industrial world generally and between the U.S. and other developed countries have changed.

With these important changes in mind, we embarked on an extensive reexamination over the past eighteen months of the American foreign assistance program. During this period our International Development Panel and the International Committee held a series of meetings with experts on international development from both government and private institutions. Members of the Panel and the Committee include prominent busi-

nessmen from all parts of the United States. Meetings were held with the President's special adviser on development, Rudolph Peterson, Assistant Secretary of the Treasury, John Petty, the U.S. Executive Director of the World Bank, Robert Wieczorowski, and members of a special White House Task Force on Development. A list of the members of the Panel and the Committee is attached.

My testimony is the result of deliberations and recommendations of the Chamber's International Committee, and policy approved by their Board of Directors.

We understand the Congress is, at this time, making its own thorough reexamination of U.S. assistance programs. Therefore, we will give a broad outline of our conclusions rather than a detailed analysis of the Administration's legislative proposals.

We have three major recommendations. *First*, we favor the legislative and administrative separation of programs to aid economic development from other programs based on security or military considerations. *Second*, we favor continuation of economic development programs at present levels of appropriations, but urge increased utilization of multilateral assistance within these levels. *Third*, we favor continuation of the existing two-year authorization for bilateral assistance and if necessary, longer authorization periods for multilateral assistance.

SEPARATION OF ECONOMIC AND SECURITY ASSISTANCE

Although almost all the companies represented on the Chamber's International Development Panel are actively engaged in business operations in foreign countries, we do not claim to speak as experts on foreign policy. We do not, therefore, attempt to judge the efficacy of foreign aid programs where these programs are based on national security considerations. But we do claim an appreciation of the problems of economic development and feel qualified to give our estimate of these programs.

It seems quite clear that economic assistance on the one hand, and security assistance on the other, are two totally different programs. The present practice of providing for both programs in the same legislation, and even more importantly, to administer economic and supporting assistance through one agency, serves to confuse not only the American people, but also the recipients and administrators of these programs. Economic development programs should be administered by officials who are competent in this area and who are not burdened by policy considerations other than the furtherance of social and economic growth in the recipient countries. Our economic development programs should not be burdened with the political considerations that form the basis of our security assistance and require for their administration quite different talents.

We understand that Congress may wish to delay full implementation of the Administration's reorganization proposals until there has been more time to give them full study. Nevertheless, we urge that the proposal to remove supporting assistance from the administration of the Agency for International Development be implemented at the earliest possible moment, and that supporting assistance be made the subject of separate legislation.

A program relying primarily on bilateral assistance but nevertheless shifting more toward use of multilateral institutions was favored by the Peterson Task Force and by the Administration's legislative proposals. The Chamber recommends such a gradual shift to multilateralism.

INCREASED USE OF MULTILATERAL CHANNELS

There is a widespread impression in this country that economic assistance to the developing world is almost entirely an American effort. The facts, however, are quite different and it is esssential for us to consider economic aid from a worldwide perspective. In order to maximize the effectiveness of the U.S. contribution to the development of Asia, Africa, and Latin America, our programs should be closely meshed with those of the other donor countries.

In this context, it is important to remember that in 1970 the United States share of total contributions for economic development from industrialized countries was roughly 45 per cent. In 1971, assuming we maintain our present appropriation levels, our percentage of world wide economic development assistance will be 42 per cent.

In our view, based on what we have done in the past, it is not inappropriate that our allies should now be carrying the major share of the total aid burden. At the same time, our significant minority share in the general effort can realize the greatest return for recipients if it is given in concert with the other donor countries contributing a majority share and through effective and equitable multilateral agencies. It is also clear that recipients generally prefer to deal through multilateral channels.

It is important to note that the United States, as well as the other major donor countries, continue to channel by far the larger part of their assistance through bilateral programs. In 1970, roughly $3 billion of the United States assistance flowed through bilateral channels, while roughly $415 million was administered by multilateral institutions.

This relationship between bilateral and multilateral assistance corresponds roughly to the efforts of the other donor countries. But the Pearson Commission recommended the worldwide total passing through multilateral channels should be raised to 20 per cent of the total effort.

CONTINUATION OF TWO-YEAR AUTHORIZATION FOR ECONOMIC ASSISTANCE

Although the Chamber has long favored and continues to believe in the eventual phasing out of governmental assistance we also realize that economic development is a long-term process which cannot be measured in annual increments and cannot be effected properly by planning on an anual basis. For this reason multi-year authorizations are appropriate for such a government program, and we urge that the Congress renew the two-year authorization which it gave this program in 1969.

INCREASED RELIANCE ON PRIVATE ENTERPRISE

It is important to mobilize private institutions in the developing countries in order to achieve effective development efforts. We stated before the House Committee on Foreign Affairs on July 28, 1969:

"As the concept of assistance changes, so must the approach. One significant change reflected in the Bill (The Foreign Assistance Act of 1969) is pinpointing a more important role for private enterprise in development programs. Other assistance programs should be scrutinized to see which ones can be shifted from exclusively government administration to private sector participation."

During a previous session, the Congress gave important support to this concept by the creation of the Overseas Private Investment Corporation (OPIC). Functioning through a combined private sector/government board of directors and a private sector president, this corporation is already considering potential direct investments linking private enterprise in this country with interested parties in the developing countries. It is also administering a broad-based investment insurance scheme and has increased the opportunities for the American private sector in development assistance programs.

The foregoing represents our general recommendations. Inherent in our advocacy of these points is the hope and expectation that private enterprise will eventually supplant government resource flows to the developing world. At present, in the assessment of national priorities, development assistance to the two-thirds of this world in dire need should not be shunted down the list.

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THE ALASKA PIPELINE: THE CANADIAN SPECIAL COMMITTEE ON ENVIRONMENTAL POLLUTION REPORT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. ASPIN. Mr. Speaker, today I include in the RECORD what I believe is a very significant document concerning the Alaska pipeline and its grave ecological risks.

Last October 13, the Canadian Parliament established the special committee on environmental pollution and has spent quite a few months investigating the impact of the proposed tanker route between Alaska and the State of Washington on the southwest coast of Canada. The committee was chaired by Mr. David Anderson, Member of Parliament, a distinguished and dedicated public official.

In summary, the committee concludes that—

On the basis of evidence and testimony heard, the Committee is unanimous in its conclusions that if the proposed tanker route is established: (1) serious oil spills in Canadian waters and on Canadian shores are inevitable; and (2) these spills will result in substantial damage to Canadians.

The committee also concluded that—

The establishment of the proposed oil tanker route would result in severe environmental damage and substantial economic loss to Canadians.

Mr. Speaker, I urge my colleagues to read this excellent and thorough report, which follows:

REPORT TO THE HOUSE, MONDAY, JUNE 21, 1971

The Special Committee on Environmental Pollution has the honour to present its third report.

In accordance with its Order of Reference of Tuesday, October 13, 1970, to investigate generally the problem of pollution in the waters, soil and air of Canada and the plans of the federal government in relation thereto, your Committee has examined the impact on the Canadian Southwest Coast of the proposed tanker route between Alaska and Washington State.

Accordingly, your Committee called before it a number of expert witnesses including ship and towboat captains, members of the public service, oceanographers, professors and a lawyer, from both the United States and Canada. A full list of witnesses will be found in Appendix A. In addition, the Committee reviewed evidence given previously

this session when it was examining Bill C-2, an amendment to the Shipping Act concerning oil pollution at sea, in particular testimony on the "Arrow" spill in Chedabucto Bay.

The Committee regrets that as yet it has been unable to hear testimony from officers of the Alyeska Corporation. Twice tentative dates for such testimony were arranged (May 22 and June 8, 1971) but because of negotiations between the Corporation and the U.S. Coast Guard, Alyeska officials requested that the meeting be postponed. It is hoped that a meeting can be arranged in the near future. However, because the House will soon recess for the summer, the Committee submits this report on its findings to date. The Committee plans to submit further reports after hearing additional witnesses, including witnesses on the ecological impact of alternative systems of transportation.

At the outset of the hearings it had been hoped that the Committee would be able to make a quantitative analysis of probable risk and damage due to tanker traffic in this area, but this has not proved possible for a number of reasons, the most important being that the Committee has as yet no reliable statistics on the amount of Alaskan oil which is likely to be carried to the ports along the Strait of Georgia and Puget Sound. Estimates vary widely.

The Committee notes that Canadian government officials who travelled to Washington on May 3, 1971, to discuss problems related to establishing the tanker route with U.S. officials stated on their return that they were unable to obtain an accurate estimate of the expected increase of oil to be shipped in these waters. The Committee finds it hard to understand why more precise information is not available.

That the proposed tanker route will increase oil shipments manifold, however, is established. According to Robert Clark and John S. Finley of the Seattle Biological Laboratory of the U.S. National Marine Fisheries Service, "the volume of petroleum and its products moved over Puget Sound waters could also increase as much as ten times if the trans-Alaska and trans-U.S. pipelines are built." (Proceedings of Joint Conference on Prevention of Oil Spills, June 1971—American Petroleum Institute, p. 139).

It must be borne in mind that the waters in this region are more confined and hazardous than those where the "Torrey Canyon" or the "Arrow" met disaster. (Appendix B). For this reason, the threat of damage to the environment and also to the tourist and fishing industries is grave.

Your Committee wishes to emphasize the fact that the area most likely to be the scene of an oil spill is an important feeding area for many of the commercial and sport fish of the West Coast. Developing fish and the plankton fauna which is their main food source, are particularly vulnerable to the effects of oil pollution.

Once such a spill occurs, your Committee is of the opinion that the very best of clean up procedures are likely to be only partially effective, due to the pronounced current and tidal effects in the area. On this point, Dr. Paul LeBlond of the University of British Columbia Department of Oceanography, testified that: "Because of the strong dependence of currents on wind, tidal phase and river discharge, which all vary with time, no area of the shore of the Strait of Georgia is safe from a major uncontained oil spill." (Committee Minutes of Proceedings and Evidence No. 18, page 48, May 12, 1971.) In this regard it appears likely that proportionate to the tonnage of oil spilled, damage will be far greater than that which resulted from accidents in the Santa Barbara Channel, in Chedabucto Bay or in the English and Bristol Channels.

On the basis of evidence and testimony heard, the Committee is unanimous in its conclusions that if the proposed tanker route is established: (1) serious oil spills in Canadian waters and on Canadian shores are inevitable; and (2) these spills will result in substantial damage to Canadians. Further, your Committee notes that such oil shipments will offer no compensating benefit to Canadians in this area or elsewhere. Consequently, your Committee concludes that the proposed tanker route is detrimental to the Canadian national interest, and unanimously recommends that it be vigorously opposed by the Canadian government.

Your Committee found that the two areas most likely to be the scene of accidents are the entrance to the Strait of Juan de Fuca, and the passages through the San Juan and Gulf Islands between the Strait of Juan de Fuca and the Strait of Georgia. (See Appendix B.) Some of the suggestions made to the Committee to reduce the risk of accidents in this area are:

(*a*) that a short-based navigation control system be established;

(*b*) that a system of compulsory one-way shipping lanes with adequate separation in the Strait of Juan de Fuca and a one-way lane system in Rosario Strait, Haro Strait and Boundary Pass be established;

(*c*) that a system a certification similar to that in use for civil aircraft be instituted to ensure the correct functioning of radar, radio telephones and similar equipment prior to entry into the Strait; and

(*d*) that ships carrying hazardous cargoes such as oil be provided with an escort vessel whenever east of Cape Flattery.

It was pointed out to the Committee that the general flow of currents and tides in the Southern Strait of Georgia and between the San Juan Islands is northwards; it appears likely therefore that an oil spill, even in U.S. territorial waters, would have a greater effect and do greater damage on the Canadian side of the line than on the American. (See Appendix C.)

Your Committee heard testimony on modern design and construction features which would reduce—but not eliminate—oil spills after collisions or groundings occur.

In this area, some of the suggestions made to the Committee are:

(*a*) that such ships make maximum effective use of double skins and compartmentalization;

(*b*) that the newly developed high strength steels be used in hull construction; and

(*c*) that such features as split rudders, bell flaps or even sea anchors be investigated to determine their effectiveness in reducing the stopping distance and increasing the manoeuverability of such vessels.

Your Committee was told that the above proposals could increase the cost of shipping oil by such vessels by up to twenty-five per cent, which the Committee considers to be cheap in relation to the added security such features provide.

Time after time in its investigation, your Committee discovered that Members' questions could not be answered due to inadequate research. Your Committee, therefore, further recommends that the government consider the advisability of increasing resources devoted to:

(*a*) research on the effects of oil at sea and its effect on marine organisms;

(*b*) oceanographic research in the area in question;

(*c*) research into bacterial degradation of petroleum products; and

(*d*) environmental research in the Mackenzie Valley, a possible route for a pipeline.

Your Committee is fully aware that such research is expensive and realizes that it is all too easy to recommend such studies. Nevertheless, in view of the enormous sums which would be involved in establishing a system of transportation of northern oil, and in view of the enormous sums which are being spent on research on the engineering and economic side of moving northern oil (the cost of the S.S. Manhattan experiment, for example, was reportedly $39 million) the Committee believes that these recommendations should be carefully considered by the government.

In summary, your Committee concludes that the establishment of the proposed oil tanker route would result in severe environmental damage and substantial economic loss to Canadians. The Committee notes with approval the current discussions between the United States and Canadian governments on this subject and urges the Canadian government to oppose vigorously the establishment of the proposed tanker route between Alaska and Washington State.

A copy of the relevant Minutes of Proceedings and Evidence (Issues Nos. 16 to 21).

Respectfully submitted.

DAVID ANDERSON,
Chairman.

APPENDIX A

Witnesses appearing before the Committee during Hearings on the Problem of Pollution in the Waters of the West Coast of Canada.

Captain Fred Collins, Vancouver Tug Co., Vancouver.

Mr. Derek Cove, Naval Architect, Vancouver.

Captain W. Davenport, Pilot, Victoria.

Mr. M. E. A. Dighton, Master Mariner, Victoria.

Dr. Alyn Duxbury, Division Marine Resources, University of Washington.

Dr. John Edwards, Professor of Zoology, University of Washington.

Dr. William Fuller, Professor of Zoology, University of Alberta.

Mr. R. D. Harris, Canadian Wildlife Service, Vancouver.

Dr. James Harrison, Assistant Deputy Minister, Energy, Mines & Resources.

Dr. J. D. H. Lambert, Professor of Botany, Carleton University.

Dr. Paul LeBlond, Institute of Oceanography, University of British Columbia.

Mr. Richard C. Passmore, Executive Director, Canadian Wildlife Federation.

Dr. Philip Townsley, Department of Agriculture, University of British Columbia.

Mr. Herbert Winokur, Lawyer, Washington, D.C.

APPENDIX B

JUAN DE FUCA STRAIT—B.C. PILOT

"Navigation is simple in clear weather; the aids to navigation are numerous and the chart is a good guide. In thick weather, however, owing to the irregularity of the currents and tidal streams, every precaution must be taken. The Strait is liable to all those vicissitudes of weather common in these latitudes, and in few parts of the world is the caution and vigilance of the navigator more called into action than when entering it from the Pacific Ocean.

The southeasterly gales of winter, blowing out of the straits, cause a heavy cross sea at the entrance on meeting the southwesterly swell of the open ocean. The weather off the entrance as a rule is exceptionally severe and the heavy broken seas are probably due to the shoaling off the entrance, the irregularity and velocity of the currents, and the meeting of the wind drawing out of the strait and that along the outer coast.

ROSARIO STRAIT—B.C. PILOT

"At its narrowest, it is about 1½ miles wide, and the depths in the fairway are considerable. Rosario Strait is in constant use by vessels bound to and from Bellingham and Anacortes, or the various ports in the San Juan Archipellago, and to some extent also by vessels bound to or through the Strait of

Georgia, when by doing so greater advantage can be taken of 'the tidal' streams.

The tidal streams attain maximum rates of from 3 to 7 knots in the narrower parts of the strait, and from 2 to 5 knots in the wider parts, they should, therefore be specially guarded against at night or in thick weather. Special caution should be observed when passing the entrances of the various channels leading out of the strait. Heavy tide rips and eddies are formed in the vicinity of Black Rock, Obstruction and Peavine Passes, Peapod Rocks, and Lawrence Point.

HARO STRAIT AND BOUNDARY PASS—B.C. PILOT

"Haro Strait and Boundary Pass are deep and for the most part broad, but on account of the reefs which exist in certain parts, the scarcity of anchorages, and, above all, the rate and varying directions of the tidal streams, see below, great caution and vigilance are necessary for their navigation.

Tidal streams: Heavy tide rips are formed round Discovery Island, between Henry Island and Turn Point, and on the south-going stream round Turn Point. In bad weather, there are heavy tide rips on the small banks lying in mid-channel eastward and northeastward of Fulford Reef."

APPENDIX C

Testimony of Dr. Paul LeBlond, Department of Oceanography, University of British Columbia. (Committee Minutes of Proceedings and Evidence No. 18, Page 48)

(*a*) In the absence of wind effects, one would expect the surface currents to carry waters (and surface contaminants) Northwards from the Cherry Point area at a rate of about 1 kn, when averaged over a tidal cycle. Which way the water would first go would of course depend on the phase of the tide: flooding, northwards; ebbing, southwards.

(*b*) Winds from the southeast, as occur typically from mid-September to mid-April, would accelerate this northwards flow; winds from the northwest would slow it down or even reverse its direction, depending on their strength.

(*c*) Once near the mouth of the Fraser River, any surface contaminant would be advected away from shore by the jet of water issuing from the South Arm of the river. Depending on wind, tidal phase and discharging rate of the Fraser, subsequent water transport may be in almost any direction in the Strait, although it is on the average northwards towards Point Grey and Howe Sound.

(*d*) It seems that the Boundary Bay, Semiahmoo Bay area would be contaminated most likely within a day of an oil spill near Cherry Point.

(*e*) It is unlikely that the Vancouver area would be reached before at least two days.

(*f*) Because of the strong dependence of currents on wind, tidal phase, and river discharge, which all vary with time, NO area of the shore of the Strait of Georgia is safe from the major uncontained oilspill.

There has been a large refinery at Anacortes for years; what differences in effluent diffusion are to be expected between this refinery and the one at Cherry Point? The Anacortes refinery is in more protected waters, to the east of Rosario St., where tidal currents are weaker. The average trend there will also be northwards, but slower. In a recent oil spill, it was reported that oil was advected to the shores of Lummi Is., a few miles to the north. The town of Bellingham would be exposed to damages from spills at Anacortes.

As emphasized earlier, the direction of surface drift is strongly dependent on the wind speed and direction and on the phase of the tide . . . Even Victoria is not immune from oil spills in the vicinity of the Cherry Point area.

APPENDIX D

Estimated revenues from tourism in British Columbia in 1970: $473,465,000—from Annual Report B.C. Department of Tourism.

Estimated value of commercial fishing in B.C. in 1970: $123,000,000—from Department of Fisheries and Forestry.

Estimated value of revenues of salt-water sport fishing activities in 1970: $30,000,000—from Department of Fisheries and Forestry.

Wholesale value of commercial fish landings in the State of Washington was U.S. $40,709,568. The value of the landings in Puget Sound was U.S. $17,000,000, from *Plan for Washington State Food Fisheries*. Washington Department of Fisheries.

Estimated earnings from tourism in Washington State in 1969 was U.S. $355,000,000, and it was estimated that half of this was in the immediate area of Puget Sound from *Impact of Non-resident Travel on the Washington State Economy, by Batelle-Northwest Institute.*

APPENDIX P

(Taken from *Proceedings of Joint Conference on Prevention and Control of Oil Spills*, June 15–17, 1971.—American Petroleum Institute, Washington, D.C.)

EXTRACT FROM PUGET SOUND FISHERIES AND OIL POLLUTION—A

The Greater Puget Sound Basin has all the natural resources necessary to make it one of the most productive estuaries in all of North America. This basin is that portion of the Pacific Northwest containing all the inside waters from Cape Flattery to north of Vancouver, British Columbia. With a shoreline equal in length to the entire coastline of Washington, Oregon and California and a surface area of 2,500 square miles, the Washington State portion of the basin has the advantage of providing protected deep water ports as well as a natural setting for marine aquaculture. Today this area is becoming one of the major oil handling centers on the West Coast of the United States. Can the area meet the challenge of protecting its natural environment while permitting an orderly development of the petroleum industry?

Existing fisheries and the potential for aquaculture—the renewable resource

Deforestation, flood control, hydroelectric dams, industrial and municipal pollution have severely depleted many of the nursery areas for Puget Sound fisheries. Further urbanization and industrialization threaten their complete destruction. Since it is unlikely that this process will be reversed, it is becoming apparent that conventional fishing methods will have to be supplemented by aquacultural technology to maintain fishery yields at satisfactory levels.

Today the rich and productive waters of Puget Sound directly support a commercial and sport fisheries valued at 75 to 85 million dollars annually. Two-thirds of this value is derived from sport fishing. Intensive aquacultural activities, developed over the next decade or two, could add an additional 100 million dollars annually. During the same period of time, the volume of petroleum and its products moved over Puget Sound water could also increase as much as ten times if the trans-Alaska and trans-U.S. pipelines are built. Properly developed and managed, aquaculture and the petroleum industry should be able to exist side by side in the estuaries. While it would be difficult for properly planned acquaculture to exclude the petroleum industry, and oil pollution caused by a single large accident inside Puget Sound could destroy the area's entire aquaculture industry.

Aquaculture is just beginning to emerge as an industry in Puget Sound. One of the most ambitious projects being developed by the Lummi Indians on land situated between two major oil refinery complexes in north Puget Sound: Cherry Point-Ferndale a few miles to the north and Anacortes to the south. The Lummi Indians have an investment worth four million dollars in four aquacultural activities: (1) an oyster-spawning hatchery, which is being used to establish and perpetuate their stocks of seed oysters—an excess of which they plan to sell to other Puget Sound oyster growers who are now dependent upon imported Japanese seed oysters; (2) a series of diked ponds on the tide-flats for rearing salmon, trout and rafted oysters; (3) a commercial algae-harvesting operation which provides raw materials for East Coast reduction plants; and (4) a bait worm industry in the intertidal zone.

At Manchester, Washington, Ocean Systems, Inc. has undertaken a pilot salmon rearing project based on saltwater rearing methods developed by the National Marine Fisheries Service. Salmon are grown from eggs to marketable fishes of 34 pounds in one year. In Europe and Japan mussels, clams and shrimp have proved amenable to rearing under controlled conditions.

The petroleum industry—the unintentional competitor

While aquaculture may represent the future for Puget Sound, the present demands more than 400,000 barrels each day (bd—42 U.S. gallons per barrel) of refined petroleum products to keep the factories, furnaces and motor vehicles fueled in the coastal portions of Washington, Oregon and British Columbia. The refining capacity of the area is considerably less than the demand; so additional oil is supplied by tanker from California. The demand for petroleum products is expected to increase by approximately 4.5 per cent annually for the western United States, and the petroleum industry has started to build additional refining facilities locally. There are already four refineries near Vancouver, one at Ferndale, two at Anacortes, and two small refineries in Tacoma.

A new Atlantic-Richfield Company (ARCO) refinery is nearing completion at Cherry Point, and though it will increase the area's production by 26 per cent, it will still not meet local demands. Standard Oil Company of California has a large block of land adjacent to the ARCO refinery site and Union Oil Company of California has actively sought a Puget Sound refinery site in the past.

Additional local refineries will have to be built if the present inflow of refined products from California is to be reduced. The Trans Mountain Pipeline supplies low-sulfur crude oil from Alberta and British Columbia oil fields to the existing refineries in Vancouver, Ferndale and Anacortes. This supply of pipeline-delivered crude oil is essentially limited to these refineries which are producing near their design capacity now. Therefore, any new refinery will probably be dependent on crude oil supplied by tanker. ARCO will require up to 100,000 bd, and each additional facility will only add to this amount resulting in an abrupt jump from 17,000 to several hundred thousand barrels of crude oil shipped into Puget Sound daily.

When the Trans-Alaska Pipeline boosts its pumping rate to the projected 2,000,000 bd, the amount of crude oil available at the Valdez terminal will exceed the western United States petroleum requirements. The demands for petroleum products are becoming critical in the Midwest and East Coast, especially for low-sulfur crude oil such as that from Alaska's North Slope. One plan under active consideration is to transport North Slope crude oil through the Trans-Alaska Pipeline, load it aboard supertankers at Valdez, ship it to a Puget Sound terminal of a trans-U.S. pipeline and then pump it to eastern markets. A feasibility study has

been undertaken by ARCO, British Petroleum, Humble, Marathon and Mobil for this 2,600-mile, big-inch pipeline. Depending on the size of such a trans-U.S. pipeline, up to 1,000,000 bd of North Slope crude oil have been predicted to enter Puget Sound.

The transportation of refined products in western Washington and Oregon is by products pipeline (26 per cent), tanker and barge (69 per cent) and tank and railcar (5 per cent). On the average, one finds approximately 28,000 barrels of crude oil and nearly 220,000 barrels of refined products being transported daily on waters of the Greater Puget Sound Basin. Nearly 45 tankers (usually 15,000–30,000 dwt vessels) call each month in Puget Sound ports to bring in crude oil or products and to ship out locally-produced products, and a small amount of crude oil.

The mammoth tanker has become the most economical and feasible method for the transportation of bulk petroleum on a worldwide basis. Unless exception is made to the Jones Act requiring U.S. built and manned vessels on domestic runs, the crude oil shipments from Valdez to local refineries will be in U.S. tankers. Figures on United States and world tanker construction are presented in Table 1. The conclusion that can be drawn from these facts and figures is that more and more petroleum will be moving in Puget Sound—and in larger and larger vessels.

WORLD LAW DAY 1971 BY EXECUTIVE ORDER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. RARICK. Mr. Speaker, we now witness another first under "the new American Revolution"—an American President proclaiming World Law Day 1971 by Executive order.

The World Peace Through Law Movement will hold its fifth world conference at Belgrade, Yugoslavia, July 21, 1971.

Tragically our U.S. President has not been briefed on the rule of law under different systems of government. Otherwise, the Chief Executive would not ask every American to reflect on the sacredness of law in the American tradition.

From the date of the Magna Carta in 1215, the Anglo-Saxon concept of the common law—which is the basis of Western civilization—has always been freedom under law, personified by the Constitution of the United States. Such a tradition does not apply to law in Communist countries where the law is a weapon used by the party rulers to deny freedom to the individual and thus perpetuate an unnatural system.

Andrei Vyshinski, the noted Communist jurist who, before becoming a diplomat, wrote the official commentaries on the Soviet constitutional system, stated 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.[1]

And it is reported that Chief Justice Warren Burger is planning to attend the World Peace Through Law Conference in Belgrade to share the World Court bench with Russian Chief Justice Gorkin, presumably to enter into dialog with him.

The true objective of the World Peace Through Law begins to solidify in the light of these developments. We need only remember that peace to the Communists is a goal that can only be attained when all resistance to the Communist drive for world domination is removed or silenced. Mr. Vyshinski, the noted Communist jurist-diplomat, reminds us that this can be accomplished through the deliberate misuse of the law.

I insert the text of the Presidential proclamation at this point:

WORLD LAW DAY, 1971

(By the President of the United States of America)

A PROCLAMATION

From the time more than 25 centuries ago when a Hebrew prophet wrote, "The Lord is our judge . . . our lawgiver . . . our king; he will save us," Western civilization's sense of salvation has been intimately related to its vision of the universal rule of law in the affairs of men. We in the United States have special reason to cherish this vision, for the freedom, the order, and the abundance which we enjoy are fruits of its application. The great principle that the people are sovereign, and that the law they make is supreme, has operated with such signal success in our country's history that Americans are turning increasingly to the compelling logic of putting it to work in the world community as well. People of many other nations and cultures are doing likewise.

At the same time technology is shrinking the globe so that the sense of common destiny and common danger, the sense that "my country is the world; and my countrymen are mankind," is no longer fancy but compelling fact for the whole human race. More and more, it becomes a matter of prime importance that principle and not mere power should govern in this country called Earth.

We can see many heartening evidences that law is becoming stronger and more just around the world under the pressures which reason and necessity exert. Within the nations, human rights and ecological wisdom continue to gain stature in the law. Among the nations, security and cooperation—on every front from space to the seabeds—are being enhanced through negotiations, treaties, and conventions. The United Nations is entering its second quarter of a century, and many other international organizations are working effectively through and for world law.

Also playing a constructive role are those organizations which are made up not of countries but of individual men and women, joined together in the interest of the law as citizens of their countries and of the world. One of the most important of these is the World Peace Through Law Center, founded in 1963, which this summer will hold its Fifth World Conference on World Peace Through Law at Belgrade, Yugoslavia, July 21, the date when thousands of lawyers and jurists from around the world will convene for this conference, will be observed in many nations as World Law Day—an observance in which I know the American people, a people who love the law, will want to join.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby proclaim July 21, 1971, as World Law Day, I call on every American to reflect that day on the sacredness of the law in American tradition. And I urge each American to join with millions of his fellow men around the world in heightened recognition of the importance of the rule of law in international affairs to our goal of a stable peace.

In witness whereof, I have hereunto set my hand this 17th day of June, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

RICHARD NIXON.

CONGRESSIONAL STAFF AIDE MURDERED 1 YEAR AGO

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. HASTINGS. Mr. Speaker, 1 year ago today a summer intern working on my staff was shot and killed within 10 blocks of the Capitol.

He and his date were returning home after a dinner engagement when they were accosted by three youths who tried to steal the girl's purse. In the ensuing struggle, the young man was shot in the chest and killed.

Within 3 days, three youths, one of them a juvenile, had been taken into custody and charged with homicide in the slaying.

That was 1 year ago today. The young man's name was Jeffrey B. Crandall. He was 22 years old and would have completed his second year as a law student at Georgetown University had he lived.

Jeffrey came from Canisteo in my district in southwestern New York State. He was a bright, hardworking, and concerned person, possessed of a contagious zeal for helping the underprivileged.

In addition to his duties on my staff, he put in many extra hours of volunteer work with children in Washington's deprived neighborhoods and offered his service as a legal aid to the indigent.

Today a full year has passed since the slaying and there still is no firm word as to when the trial will take place.

A recent query to the court was able to elicit only a vague guess that it might be set down for possibly September or maybe October.

Mr. Speaker, I find it extremely disturbing in view of my personal relationship with Jeffrey Crandall that his family is faced with this kind of judicial delay.

It would be easy to deplore what appears to be a disposition of the District of Columbia criminal court system to be unable to function with reasonable promptness in handling criminal cases. But the lethargy here is symptomatic of a malaise affecting most of the Nation's court system.

I have been told that for fiscal 1969, the average time for the disposition of some 2,300 criminal cases in Washington was 8.4 months. This is an improvement over the time lag of nearly 10 months reported 2 years previously, but it still contrasts sharply with a national average of 3.2 months.

In other comparable areas throughout the Nation the pace of court action is even slower. For the same period, 1,436

[1] Andrei Ianuarevich Vyshinski, *The Law of the Soviet State* (New York: Macmillan, 1951), p. 497 ff

cases were disposed of in the southern district of New York—Manhattan—in an average time of 12.7 months.

A sharply different picture is noted in California. The central district—Los Angeles—disposed of 2,740 cases in an average time of 3.6 months. In the southern district—San Diego—2,656 cases were handled in an average time of 2 months.

Statistics can be misleading and unfair. The kind of case confronting the courts vary from region to region and has much to do with the speed with which a trial date can be set.

The more serious felonies, especially homicides, require painstaking preparation. Nevertheless, I am deeply concerned that so much time must elapse between arrest and trial and the fact that so much of it is considered justified in the interest of the defendant but so little is said about the interest of the victim.

There is an outrageous excess and abuse of court procedures coupled with an overabundance of court formalities. The legal fraternity must share a blame for this with their tactics of judge-shopping, pretrial maneuvering and motion-taking, transforming the judicial process into a series of ritualistic practices, which in many instances are not only meaningless but always result in incredible delays.

Chief Justice Warren E. Burger, of the Supreme Court, has said that a judge spends twice as much time today trying a case as he did 10 years ago. The increased crime rate accounts for some of this but a proliferation of proceduralism is also a major factor.

There must be better coordination between the prosecution, the defense and the bench. The courts need better trained and more professional personnel to manage the system. Judges should not have to be saddled with this job. They are judges and should judge.

Archaic procedures which had their origin in the days when this Nation was sparsely populated and the convening of courts was an occasional thing should be streamlined or eliminated.

There are far too many hearings which take place now before a person can be brought to trial. It has made the operation of the court cumbersome and sometimes incomprehensible.

A hearing involving a single case may in itself take little time but when viewed in the context of the 300 to 400 cases moving through the courts at the same time, it is easy to see why our court calendars are so clogged.

Somehow, we must create a legal super-highway for court traffic, eliminating the slow-poke procedures which jam today's judicial roadways.

Thought should be given to limiting the exclusionary rule pertaining to evidence which cannot be used in court if it was obtained unlawfully. Aside from prohibiting perfectly good evidence from being used and permitting the guilty to go free, it is the subject of countless time-consuming hearings.

There is no exclusionary rule in Canada and England.

Consideration also should be given to methods of jury selection and the reduction of the jury size from 12 to possibly six as well as the elimination of the rule of unanimity in verdicts to avoid hung juries and mistrials.

I have always felt the courts held the key to an effective criminal justice system but its elephantine pace in Washington, and elsewhere throughout the large urban areas of the country, is hardly calculated to produce evidence which would support such a belief.

On February 1, the District of Columbia Court Reform and Criminal Procedures Act, which this Congress passed last year, went into effect and it was a year ago today that Jeffrey Crandall was shot.

Hopefully, this young man's tragic death will in some way serve to accelerate the critically needed court reforms to bring about not only speedy trials but speedy justice.

So that my colleagues may know the kind of young man Jeffrey Crandall was and gain some idea of the loss we all suffer when such lives are taken, I am including news stories carried in the Hornell, N.Y., Tribune and the Washington Daily News at the time of his death in the RECORD:

[From the Hornell (N.Y.) Tribune, July 7, 1970]

A VISIT WITH JEFF CRANDALL

Jeffrey Baldwin Crandall came to see me at Painted Post one month before he was shot and killed in our nation's capital Wednesday night.

I listened to him talk about the blacks, about poverty in America and the struggle in our metropolitan areas. I knew he had something to say.

I was listening to my 22-year-old cousin tell me his experiences. When I left Hornell 8 years ago he was 14—not old enough to really know. When I saw him again this spring I was probing him for this thoughts as a man.

And as I listened and asked questions I was trying to find out about his aspirations. I was trying to find out if in Washington he was playing the role of the patronizing Great White Father to the blacks.

Then, too, I was trying to find out what my cousin thought about America. The answers soon became very apparent.

Jeffrey didn't have an American flag sewn on his sleeve, nor did he plaster his car with flag decals. Instead, he carried the ideals symbolized by the flag in his heart and spread them to those around him.

Jeff put himself into his environment.

"When you're in Washington, look me up," he told me. I didn't have to look him up, he and Carolyn Triplett were at National Airport to meet me.

Before he took me where I was going, he said, "I want you to see where I live." He was immensely proud of what I would call a home in a deep ghetto area.

When his car rolled to a stop in front of an old brownstone, three black kids ran up to Jeff and demanded that he tell them who I was. Two were twins and while one of the identical twins (Jeff could tell them apart) tugged at Jeff's arm. He was anxious to tell him how sorry he was that one of his little friends let a house dog escape by leaving a front window open after borrowing a basketball.

By this time the three kids were joined by four or five more, who were curious to find if I was a new tenant and whether or not I would be "acceptable." Jeff introduced them all to me, by name, before we entered the temporary quiet of his home.

I learned in Washington that Jeff's befriending of the black children—and all of the people in the neighborhood—was part of his character and that it was not done with an air of superiority. His efforts to help, if needed, resulted from genuine concern.

He didn't want me to see his dwelling so much as he wanted me to meet the people who had become such a great part of his life. He was surrounded by blacks living in poverty and wanting for a place in the sun.

His, and his three roommates' retinue of little friends grew from five or six to 30 in the short time he was living there and studying law at Georgetown Univerity.

They helped the kids with their school work, and eventually were getting notes from teachers listing subject weaknesses for different children.

Also, in the first, and toughest year of law school, he was volunteering 20 hours a week at the D.C. Legal Aid Society and doing research for indigent defendants in criminal cases.

"But most of all, Jeff got the biggest kick from taking three or four kids to the Smithsonian, the Mall, or one of the city's monuments. These field trips were only one influence out of many for these kids. It contradicted a lot of their other influences."

"We were just another force in building the idea that all white people are not bad, are not bigots," he said.

The shock of the circumstances of Jeffrey's death is eased, knowing he left several black children in Washington who will make decisions in their lives having had his influence and friendship.

As I grieve for Jeffrey, I also become more acutely aware of what has been called the "crisis of the American spirit;" and I grieve, following our Independence Day, for our ironic loss of freedom.

We have become enslaved by fear. We are afraid to walk darkened streets. Our shopping and our appointments have to be transacted only in daylight—still with uncertainty.

Insurance companies will not risk insuring the household belongings of a person who lives in a fourth floor apartment two blocks from our nation's capitol. Fearful people are pleading with three remaining aspiring lawyers—vibrant and concerned—to forsake their meager brownstone for the safety of suburbia.

It is hard for us to understand, but there is war in our cities. Long before the construction workers marched in New York City recently, Jeff said he was worried about what the summer might bring in the cities. He was fearful of the rising trend toward extremism, militancy and violence.

He told me it was possible for extremists on the left and right to clash head on. . . .

Six historians, in discussing "The Spirit of '70," conclude, through divergent views, that there is a crisis in America. Because of the tragedy close to me, I am consoled in rebutting one of the historians.

Andrew Hacker, department of government professor at Cornell University, sees the crisis this way:

"The malaise of the American spirit cannot be blamed on wrongheaded policies, inept administrations, or even and inability to understand the dimensions of our current discontents.

"The reasons are more fundamental—I would say historical—arising from the kind of people we have become. I have called our time 'the end of the American era' because as individuals we no longer possess the qualities upon which citizenship depends." He is especially critical of the young.

Because of what I have witnessed in Washington with Jeff, and with many of our youth, I would say instead that our time is "the beginning of the American era."

I would also say the malaise of the American spirit "can" be blamed on wrongheaded policies, inept administrations, or even an

inability to understand the dimensions of our current discontents.

Our youth are now more concerned than they ever have been, and they are participating, even though their efforts are sometimes strangled by others who are complacent—who flee from the cities and never look back.

We must read the crisis barometers and listen—listen to our young, listen to our internal cries of discontent, and support . . .

I would like to repeat some of the comments of Arthur M. Schlesinger Jr., professor of humanities at the City University of New York, because they echo what Jeffrey was thinking and working for.

"Our nation is in a state of incipient fragmentation," Schlesinger said, "and the urgent need (along with ending the war) is a national reconstruction that will bring the estranged and excluded groups into full membership in our national community.

"This means social justice as well as racial justice; it means a far broader measure of participation on our great organizations and institutions; it means the determination to enable all Americans to achieve a sense of function, purpose and potency in our national life."

"Washington's a good town," Jeff told me the day he had stopped by.

"Would you ever come back to Canisteo or Hornell after a taste of metropolis?"

"Sure, I want to practice law here. You've got a great view of the hills from these windows. Hey, there's a deer in the meadow across the road."

"I can't see it. I've got to get my glasses." We went out on the deck and the deer ambled out of sight.

"I love these hills. I want to sail Keuka, too. Sure, I'll be back."

After the tragedy Wednesday I said to myself, Jeffrey will never come here again, as he did when we talked about poverty in America, the war in Vietnam and the war in our cities.

But then I realized, until we are at peace with our fellow man, Jeff will see me again—and many Americans in the years to . . .

A "BUDDY" OF THE GHETTO CHILDREN BECOMES A VICTIM OF THE GHETTO

(By Nancy Cowger)

It is ironic that Jeffrey Baldwin Crandall, 22 year old Canisteo youth living in Washington, D.C., was murdered by three ghetto youths Wednesday night.

Young Crandall was prepared to spend the rest of his life working for those youths and others like them. He had moved to Washington in August to start studies at Georgetown University Law Center, and established himself in volunteer legal aid work in the city.

He had become a "buddy" to ghetto children, taking them to the zoo, the Smithsonian Institute, national monuments, baseball games, sailboat rides and other places and activities they might not otherwise have known.

His apartment has been described as a "hangout" for black children in the nation's capital, a place where 30 or 40 children could go because they "just like to be there," and watch television or be tutored by Jeffrey in schoolwork that troubled them.

Jeffrey was a friend to them who could call out the window "round up the gang", and 15 children would knock on the door minutes later to meet Jeff's parents.

He was a young man concerned about young children, who asked his parents to take and raise a black child from the ghetto "so he could have a chance" in life.

Jeffrey was a student lawyer, who at the time of his death, was preparing a defense of temporary insanity for a black youth charged with the murder of a high school principal during an attempted safe burglary. Jeffrey also was working on an appeal for a black youth convicted of killing two agents of the Federal Bureau Investigation.

He felt both sides of the "crime in the street" issue. He had been robbed at least six times before a final robbery resulted in his death. His car had been ransacked and the tires slashed several times.

But he did not feel bitterness toward the persons who had done these things. A Washington roommate of Jeffrey described how he felt Jeffrey would have commented on the crimes perpetrated against him.

"You must have compassion and understanding of why the people in the ghetto area act as they do. It is not a question of guilt or innocence," said William O'Malley of Springfield, Mass., a fellow Georgetown student. "We were one influence out of many of these kids. It contradicted a lot of their other influence—gave the kids the idea that all white people are not bad or not bigots," O'Malley continued.

Jeffrey was a boy who was "always looking for something," who "was never happy" until he went to Washington, says his father, Harold B. Crandall Jr., of Canisteo.

"In Washington he found it. He was happy for the first time, helping the underprivileged,' said Crandall. "He too gave them clothes, cookies. He'd take them to the shore. They all knew him."

Jeffrey, who called his parents the morning of his death to discuss a legal case, would have been home this weekend had he lived. He was to spend the Fourth of July with his family.

Jeffrey was a determined youth, according to his mother, a youth who was not always easy to live with because of his will be to be first, to be a hero. He was a youth who accomplished what he set out to do, even if it meant becoming an Eagle Scout five years later than he might have at the same ceremony with his brother, Andrew, then 15.

Jeffrey had filled all the requirements for Eagle Scout but one when he was age 15. But he could not swim well enough, due to previous ear surgery. When he was 20 the swimming requirement was removed and the rejoined a Scout troop, with 12 and 13-year-old boys, receiving his award.

Crandall was liberal in the sense of much of today's youth, he opposed the Vietnam war and acted as a marshal in an anti-war demonstration in Washington. But he also was conservative, convinced his brothers wore their hair too long.

His sister saw him as the one who "always came to my rescue," and his brothers as the one who would get what he wanted out of life, including a future in politics.

In Washington, Jeffrey worked with the university's legal aid society, with the District of Columbia Legal Aid Agency, with settlement houses and with children. He was an Congressional intern for Rep. James F. Hastings of Allegany.

At the University of Illinois, where Jeffrey received a bachelor's degree in economics in 1969, he worked as manager of Atherton House, a residence hall, was a member of Tau Kappa Epsilon social fraternity and was an honor student each year. He had a full tuition scholarship to the university.

Jeffrey was graduated from Canisteo Central School in 1965, where he had earned letters in basketball, baseball and football, parhis sophomore and junior years, he was an honor student. During the summer between his sophomore and junior years, he was an International Fellowship student to Bogota, Colombia.

In a final comment on Jeffrey's life and death, his parents say they feel no bitterness, but believe the country should place as much emphasis on problems at home, as crime in the streets, as it does on problems abroad, as the Vietnam war. Jeffrey was concerned about crime and poverty, they say, and these are concerns for all Americans.

TWO FULL SCHOLARSHIPS HONOR JEFF CRANDALL

(By Nancy Cowger)

CANISTEO.—Two full tuition scholarships to Georgetown University, Washington, D.C., have been named to honor Jeffrey Baldwin Crandall, 22-year-old Canisteo native murdered in the nation's capital July 8.

The University gives both the scholarships annually.

Also, a Jeffrey Crandall prize will be awarded to the Georgetown University student each year, amounting to the annual interest from the Jeffrey Crandall Fund instituted by the Legal Aid Society the day after the youth's death.

Over $1,000 has been contributed to the fund, to be administered through First State Bank of Canisteo by the society, a student organization for voluntary legal service. As part of the prize, the winning student's name will be engraved on a permanent plaque.

The society works in five general areas, and since his death Jeffrey has been eulogized for his outstanding service in each.

Its activities include investigatory work for the Washington, D.C. Legal Aid Agency, a federal institution, in criminal matters; assistance to private attorneys in civil work for Neighborhood Regional offices, also federally sponsored; assistance to private court appointed attorneys in preparing defense cases for indigent clients; special projects in working with indigents, such as lecture programs, organization of clubs, traveling with police patrol cars and establishment of community assistance programs, and promotion of participation in elections.

Over 600 letters of condolence, many including contributions to the prize fund, have been received by Mr. and Mrs. Harold Crandall Jr., parents of the youth. Some are from congressmen who met Crandall after his appointment as an aide to Rep. James F. Hastings of Allegany just a few weeks ago.

Others are from residents of the ghetto area in which Crandall chose to live to be close to the persons he worked so hard to help. Many are from persons in the Canisteo area who know the Crandall family or were Jeffrey's friends.

"You never know how many people a person touches with his life, until something like this happens," says Jeffrey's father, who with his wife and three other children have been opening letters all week. So many have come, they have been delivered by truck each day.

Many of those writing have said they hope Jeffrey's murder will focus the federal government's concern on the problem of crime in Washington and throughout the country, and on other internal national problems, says Mrs. Crandall. Some writers have urged the family to write a letter of protest to President Richard M. Nixon.

But the letters that have been most moving to the Crandalls are those that came from ghetto friends of Jeffrey.

An elderly woman who lived next door to Jeffrey's apartment building tells how the youth protected her husband each night as the man parked his car behind their home.

"When not waiting in the alley for my husband to get into the yard and lock the gates, he would stand where he could be seen from those in the blind alley, brandishing an imitation gun to show the thugs he was on guard. Jeffrey told me about it weeks after he had been doing it without a word to us," the woman said.

"For the past several years we have suffered a great deal of material loss, as well as personal danger, but Jeffrey's real care and personal protection is the first help we have

ever enjoyed . . . (We) were privileged to enjoy his friendship. Please know we share your grief," she concluded.

A Congressional aide saw a different side of Jeffrey's character.

"I met Jeff when he came to work with us in Congressman Hastings' office in June. In those few weeks we became friends. He would come in the office all excited about a case he was working on in the evenings. I never knew anyone to get so wrapped up in anything as Jeff was in these law cases. Sometimes it would be an assault case, another time a robbery or drug case, and the most recent was a case involving the selling of bombs. I never envied him his work, being a coward myself, but I did envy his enthusiasm . . . I will miss him greatly," the young woman wrote.

[From the Washington Daily News, July 3, 1970]

THREE CHARGED IN HILL AIDE'S DEATH

(By Mark Lewis)

Jeffrey Crandall had never known the anguish of persons living in the inner city until he came to Washington a year ago.

"He had never lived anywhere except in a very small lovely community," his mother said from the family home in Canisteo, a town of 2800 in upstate New York.

Jeff had been an honor student and a four-sport athlete in high school at Canisteo before going to the University of Illinois to study economics. He was an honor student and a member of the student senate there, and "he started to get his political concerns," Jeff's father, Harold B. Crandall, a funeral director, said.

Last August, Jeff arrived in Washington to start Georgetown Law School and took a room in a renovated townhouse at 1120 East Capitol-st. with four other law students.

"He was appalled. Living where he did, he wanted to struggle for the inner city," Jeff's mother explained.

Parents and friends said his commitment grew as he saw the obstacles confronting the black children on his block, obstacles he had never had to face.

"It was the second and third-graders that really did it. He took them everywhere—to the ballgame, to the show, to the ocean. Go down the block and ask them who their leader is and they'd say, "Jeff!" Mr. Crandall said.

Thru the law school, Jeff arranged to work part time with the District's Legal Aid Society. "This was what he wanted to do. He put his heart and soul into it," his father said.

Legal Aid Agency director Barbara Bowman said, "He was one of the most dedicated and interested students that we had. He did a lot of volunteer, investigative work at the agency."

One roommate, Bill O'Malley, said, "He did a lot of work for nothing and was shot by the type of poor person he tried to help. That's what's worrying the other guys and me."

This summer, Jeff had taken a job as an intern with Rep. James F. Hastings, R-N.Y.

His father said Jeff also has been riding a squad car on the weekend to get a better feel for the problems of law enforcement and attitudes of police toward the black community.

Mr. Crandall said. "The kid had so many facets. Now you have to stop to think how could anybody do what he did and then this . . ."

On Wednesday at 10:30 p.m., Jeff parked his car a block from his Lincoln Park residence to take his date, Carolyn Triplett, home.

Three men, one armed with a revolver, confronted the couple, one grabbed for Miss Triplett's purse, and Jeff grappled with him. The gunman fired once.

Twenty minutes later at Rogers Memorial Hospital, Jeffrey B. Crandall, 22, of Canisteo, a bullet in his chest, was pronounced dead.

District police have charged three young men, including one juvenile, with murder in connection with the fatal shooting Wednesday night of a Georgetown law student, Jeffrey B. Crandall.

Jeffrey, 22, of 1120 East Capitol-st ne, was shot after a struggle with three men who had tried to rob him and his date, Carolyn Triplett in the 1000 block of Massachusetts-av ne, near her apartment.

Homicide squad investigators said evidence found at the scene and information from persons in the neighborhood led to the arrest of Clifton Leon Person, 18, of 1332 Emerson-st nw and Rudolph Valentino Washington Jr., 19, of 210 9th-st ne. Police said Mr. Person was arrested without resistance at the 9th-st address. Mr. Washington surrendered at police headquarters a short time later.

Police said Mr. Person and Mr. Washington would be arraigned on the murder charge in General Sessions Court today, and the 17-year-old is being held in the Receiving Home awaiting a Juvenile Court hearing.

He will be buried Monday in Canisteo.

"It's a really quiet town. You know, I don't think we've ever had a murder in our town," his mother said. "We read about these things in the big city papers but we've never known anyone who's ever been involved."

U.S. POSTAL SERVICE DAY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. DORN. Mr. Speaker, today is an important day for the American public and when the significant events of the year are recorded, "U.S. Postal Service Day" will certainly be included among them.

Not quite a year ago, I was pleased to endorse the Postal Reorganization Act which created the new Postal Service as an independent establishment of the executive branch of the U.S. Government.

As of today, July 1, this independent establishment begins to function officially. And I am confident that as time goes by, the U.S. Postal Service will successfully accomplish its mission of improving the mail system.

Progress toward this goal has already been made. Increased efficiency is the password at postal headquarters and throughout the field. New service standards have been announced to include overnight air mail delivery to large cities throughout the Nation. Mechanized equipment is scheduled at an accelerated pace for large and small post offices across the country.

In short, Postmaster General Blount and his management team have already begun to implement postal reform with the ultimate aim of providing the American public with a modern and updated postal system.

BRITAIN'S MEMBERS OF PARLIAMENT CALL FOR U.N. INQUIRY INTO KATYN MASSACRE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. PUCINSKI. Mr. Speaker, more than 165 Members of Britain's Parliament have signed an all-party motion urging the United Nations General Assembly to investigate the wartime massacre of Polish Army officers in the Katyn Forest near Smolensk, Russia.

I was very pleased that the British Members of Parliament have taken this action. At the conclusion of my remarks, I shall place in the RECORD today an article which appeared in the London Times describing this action. I shall also place the honor roll of British MP's who signed the petition and a copy of the general debate on this subject in the House of Lords on June 17.

Mr. Speaker, I call particular attention of my colleagues to the debate on the Katyn massacre in the House of Lords. There are historic references which we ourselves did not have in 1952 when a select committee of the House of Representatives investigated the Katyn massacre in 1952.

You will recall our distinguished colleague, the gentleman from Indiana (Mr. MADDEN), was chairman of the select committee of the House which investigated the Katyn massacre in 1952.

It was my privilege to serve as chief investigator for that committee and write the indictment of the Soviet Union for this monstrous crime.

You will recall the House committee unanimously concluded that Stalin ordered the Polish Army officers destroyed because he did not want them to lead opposition to communism in postwar Poland.

I am most pleased to learn that the British are now building up a demand for further investigation of the Katyn massacre. This action complements action taken by our own House committee in 1952 when we called for a U.N. investigation.

I hope we can renew this demand and I shall shortly circulate a petition among our colleagues to join our British counterparts in demanding a U.N. investigation.

There is no statute of limitations on murder, and we ought to demand a U.N. investigation, even at this late date, to show the world the full magnitude of Soviet infamy.

Mr. Speaker, the London Times article, the record of debate in the House of Lords, and the list of British MP's who have called for a U.N. investigation of the Katyn massacre, follow:

[From the London Times, Apr. 23, 1971]

MP'S CALL FOR U.N. INQUIRY INTO KATYN MASSACRE

(By Our Political Staff)

More than 60 M.P.s yesterday signed an all-party motion tabled in the Commons by Mr.

Airey Neave (Abingdon, C.) urging the Government to call on the United Nations General Assembly to appoint a committee to investigate the wartime massacre of more than 4,000 Polish officers in the Katyn forest.

Mr. Neave first became concerned in the investigation of this crime when he was assistant secretary to the international military tribunal at Nuremberg which tried the chief German war criminals.

The sponsors of the motion include Mr. Christopher Mayhew (Woolwich East, Lab.), Sir Tufton Beamish (Lewes, C.), who is a vice-chairman of the 1922 Committee, Mr. Paul Rose (Blackley, Lab.), Sir George Sinclair (Dorking, C.), Mr. Peter Archer (Rowley Regis and Tipton, Lab.) and Mr. John Pardoe (North Cornwall, L.).

The motion asks that the United Nations should, "if the evidence is conclusive, condemn those responsible for the massacre". It does not attempt to give a date for the event.

Mr. Neave said that, unlike the cases of murders by the Nazis and other atrocities, no one had ever been held to account for the massacre nor had there been any judicial inquiry.

"I do not regard the fact that it is 30 years after the event as being any reason for allowing the world to forget it. It is in the tradition of the House of Commons that they do draw attention to the worse crimes in history and I very much hope that this motion will make itself felt on world opinion so that it is really taken up at the United Nations."

The Nazis had said the massacre occurred in April, 1940; the Russians had said it was in the autumn of 1941, when the Germans advanced into Russia.

"The evidence given at Nuremberg was that the bodies were buried in the spring of 1940 and that the papers found on the bodies did not date later than April, 1940."

PARLIAMENTARY DEBATES—(HANSARD)—HOUSE OF LORDS OFFICIAL REPORT

POLISH WAR PRISONERS: MASS MURDER IN RUSSIA

Lord BARNBY rose to ask Her Majesty's Government whether they will now support an effort to secure pronouncement establishing beyond contention the authorship of the mass murder of over 4,000 Polish officer prisoners of war in the Katyn Forest near Smolensk, Russia, in the spring of 1940, and bring to light the disappearance without trace of a further 10,000 Polish officers interned in 1939 in the Soviet camps of Ostashkow and Starobielsk. The noble Lord said: My Lords, it is a curious coincidence of Parliamentary Orders that two consecutive matters of business should each refer to countries which are alleged to be in the unfortunate position of being oppressed. With the indulgence of the House, I would say that having heard the discussion on the previous Bill I am reminded that I happen to be among the few in this House who actually sat in another place with the Irish, and tonight I heard the familiar talk of the "oppression" by Britain of another country. Perhaps I might tell the House with regard to my Motion that the first time I visited Poland was when she was under the oppression of a foreign country, as the Congress of Poland was still under the subjection of Russia.

To turn to my Question, it has of course no Party partisan aspect. In that way, it is the more pleasing to put forward. I seek to report a gap in history, in the hope that there might be put in motion an exploration through some recognised international authority which will correct the omission. It will be remembered that Napoleon's early victories were achieved with relatively small forces—Marengo with 23,000 and Austerlitz with 73,000. How different from the vast numbers mobilised by whole nations in the last War! But it is with regard to the relationship of those numbers that the 200,000-odd military prisoners who fell into the hands of Russia were great in volume compared to the forces with which Napoleon achieved so much.

It is right that I should try to recapitulate some events of history. It will be remembered that in the spring of 1939 Britain signed an agreement with Poland that she would go to Poland's aid if she were attacked. The Germans attacked Poland on September 1, 1939. We declared war on Germany. The German armies had the advantage of the persuasion of Britain in those difficult days of August 1939, to delay mobilisation in the hope of avoiding a situation. I remember it well, because I was in the South of Poland at that time. I took a train to Warsaw the next day, as a result of a conversation with our Ambassador, Sir Nevile Henderson, and heard from him a conversation that he had had the day before with Goering: and I was curious, as other noble Lords would have been, as to the prospects of peace or war.

Anyhow, the Germans had attacked. Their thrust was strong, and they pushed back the Polish armies. As your Lordships will remember, on the 17th day of that month the Russians attacked from the East, and under the pressure from East and West the Polish armies were quickly overrun. Poland was divided almost equally between Russia and Germany by the Ribbentrop-Molotov line. The Germans exercised their power to remove some 1½ million Poles to the extreme East, well into Russia.

Meanwhile, these Polish military prisoners had also been moved to camps well inside Russia. But, of these prisoners, some 15,000 officers were removed to three special, known camps. They were there sifted. Some 500, it is understood, yielded to the temptation of collaboration with Communism, and were appropriately employed. Of the remainder, some 4,500 were removed to the camp at Katyn, near Smolensk, in Russia. Nothing was every heard of those men again after April, 1940. It should be remembered that Russia was then at peace. We should remember, too, that British officers, prisoners of war in the last war, had access to the International Red Cross, and they had contact with home. No such privileges were ever afforded to those 4,500 men, about whom nothing more was ever heard. That is why I think it is right that there should be an appropriate arrangement for the establishment of an iron-clad prisoner-of-war protection agreement aiming at effectiveness far beyond that provided by the rules of the Geneva Convention of August, 1949.

I return to the course of events. Germany attacked Russia on July 22, 1941, also in defiance of treaties. The German armies advanced rapidly, causing fear in Russia of how serious the position might be. Russia decided to make a treaty with Poland, who by then had a Government resident in London, and General Anders, released from Lubianka Prison and commissioned to raise an army, naturally asked to get the officers who had been captured, many of who were known to him personally. Excuses were made, and no officers were produced. General Anders proceeded with the mobilisation of what forces he could. Those were the armies that fought so gallantly with us at Monte Cassino and elsewhere throughout the world, adding to the effect of support given by the Polish Air Force in the Battle of Britain, where I understand they had the highest proportion of "kills". So we should keep in correct perspective the gallant support that we had for the Allied cause from the Polish Army.

In April, 1943, Germany had been in possession for some eighteen months of big areas of Russia, which included that in which was situated the Forest of Katyn, near where these prisoners had been. They began to dig, and they discovered the graves of a great number of Polish officers. The Germans invited the International Red Cross to investigate. The Russians refused to agree. The Germans then decided that they would appoint an international medical commission—this was in 1943—which was accorded every opportunity of access and research, and made an impressive report. At this stage, I would remind your Lordships that there exist two excellent books on this subject: one is entitled *Katyn*, by Louis Fitzgibbon, and the other, *Death in the Forest*, by J. F. Zaviodny.

I would wish to expound at greater length, but time does not permit. Other speakers will follow, and I hope that reference will be made to points with which I shall not deal, other than to tabulate them. There are the report of the international medical commission which the Germans appointed; the sequence at Nuremberg of the charges; the unreserved findings of the U.S.A. Congressional Committee in 1952; and the recent convincing B.B.C. documentary film. I did not myself see the film, but I understand that it was a very good impartial presentation of the facts; it was historical and effective in its presentation. Why did the Soviets refuse to agree to an international Red Cross agreement? Lastly, where were the officers in 1941 that Anders sought to man the force which he raised in Russia and with which he proceeded to the Allied front? There has been a complete conspiracy of silence. There is a blank in history as to the authorship of this odious crime. There has been much talk in other circles of our obligation, the British obligation for the respect of international morality. There are other concurrent contemporary topics. I feel this is one which justifies ourselves and the other Allies examining our consciences.

If I may be pardoned for striking a personal note, I speak on this matter because between the wars I visited the then Polish Independent Republic four or five times a year and travelled widely. I knew at that time a good deal about Poland and I was astonished, as all noble Lords would have been had they been there, at the achievements of Poland in the integration in a short time of the currency, weights and measures and legal system. Those three systems were merged into one as a result of the fusing together of the areas occupied by Russia, Austria and Germany.

A similar Motion to this one, with over 180 signatures to it, is down for debate in another place. I understand that steps are being taken to put this matter on the agenda of the United Nations Human Rights Committee, or before the General Assembly of the United Nations which next meets in September. It will be thought by many: why raise this subject now so long after its occurrence. My Lords, what are the thoughts of the relatives of those murdered men and all the other Poles who died in the Allied cause in the last war? No indemnification was ever received by any of them. Now the relatives of those living in our country, ageing, many in dire poverty, believe that their feelings would receive some balm if they could only be assured as to what had happened and what was the fate of these people. Many of them are living with us in an alien country without normal contact with their own people.

My Lords, I have tried to approach this question with a fairness of mind and a moderation of language. But I do so with the feelings of the deepest emotion. I have tried to compress my remarks into a reasonable time, but I have sought to get the matter into focus. I am sure that these remarks will be amplified by succeeding speakers much more eloquently and clearly than I can do. In conclusion, with all sincerity, I would urge that the Minister in reply not only offers sympathy, but also the prospect

of some action of an effective character. I beg to ask the Question.

Lord SHINWELL. My Lords, when I examined the list of speakers earlier this afternoon I learned that it was the intention of the noble Marquess, Lord Salisbury, to follow the noble Lord, Lord Barnby. I have since received an intimation that the noble Marquess prefers to defer his observations until later in the debate. It would have been a high distinction to follow the noble Marquess because, if nobody else in your Lordships' House is familiar with the subject, he was at the time in question, in 1939, occupying an honourable position in His Majesty's Government. Therefore he will speak with expertise, with a knowledge of the subject which I cannot claim to possess.

May I begin by offering congratulations to the noble Lord, Lord Barnby, for his exposition. He has coupled logic, a series of facts, with a quite creditable and justifiable emotion in the circumstances. I offer my congratulations to him. In the course of the week questions have been asked about whether this debate was necessary: Why delve into history? It is all of the past. Why refer to old complaints, sores and the like? It is singular that such questions should have been asked because preceding this debate there was another in which we discovered that in 1925 it was decided by a Privileges Committee of your Lordships' House that only a certain number of Irish Peers were entitled to be represented in this Assembly. In 1925 the matter was settled. That was just as remote—even more remote—than the incidents which form the subject of this debate. We are entitled—completely justified—to delve into the history of this sordid and squalid affair.

In 1939 war broke out: the Nazis invaded Poland. They bombed Warsaw and practically destroyed it. Almost simultaneously the Russians, for reasons best known to themselves, decided to invade Poland. As the noble Lord, Lord Barnby, stated in the course of his observations, we were, so far as Russia was concerned, at peace. We had declared war because of the invasion by the Nazis of Poland. Russia was at peace. Nevertheless, after the Nazis had bombed Warsaw and had engaged in wholesale destruction, Russia invaded Poland. The question may be asked: Why did they invade Poland; why did they carve Poland up along with the Nazis? Why did they seek to obtain as much loot as possible? And, moreover, why did they take from Poland a large number of officers and men of the Polish Army and deport them forcibly to Russia? The reason is best known to themselves; these officers and men were never heard of again. This is a justifiable Question, even although the matter seems remote and no longer topical.

Let me recount a personal incident which has some bearing on this subject, but I preface my observation by asking a question. Why was it—perhaps the noble Marquess, Lord Salisbury, could respond in the course of his remarks later on—that the Foreign Office at the time, although it must undoubtedly have been aware of what happened, never said a word about it; appeared to take no appropriate action? I can recall Questions asked in the other House on the subject. Rumours were floating around. No facts were available to honourable Members in the other place. But the Foreign Office must undoubtedly have been aware, because of the rumours that were current, that something of the kind, on which the rumours were based, had been operating.

At just about that time I was asked to pay a visit to the Russian Embassy when Maisky was the Soviet Ambassador; Maisky was a friend of the United Kingdom. I had gone at his own request to talk with him about the possibility of Russia's entering the war on the side of the Allies. Noble Lords may wonder why I should have been consulted by Maisky. It so happened, although some of my colleagues decided to join Winston Churchill in the Coalition Government, that I refused the invitation, and so I found myself on the Opposition Bench, not the official Opposition Leader, but unofficial—if noble Lords prefer it, self-appointed. Maisky asked me to come and meet him. His reply to my question, whether Russia intended to enter the war on the side of the Allies, evoked a rather peculiar reply. He did not reply directly, but said, "Britain will not be defeated." I remember that remark vividly. So far as Maisky was concerned, he was on our side.

I repeat the question: If the Foreign Office were aware of what was happening in Poland, why were the facts not exposed? It may be because the Foreign Office diplomatically, and probably rightly in the circumstances, had no desire to offend Russia, in the hope that Russia would join with the Allies against the Nazis, and in the circumstances that would be regarded as a correct posture. I certainly at the time would not have objected to it because, like others in the other place, I wished for the successful prosecution of the war against the Nazis. It is remarkable how these events have been shrouded in obscurity, despite several commissions of inquiry. For example, there was the United States Congress Commission of Inquiry, when it was stated that there was not a scintilla (I am quoting accurately from the Report itself) of evidence which could refute the allegations and the rumours about the destruction wrought by the Russians when they invaded Poland and deported officers and men.

There was another inquiry. I am not certain whether it was of an international character; I think it was the International Red Cross. They engaged in an inquiry and were satisfied that there was truth in the rumours connected with the allegations about the massacre of officers and men—the number stated at the time was something like 15,000. Even Winston Churchill made no reference to the subject, except in relation to a controversy in which he engaged with Stalin at the end of 1945 when they were discussing what was to happen about the carving up of Poland and the frontiers. The references are contained in the Sixth Volume, 29th chapter, of *World War*, for which Churchill is responsible.

Lord RITCHIE-CALDER: My Lords, if I may interrupt my noble friend—did he mean 1944 or 1945?

Lord SHINWELL: 1945.

Lord RITCHIE-CALDER: 1945? But Churchill was not in office at the end of 1945.

Lord SHINWELL: No, my Lords; I am wrong. I have the dates wrong. It was immediately after the war. Churchill was engaged in controversy on what was to happen about Poland. This is contained in the reference I have just mentioned. Perhaps my noble friend would care to consult the volume in the Library, and there he will see the actual statement made by Churchill about the disputes with Stalin. It was not about the events which have been raised by the noble Lord, Lord Barnby, which occurred in 1939 and the year following. This was in connection with an allegation about a smaller number of officers who had been captured by the Russians and massacred. Churchill asked Stalin whether anything could be done in order to prevent happenings of that kind from recurring. Stalin absolutely refused, and in point of fact, according to Churchill's reference in the volume which I have just mentioned. Stalin went so far as to declare these officers as revisionists who were trying to defeat the aims of the Soviet Union on behalf of, presumably, so-called reactionaries. This is part of the story: the rumours in 1939 and in 1940, and then a similar event when Churchill came to office and engaged in controversy with Stalin on a similar subject but of course concerning fewer men.

It may be argued that we ought to be extremely careful not to engage in disputation of this kind which might offend the Russians. I have a reply to that. We are a small country, Russia is a big country. Militarily we are not as strong as Russia, but that is no reason why we should not seek to rectify incidents mentioned in this debate. It may also be argued that in Poland at the present time they have been somewhat regardless of minority interests, and therefore although Poland was an ally of ours during the war (so far as it was possible to be an ally under General Anders, who was operating in this country on behalf of the Polish exiles) we ought to be extremely careful not to offend the Russians. But, after all, we are concerned with principles. We are concerned with the question of whether there should be an exposure of those events, whether there should be some rectification, some justification, some compensation—I am not speaking financially, because most of those people have died. Probably some of their successors are still alive and are in this country or elsewhere, but it is not a question of financial compensation. It is a matter of an inquiry which may afford consolation for those events, and, in the circumstances the noble Lord, Lord Barnby, was justified in raising this topic.

I do not want to proceed any further than that, except to repeat that, so far as I know, no responsible person—the Prime Minister or Lloyd George, for example—took any action in the matter. A reference is made to Lloyd George in the book by Frank Owen *The Tempestuous Journey* which must be familiar to noble Lords, in which he refers in a casual fashion to the rumours that were current in 1939; but Lloyd George took no action in the matter. Winston Churchill took no action in the matter, although he must have known what was happening. The Foreign Office must have been aware. I am not quite sure who was Foreign Secretary at the time, whether it was Lord Halifax or Sir Anthony Eden (now Lord Avon)—perhaps the noble Marquess, Lord Salisbury, will be able to tell us who was Foreign Secretary at the time. At any rate no prominent person and nobody in the Foreign Office raised the issue, presumably because they dared not offend the Russians.

It may be said even now that we must not offend the Russians. I do not want to offend the Russians or anybody else, but I want what the noble Lord, Lord Barnby, is anxious about: that there should be an exposure of what happened, so that the world should know who was responsible for those events. That is the reason why the noble Lord has asked this Question; whether the Government can respond by appointing a Commission is a matter for them to decide. My own impression is that they will refuse, presumably because Russia is a strong country militarily and we must be extremely careful, we must be prudent, we must be cautious.

I should like to end by saying one thing on the ideological issue. I am not concerned about Russian ideology for Russia and the Russian people, but I condemn Russian ideology which is used as propaganda in all parts of the world for subversive reasons. If for no other reason than that, I think the noble Lord, Lord Barnby, was justified in raising this issue, and the very least that the Government can do is to endeavour to find out the facts of this squalid affair, so that history can place them on record. They were based on rumours at the time, but rumours which obviously had an element of truth. I support the noble Lord, Lord Barnby.

The Earl of Dundee: My Lords, the mas-

sacre of Katyn took place a long time ago, probably in the spring of 1944, and if we are asked, as the noble Lord who has just spoken thought we might be asked, what good purpose can now be served by raking up this 31-year-old atrocity in a world where violence and cruelty seem to be becoming almost universal, I think the right answer is that we should try to put ourselves in the position of a near relation of any one of those Polish soldiers who, after having fought in vain for his country and after being held for seven months in a prison camp, was then slaughtered, together with 4,000 of his comrades, and buried secretly in the neighborhood of the camp.

A great many of the families of these men are now living in this country. You would not feel, if you were one of them, that it made very much difference to your son or your brother or your husband or your friend whether he was murdered by the Russians or by the Germans, but I think it would seem important to you that history should seek to tell the truth about his death. I am sure that history makes a great many mistakes, and even in the most liberal society where freedom of speech and freedom of writing and freedom of research are all fully permitted the best historians may sometimes be deceived by the false propaganda of an earlier age, or even of their own age. If Germany had won the last war school children in many civilised countries would have been taught a version of history which would have been prescribed by Dr. Goebbels, and some of it might never have been unlearned.

When the news of the discovery of the dead bodies at Katyn was published in the latter part of the war, in 1943 or 1944, I, like the noble Lord, Lord Shinwell, was a Member of another place. We had to choose between two contradictory statements, one by a Communist Government, another by a Nazi Government, both based on political philosophies which shamelessly subordinate truth to expediency. But I think the noble Lord will bear me out when I say that my recollection is that at that time, although the Germans were our enemies and although the Russians were our allies, nobody in Parliament had the slightest doubt that the Russian version of the affair was a totally false fabrication.

Several Noble Lords: Hear, hear!

The Earl of Dundee: My Lords, that was not because of Nazi propaganda; it was, as the noble Lord, Lord Shinwell, has mentioned, mainly because of the evidence of the International Red Cross, who had examined the circumstances on the spot.

Since then I think it has always been recognized in this country that these were the facts, and I doubt whether my noble friend Lord Barnby would have troubled to raise the question now if it had not been that one of the directors of the B.B.C. who was going to make an official visit to Poland had his visit cancelled the other day by the Polish Government because of a documentary film about Katyn which had been shown on B.B.C.2. We know very well how extremely offensive the dissemination of false history can be. We have ourselves seen a citizen of a country which is now free, the German Hockhuth, publishing the most inexcusable libels about both Sir Winston Churchill and Pope Pius XII, and some of them I think have appeared on the stage and on the screen. Of course we can understand if young Polish Communists have been officially taught and indoctrinated with a falsehood about the slaughter of their fellow countrymen at Katyn, how they may be offended when they hear the truth which they have been taught to regard as a falsehood.

My noble friend Lord Barnby asks in this Question for a pronouncement which will put the facts beyond contention. When he says "beyond contention", I take it he means beyond reasonable doubt in a country where men are free to examine the historical evidence, which I am afraid does not apply to the inhabitants of Communist countries. If we were to make such a pronouncement, accompanied by hostile criticism of Communist Governments for suppressing the truth, I would say that such criticism might only have the effect of delaying the time, if the time ever comes, when writers in Communist countries may begin to be allowed some degree of intellectual freedom. But I think it could do no harm if we were to publish, not in any provocative manner but in a purely objective and rational context, without any moral overtones, a true summary of the facts about this unhappy story of Katyn, in the interests of true history and for the sake of the exiled families of those murdered men who once helped us to fight for the freedom of the world but whose own country has lost its freedom in doing so.

The Earl of Arran: My Lords, I have waited 30 years for this day; I have waited for an inquiry preferably by the United Nations, and for a straight answer by a British Government, which I confidently expect, on the simple question as to "who done it?" Meanwhile, history has been traduced and with the deliberate connivance of successive British Administrations, for, my Lords, it is and always has been common knowledge in the Foreign Office that Katyn was the act of the Russians and not the Germans. I am prepared to believe anything bad about the Nazis between 1939 and 1945, and indeed I would draw a sharp distinction between German murders and Russian murders; the one, I should like to suggest, deliberate, administrative, cold-blooded, sadistic; the other inefficient, haphazard and in some ways comparable to the murders of Sinn Fein. But whether we like it or not, this odious crime at least is not attributable to our German friends and allies but to our comrades of yesteryear.

I do not propose to go into the evidence; it has been ably presented by the noble Lord, Lord Barnby, the noble Lord, Lord Shinwell, and the noble Earl, Lord Dundee. I have only one small piece to add to the jigsaw. In 1943, I was working closely with the Foreign Office news department. Its head, Sir William Ridsdale, had personal access to the Foreign Secretary, and his job was to give information and background guidance to the diplomatic correspondents of the British Press, information which those distinguished men used with all care and discretion which was enjoined on them. At the time of the discovery of the Katyn graves, I distinctly remember Sir William telling his conference of officials that though there was little doubt that this was the deed of the Russians, it was regarded by the War Cabinet as highly dangerous to put the blame where it properly lay. I believe that Mr. Iverach McDonald, then Diplomatic Correspondent of *The Times* and Mr. Richard Scott, then a member of the department and now Foreign Editor of the *Guardian*, were concerned and would confirm it.

I understand this blurring of the truth at the time; I understood it then and I understand it now. To blame the Russians might have meant a break of the Alliance and even losing the war. We were forced to accept this, together with other odious necessities. For instance, we were forced to declare war on Finland to appease the Russians. Finland which we had tried to defend in the winter of 1939 with a voluntary brigade. The Americans, who have a soft spot for Finland, perhaps because it was the only country to repay its First World War debts, were furious with us. But I believe we were right; quite simply, we had no alternative. After the war, too, it could be and was agreed that in our desire to keep on terms with the U.S.S.R. at any price it would be impolitic to take the skeletons out of the cupboard. Hence the persistent refusal of successive Governments to face the issue, to set up, for instance, the inquiry demanded by the late Professor Sir Douglas Savory and over 100 members of the other place; hence the deliberate concealment of what those Governments knew and this Government know to be the truth.

But there can surely be no justification to-day for keeping silence. There is no further reason to appease the Russians. Who's afraid of the big bad wolf? There is no reason for falsifying history. Over the years history can all too easily become mythology. Who knows but that perhaps one day the vile story of Sir Winston Churchill's responsibility for the death of General Sikorsky may not come to be accepted as at least a possibility?

There is only one country which we in Britain cannot look squarely in the face, and that is Poland. In 1939 we guaranteed her territorial integrity. To-day our guarantee remains unfulfilled, our pledge broken. The Poles are forgiving and realistic; they do not expect us to honour our undertaking. But they fought at our side for just that reason. They realise that to do so would mean war against Soviet Russia, and that is totally impossible. But I repeat: towards Poland and the Poles we must have a bad conscience, for we broke faith. Should we not do what lies within our power to redeem our national honour? We cannot give Poland back her freedom. Should we not at least give her back her history?

The Marquess of Salisbury: My Lords, I should like to support, briefly, for there are others who have to speak, but most sincerely, what has been so well said this afternoon by the noble Lord, Lord Barnby, and those other noble Lords who have spoken. I suppose none of the many horrible things which were done in the last Great War have more appalled the conscience of humanity than the Katyn massacres. The killing of 4,000 officers, and almost certainly 10,000 more, would in any case be a dreadful thing, but what made it so specially shocking was the fact that it appears to have been done not in hot blood, not even in revenge, though that would have been bad enough, but quite deliberately in cold blood as an act of policy, to remove from Poland her natural leaders and maim her, if possible, for ever. That it utterly failed in these objects because of the unvanquished spirit of the Polish nation does not make it any the less atrocious. It remains an indelible stain on the nation responsible, and if such a crime is never to be perpetrated again, it seems to me of the first importance that the guilt should be nailed down, once and for all, officially, where it belongs. The facts, as the noble Lord, Lord Barnby, has said, are now pretty well known, and that should not be an impossible task.

I am not going into the question of what we should have done or should not have done in the past, to which the noble Lord, Lord Shinwell, attached so much importance. I believe that now to be a sterile inquiry. I am concerned more with what is, I believe, to be the true purpose of this Motion, and it is surely this: what should we do now? I would say that I believe it is our duty to the Polish people, who have fought so heroically and so tragically on our side in that Great War, that this matter should be finally cleared up. I hope that it will be possible for the Government, in their reply, to make it clear once and for all, and in no uncertain fashion, that that also is their view.

Viscount MONCKTON of Brenchley: My Lords, your Lordships will be glad to hear that, because so many of my noble friends have said what I had intended to say, I have cut my speech in half. I want to take a slightly different aspect, in that Poland was, and is, the geographical heartland of

Europe, and every struggle has gone over or through Poland. Every time she has been put down she has been resurrected, and I am sure she will be once again.

Towards the end of the war I was in Palestine and used to go up to the border of Persia to meet the Polish troops coming out of Russia on to our side, as it were, and one always noticed the shortage of the middle rank officers. They were simply not there. There were some very young and some very old, but in the main there were not sufficient officers of any sort coming out of Russia, through Persia, into Palestine to take part in the rest of the war. When General Anders was released from Lubianka to form the Polish Army to fight with the Russians and the West, he asked, "Where are the missing 15,000 officers?". He knew that there were 15,000 officers missing altogether. We now know, both from the evidence of a doctors' commission, which was international, and from a British officer and a United States officer who were in a German prisoner-of-war camp and were allowed to go to see that at least the 4,500 were killed—murdered, as several of my noble friends have said, in cold blood. Worse still, from the evidence, they were probably shot at close range from the back, falling into the graves they had probably had to dig themselves. This is known, but has never been really fairly and properly put. To do this in war, when you have been at peace with that nation and you want them to fight on your side, is almost inconceivable; but, as my noble friend Lord Salisbury said, it was cold policy to stop the future leaders of the Polish nation—those who would be leading Poland now had it not been for this ghastly act of inhumanity.

We owe a debt of honour to the Polish people, even to those in Poland now who are free to hear the truth. I want to add that not only do we owe a debt of honour, we owe a debt to truth. The United States of America has admitted some of the terrible things that have happened with some of her troops in Vietnam, has "come clean" and has charged the people concerned. Why not have the truth on this matter? We know what happened in Czechoslovakia, and we know what happened a little further back in Hungary. It is the truth that we ought to have, and truth has no deadline.

Lord HANKEY: My Lords, without adding unduly to this debate, I should like to say a few words about this Question asked by the noble Lord, Lord Barnby, because I was First Secretary of the British Embassy in Poland before the war; I was a diplomatic liaison officer with the Poles in Rumania, and afterwards in Iran, when General Anders and his Polish Army, and about 70,000 civilians came out at rather short notice—may I say, one of the miracles of our century—and I was again Counsellor in Poland at our Embassy in Warsaw after the war. After that I was head of the Northern Department, and had responsibility at departmental level for Anglo-Polish relations, including the political problems of demobilising the Polish Army in the West. Afterwards I was Minister in Hungary, and I know, to my cost, what living under the N.K.V.D. in the last years of Stalin's life was like.

I cannot echo too strongly what has been said about the appalling, hideous massacre at Katyn. There is no doubt that it really is a very shocking crime, and if the facts were to come out in an absolutely incontestable form, nobody would be more glad than I. I should like to say that the file of the German Inquiry did, as a matter of fact, pass through my hands at one time, and I had the opportunity to look through it carefully. The date at which this massacre took place has always been slightly difficult to identify with absolute clarity. In actual fact, it depends largely on the diaries found in the pockets of the dead men. I can confirm what the noble Viscount, Lord Monckton of Brenchley said, that these men were shot in the back of the head, which was a practice unfortunately current on both sides of that terrible front.

The dates of the entries in the diaries all end in about March and April 1940; but as the evidence was released by the Germans in 1943, it is incredible that they would have allowed any diaries to survive which had an entry of a subsequent date. Therefore, one has to say that there is a conceivable residual doubt on this subject. I am not in any very great doubt myself, I am afraid, as to where the blame lay. I only say that if you want legal evidence, there is a legitimate residual doubt, and I do not think that it has been possible to clear it up on the evidence which has hitherto been released.

The Earl of Dundee: My Lords, would it have been possible to fabricate a diary which came to an end in March, 1940, with all the rest of the diary blank?

Lord HANKEY: No, my Lords; I do not think it would. I have seen photographs of the entries in the diaries; they were incontestably genuine. I personally think that the evidence points strongly to the fact that these men lost their lives in April, 1940; but all I say is that the Nazis were consummate liars and when they brought out a lot of evidence of this sort it was hard to know exactly what to believe. It was difficult for the Foreign Office at that time—faced as they were with the difficulty of encouraging the Russians to go on fighting, although we were not in a position to launch the Second Front which they demanded with such insistence—to take this matter up on evidence released by the Germans. I do not think it is true that the Foreign Office suppressed the evidence. One noble Lord suggested that, but I do not think that is true. I was not in the Northern Department at the time, but I do not think the Foreign Office ever suppressed evidence.

The Earl of Arran: My Lords, I am very sorry. I speak only for the official and not for the Ministerial level. But it was the guidance given out by the News Department, which I am sure the noble Lord respects as much as I do, that the Foreign Office was firmly convinced that it was a Russian crime and not a German crime. But it was impolitic to say so, and I personally agreed with them at the time. Mr. Iverach McDonald, now assistant Editor of *The Times* and then diplomatic correspondent of *The Times*, and Mr. Richard Scott, of the *Guardian*, would confirm that that was the guidance given to us.

Lord HANKEY: My Lords, I am not disagreeing with the noble Earl, and I think he is quite right. I think his remarks about what Sir William Ridsdale said were extremely significant and very interesting, and I share the same view. In fact I thought I was agreeing with him. All I am saying is that the Foreign Office did not conceal this. They did not think they had absolutely cast-iron evidence; and, anyhow, even if they had, they would not have thought it very politic to release the evidence at a time when the issues of war were so very great. Nor would the Foreign Office at any time—and nor should any of us—be greatly impressed by crocodile tears shed about this by the Nazis. Nothing could be nearer to hypocrisy than Nazi sorrow about a crime of this sort.

When I was in Poland after the war, I made it my business to go to the extermination camps of Majdnek and Oswiecim, which is better known in this country by the German name of Auschwitz, and I saw evidence of what the Germans did which really makes one's blood run cold. I have seen the receipts given by the man at the gas chamber of Majdanek. The Germans were very careful; a receipt was given once every 20 or 30 minutes for several years, and every time about 35 people were put to death. A typical receipt would be, "10 Poles, 12 Polish Jews, 6 Ukrainian women with 5 children, one Norwegian and one Rumanian Jew." I have seen the tins of poison gas which were used for the purpose, labelled "Zyklon" and produced in tins with a skull and crossbones on them and red paint all around, and with many notices about the danger of handling it.

The Germans were very careful. Before the prisoners were pushed into the gas chamber, everybody was given a hot shower and a shave. I have seen a receipt given by a firm in Hamburg for 1,000 kilograms—which is a ton—of human hair. I have seen 800,000 pairs of shoes in an enormous hut, one of several consignments which were left behind. I had the chance to examine them. There were the sort of shoes worn by old Polish women in going to market. There were the sort of shoes worn by Frenchwomen to go shopping. There were Norwegian shoes, German shoes, Ukrainian shoes, every imaginable sort of shoe in those 800,000. There were tiny shoes, two inches long. It was a terrible sight.

I am sorry to say that, on many occasions, the gas chambers could not work hard enough, and the men who had to carry the corpses up the incline to the furnaces were unable to get there quick enough. On those occasions the S.S. men shot people down into ditches. I have seen the ditches which they were shot into. At Auschwitz they did not leave things at all to chance. The gas chambers were mechanised. They pressed a button, on went the moving floor, and the bodies were tipped into a furnace. I am sorry to spoil your Lordships' evening, but it is necessary to see the terrible crime of Katyn against the other appalling crimes that have been committeed in Poland against our gallant allies. This is a most shocking affair and one wonders how it could have happened.

We British have made one terrible mistake in our time. We have been inclined to say, "Well, it does not much matter what people believe. What really matters is what they do." We could not have been more wrong. When Rosenberg produced his theory of "dehumanisation" or *Entmenschlichung*, which was that if by suffering you could dehumanise people and reduce them to the level of beasts then it did not matter if you killed them, perhaps we ought to have taken more notice. Perhaps we ought also to have realised that these terrible doctrines would find expression in the appalling acts which we have seen in our century. You have to go back hundreds of years to find the like.

Many of my friends died in the Warsaw Ghetto. They were herded into it, deprived of food and finally destroyed and burned alive. Many of my friends were killed in the Warsaw Rising. It was impossible after the war, when Warsaw had been destroyed by flamethrowers, house by house, to know what continent you were standing in when you stood in the middle of the Castle Square in Warsaw. I remember that in the house next to the one I lived in there was a handwritten notice which said, "Under this doorway there are two bodies. Do not disturb them. I will come back and bury them." It was signed, "Their brother". During that terrible episode of the Warsaw Rising—I saw all the diplomatic telegrams at the time—we made many applications to the Russians for them to give help or to allow us to send aeroplanes and to drop help ourselves. Warsaw was too far away for our bombers to go there and back at that time, without being able to land and refuel in Russia. It is a matter of history that Stalin, although pressed at the highest levels, refused to allow that to be done. The Russians were just over the river in the suburb of Praga. Your Lordships must imagine that the Germans were here and the Russians were at the Shell centre or possibly at the Elephant and Castle, somewhere between the two, but nothing whatever was done to help those gallant men, all our allies, fighting the

Nazis in Warsaw. It was, I think, a crime not much less to be condemned than the crime of Katyn, for I suppose that far more gallant men were killed in that appalling episode.

I am not very much in favour of looking back on these shocking episodes of our century, except that we may be able to learn some lessons for the future. What can we learn from these awful events? First of all, how can we help our gallant Polish allies? We have in the United Kingdom a wonderful Pole in almost every office. They are very valued and esteemed members of our community. They earn a good deal, because they are efficient people and very devoted and they work hard. But there is much hardship, also, among the widows, and especially among the retired intellectuals and the elderly people who cannot earn their living any more. They need our help and sympathy. There are excellent Polish charities which I can recommend for your Lordships' consideration.

Secondly, we have to recognise that we should not handle this affair, or other affairs, so as to stir up the Poles in Poland against the Russians. It is no good: one has to recognise the strategic facts of life in the years in which we live. I have heard it said (I have never had concrete proof) that there were broadcasts either from London or from Russia—the two sides blame each other—requesting the Poles in Warsaw to rise when they did. I have never seen the actual proof; but there is no doubt that when they did rise they got themselves effectively destroyed. If we were to say the same to the Poles today, it would just be another Warsaw rising; it would just be another Czechoslovakia of 1968. I think we should not do them any good. I should like to go further than this. I should like to say that, viewed in modern terms, Poland has nothing to gain by East/West tensions.

I think that one can go even further than that now and say that it really is essential to bring about better East/West relations altogether. I myself believe that we should never miss a chance to settle outstanding issues with the Russians. We have a great common interest in the preservation of peace. Poland is perhaps not so well off as it would have been if it had been a free Western country, but it is making some progress and the people there seem to keep alive. Nevertheless, my Lords, it really is a grim and sombre cloud that hangs over the East of Europe. The Russians are a people with very high discipline. They are extremely secretive about their affairs. I think there will never be any chance of establishing the facts of Starobielsk and the other camps unless the Russians give permission for an investigation, or undertake an absolutely objective investigation themselves. Therefore, I find it very hard to see how we can carry this matter to the full elucidation of the truth which I agree would be desirable.

Fourthly, my Lords, I think the time has come, looking at these events on the broadest scale, to recognise how important it is that we should strengthen Western Europe. The U.S.S.R. aims to exploit the differences between nations: she despises weakness. The lightning invasion of Czechoslovakia was really the writing on the wall. It is high time—very high time, my Lords—to unite Europe still more. I think we should draw NATO closer together; and in my view it is high time that the United Kingdom joined the European Economic Community and lent its weight to those who wish to strengthen the Free World.

Finally, my Lords, as a philosophical reflection, if I may be permitted this at the end of this very distressing speech, I should like to say that it is important to strengthen our own society. I believe looking back at the history of Rosenberg and at the history of what happened in Russia, that it is vitally important to look into our own society and to look at the doctrines of which our young are being brought up. How do you think they will react to possible future crimes of ruthless lust, violence and brutality, such as Katyn, or new Katyns nearer home, when they are nurtured daily by the cinema and T.V. on scenes of rape, murder and bestiality? Should we not be thinking about the ideas on which we are bringing up the young generation, whose duty it will be to control the Governments of the future? Was it not the failure of German and Russian opinion to control their Governments which led to the terrible events of our century? With Katyn Auschwitz and the Warsaw ghetto behind us, and having before us much ruthless murder and violence in our own cities, especially in Northern Ireland, with declining security in many cities in North and South America, I am full of foreboding for the future of our civilisation. For democracy to be worth while, it should know what it believes in and be prepared to defend its beliefs at home and abroad. At present, our Christian civilisation is living on capital, and there may not be all that much capital left—and perhaps not so much time, either.

The Earl of Lauderdale: My Lords, like the noble Lord, Lord Hankey, I too have personal recollections of Poland, though they are not so extensive or so far-reaching as his. But I was sent to Poland in July, 1939, as a special correspondent of *The Times* to cover the events leading up to, and indeed following the outbreak of war. Therefore, to this day I remember with great vividness the first days of the World War there: the darkened silent streets; the disappearance of men to mobilisation and, only a few days later, the disintegration, the partition and the arrival of the Russian tanks. Like the noble Earl, Lord Arran, I share a haunting sense of a foul conscience over Poland—a Poland that we urged to fight, a Poland that we encouraged to fight, a Poland that we promised to back to the end.

My Lords, as the noble Viscount, Lord Monckton of Brenchley, put it, we owe a debt of honour to the Polish nation. "Oh!", it is said, "Why rake it all up again? Why revive old quarrels?"

Lord HANKEY: My Lords, I am very sorry to interrupt, but on a point of historical fact—and I did see all the diplomatic correspondence in 1939—we did not encourage the Poles to fight; we really did beseech them to be very moderate, and they really were very moderate. I do not think that we carry responsibility for pushing the Poles into war.

The Earl of Lauderdale: My Lords, with the very greatest respect, and paying particular respect to one who was much closer to events than I was, because the noble Lord was in the Diplomatic Service, I remember Mr. Chamberlin's "Peace Front", which was an endeavour to ring Germany round with allies in Eastern Europe; and, whatever may have been done diplomatically, the people of Britain prayed that the Poles would resist and prayed that our Government here would stand up and fight as well. But this is a matter of opinion, and I am sure the noble Lord and my personal friend Lord Hankey will agree to let us differ on that interpretation.

What I do believe is that there are times when we must look back, albeit with prudence. Those who were responsible on either side are no longer with us. The Baldwin-Chamberlain epoch of appeasement, when young Tory reformers denounced their Front Bench as a row of extinct volcanoes and their Bank-Benchers as the Forty Thieves, may have been shameful in many ways. But the epoch of Hitler and Ribbentropp, of Stalin and Molotov, which begat the Nazi-Soviet Pact—this is something very different. For that Pact was one of the great betrayals of history, and that Pact is the context of this debate. I am not one who shares the common fashion of believing that foreign policies should be founded on moral indignation about the domestic affairs of other countries, because I do not believe that Governments are the same as individuals. Nor can one expect them to be responsible in the same moral sense as individuals. But at Nuremberg we joined with the United States, France and Russia to judge and condemn crimes against humanity. My belief is that, whoever was responsible for the Katyn massacres—and the opinion of this House, it is quite evident, is unanimous so far—the Katyn massacres were certainly in the class of crimes against humanity.

"Oh, yes", they say, "but it is all old history; let bygones be bygones." My Lords, there are attitudes to history. You may say, as did Lord Chesterfield, that it is just a "confused heap of facts". You may say, as did Carlyle, that history is "a great dust heap". You may even re-echo, as did Lord Beaverbrook, the immortal words of Henry Ford that, "History is just bunk". I believe that the dignity of history deserves to be better attested and by whom better than the father of history, Thucydides himself, who said that history is philosophy learned from examples or, in the words of Sir Walter Raleigh: From it we may gather a policy, "no less wise than eternal by the comparisons and applications of other mens forepast miseries with our own like error and ill deservings."

Perhaps it was best summed up in Schiller's lines:

"Die Weltgeschichte ist das Weltgericht."—world history is the world's judgment.

It has been said of a man before now that if he has no enemies he has no honour. It has been said that if so he also deserves no friends. We have had brave friends among the smaller nations: Greece, Jugoslavia, New Zealand and Poland come to mind at once. I pray God that this House and this country will never, never shrink from supporting, encouraging and honouring our friends. To discard our friends is to besmirch their honour; to neglect their record—or to connive at such a thing—would be to dishonour ourselves. I beg Her Majesty's Government to recognise to-day our debt of honour at least to go as far as, in the words of this Motion, "To support an effort".

6.41 p.m.

Lord ST. OSWALD: My Lords, we have been debating this afternoon an epic tragedy and an epic crime, the deliberate assassination of close on 15,000 defenceless prisoners of war, mostly officers and intellectual leaders. These were men who had surrendered and whose surrender had been accepted, under the existing rules of war by which civilised nations normally abide, even when they are dragged by cruel circumstances or by cruel design over the brink of war. These men had surrendered in such circumstances to a powerful and crushingly victorious foe. They had conceded and defined their helplessness, with bitter dismay, and placed themselves in the hands of that victorious enemy. They were totally defenceless, totally at the mercy of their captors. They had ceased to fight and counted upon the laws of civilised men to preserve their lives. There was no question of any form of trial before their execution, because their innocence of any offence was patent and never in dispute. The condemnation of this House in this debate has been unanimous. How could it be otherwise?

Let there be no mistake or underestimate as to what this Unstarred Parliamentary Question contains. It contains a charge, a charge that the Soviet authorities, in the spring of 1940, planned and implemented this mass assassination. It is a crime, as I have said, perpetrated thirty years ago, but it concerns the future conduct of human affairs in a way which the equally bestial

crimes of Nazi Germany do not concern that future. It concerns our world and its future because the accused is not only free and unpunished but powerful, self-righteous and influential. It even claims to be a pattern of morality, a mirror in which the more gullible nations of the world, the more gullible groups and individuals, are encouraged to gaze bemused. Some of them gaze; many are bemused. That is a danger which confronts the present population of this globe.

This small but significant debate does not pretend to be a trial of the Soviet rulers, either those immediately accused or their successors who express no concern over this unexpiated crime. This is not a trial of the directly accused, because your Lordships' House is not sitting judicially; and if it were there would be no sanctions or penalties available to such a court. But in a sense, at one remove or at two removes, somebody is on trial to-day and we all hope within a few minutes to see innocence declared and proven. Her Majesty's Government, of which I am a devoted supporter, is on test, if not on trial, in the terms of my noble friend's Question. Her Majesty's Government are asked to do something well within their power, to support an effort to secure pronouncement upon the authorship of mass murder.

The Earl of Arran: And to tell the truth!

Lord ST. OSWALD: And to insist upon the truth being known, as the noble Earl has said. Their response to this disinterested appeal will be a measure of their own sense of international morality. I am confident that this Government's sense of morality is at least as high as that of any Government in the world.

Evidence of the crime was first discovered after a delay of nearly three years, and the evidence then bore the stigma of being presented by the German Nazi Government and through the agency of Dr. Goebbels. The British Government of the day stood back, understandably enough, from judgment. I think that we can be indulgent to the then Foreign Secretary, Sir Anthony Eden, for saying in his statement to Parliament on May 4, 1943:

"His Majesty's Government have no wish to attribute blame for these events to anyone except the common enemy."

Later in the same statement, he said:

"The Germans need indulge no hope that their manoeuvres will weaken the combined offensive of the allies or the growing resistance of the enslaved populations of Europe."

That reassuring forecast was accurate in a large degree. Goebbels' propaganda, based so consistently on lies, did not succeed, when, by a savage windfall of war, it was able to employ the truth. It did not succeed in undermining the will of the Anglo-American alliance. What is more wonderful by far is that it did not lead to a reduction of fighting effort by the Poles themselves who had such grim, predictive evidence of the future awaiting them, when one form of slavery would be exchanged for another. These Poles were still to throw themselves, heroically, into the taking of Monte Cassino in the Allied cause; they were still to undertake the sacrifice of the Warsaw rising when they were so ruthlessly, deliberately, betrayed by the Soviet Army, on the orders of the Soviet Government; condemned to slaughter by the retreating German invaders, who crushed that rising while the Soviet forces waited outside Warsaw and allowed them to do so. The purpose then was identical with the cold purpose of the massacre of Katyn: to kill off or to permit to be killed off, the flower of the leadership of a nation not amenable to the despotism they were preparing to impose.

That could have been the end of it, an incident quietly, quiescently, forgotten or relegated as a footnote to history. That would be comfortable, perhaps. But nations have achieved greatness and maintained greatness by other endeavours than simply seeking comfort, by sheltering behind the circumstances and conditions of the past. To pick up Sir Anthony Eden's phrase again, to go back to May 4, 1943, and submit it to the factors of our day: there is now no war and no common enemy to menace our existence; by the same token there is no common scapegoat and no sweeping indemnity—and in saying this I am echoing the theme of the noble Earl, Lord Arran. To-day all nations are equal before the law, in theory at least. What my noble friend Lord Barnby is demanding is that, in the light of recorded history, with the threat of Nazism long extinguished, never to be revived, Her Majesty's Government shall insist on a proper and public evaluation of the evidence assembled and tested in the thirty years subsequent to that savage and sickening event.

The crime in itself, the massacre of 14,500 Polish captives, is not questioned. Nobody claims that they evaporated in some miraculous and painless manner. The corpses of 4,133, each with a bullet in the back of the neck, have been exhumed in the Forest of Katyn. The fate of the remaining two-thirds is a matter of conjecture so far as the whereabouts of their murders is concerned; but nobody doubts that their end was violent, treacherous and inhuman. This is an epic atrocity of our own times. It is a condemnation, perhaps, of what our own highly developed species can do to each other in the 20th century. It is the deliberate, organised, premeditated nature of the crime which sets it apart from many other crimes of our epoch.

There is another characteristic upon which my noble friend Lord Barnby and following speakers have thrown a strong light to-day. Nobody has been brought to the bar of justice. There was a cynical attempt to add this to the list of Nazi crimes paraded and punished at Nuremberg. With all the facilities for gathering and presenting evidence available to that court, the attempt was so hollow that this charge, though included in the initial indictment at the behest of the Russians, was significantly omitted altogether from the judgment. It is a matter so horrifying in its nature that, so it seems to me, it must be treated either at great length and in great detail or briefly, by concentrating upon the essence of the crime itself. Important and poignant is the opportunity given to us by my noble friend this evening. It is not, as I see it, the opportunity to present the full case; and to attempt to present a condensed case would be to duplicate the opening speech of my noble friend Lord Barnby.

Evidence there is in abundance and, as we have seen, much of that evidence has been studied by noble Lords who have taken part in this debate. There is the evidence of those few who escaped, by some quirk or some strange reasoning of their captors, the fate which befell their fellow prisoners; and whose surviving witness points to guilt convincingly enough for most of us. There is the Report of the International Medical Commission which went to the scene of the massacre in Katyn Forest in April, 1943. There is the Report of the Select Committee of the United States Congress, a model of thoroughness and meticulous research. There is the report of the Polish Government Special Committee set up in 1944 its findings published in February 1946 under the title *The Facts and Documents Concerning the Polish Prisoners of War captured by the U.S.S.R. during the 1939 Campaign*. There is other separate fully corroborative evidence which has been collected over the years.

In the course of the past few months two books and a 70-minute television programme, all three comprising deep, systematic research, have brought part of that research in a responsible form before the scrutiny of the British public. At this point I must mention a factor which possibly I should have mentioned earlier. We are so properly scrupulous in this House in declaring an interest of any kind that I must mention my part as the publisher of one of those books. The impulse to publish and the impulse to speak sprang equally from a conviction—shared by all those taking part so far in this debate—that this hideous page of history should be studied and judged upon. Both of those books have been referred to more than once in this debate. One is entitled, *Death in the Forest;* the other, *Katyn, A Crime Without Parallel*. I do not know whether the latter is a valid title, for who is capable of comparing one crime with another?

My Lords, we deem ourselves as living in a civilised age, an improvement on others. How sound is our diagnosis? It seems crucial to me that we should study ourselves, not simply as individuals or nations but as a civilisation which will have to pass on an inheritance, hopeful, ominous or indifferent to those who come after. I do not think it is inordinately hubristic to claim that the nations of the democratic West are healthily self-critical compared to the self-glorifying dictatorships of the East. Certainly in the strictures which opposing political Parties pass upon each other in this Parliament building there is plenty of scope for questioning and for debunking our designs. This we all believe to be our strength. There is a corresponding weakness in the dictatorships which we ignore. But because that weakness weakens the world we live in, we cannot, responsibly, shrug it off or look the other way.

I have myself seen and listened to the hubristic arrogance of the Communist countries, and I have seen how easily duped are the unwary and the uncommitted nations, gapingly impressed by such aggressive confidence. I have seen them unimpressed, contemptuously unimpressed, by the manner in which we, the Western nations, willingly, repeatedly, turn the other cheek and give a soft answer in preference to an honest and informative answer—anything for a peaceful life, even if it means cringing away from awkward facts. Here we have an undoubted awkward fact. I have said earlier that the innocence of the murdered was never disputed. I do not believe that the guilt or identity of the murderers can be disputed to-day, in this place or in any place where free speech is permitted. Very little, if any, investigation remains to be done. The material evidence, collected, codified and ready for inspection, is there. The weight of that evidence, to one who has studied it, is overwhelming. It awaits an authoritative judgment and verdict delivered to the world. It could be the simplest, least laborious task that the United Nations had ever been set. I hope that Her Majesty's Government, satisfied by the force of what has been said to-day and no doubt satisfied by the facts which they themselves have read, may present that task to the United Nations.

The Soviet rulers are on visibly weak ground in the matter of treatment, past and present, even of their own minorities within their own borders. This weakness is reflected in the monstrously arrogant or widely diversive speeches delivered by their spokesman at the United Nations when kindred subjects are raised; either in the Third Committee, in the Economic and Social Committee, before the Human Rights Commission or before the Sub-Commission on the Prevention of Discrimination and Protection of Minorities. Here is a case concerning the dead who cannot be brought back, a case which cries out for world attention and obloquy. What is required is a lead, and I believe that lead could most properly be given by the British

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Government. Yet for thiry years British Governments have been treading water; or, to put it more luridly, since this is a lurid chronicle which has to be related, Governments of all complexions and of many lands have been treading blood. It is the blood of 15,000 of our own innocent and defenceless allies; of a nation which fought staunchly and with legendary valour beside us in the war against Nazism from the beginning to the end. Such a lead would also demonstrate heartenigly that good men are not forgotten; that gratitude does not wither; that decent people care about the fate of their fellow men, whether they lie in a known or a secret grave, furtively buried beyond sight by their assassins. We owe this assurance in particular to Poland, one of the noblest, bravest and most unflinchingly loyal of allies that this country has ever had the good fortune to fight beside. I was surprised to hear the noble Lord, Lord Hankey, say that had we raised the matter of Kayn we could not have persuaded the Russians to go on fighting. Nothing stopped the Poles fighting, even after they knew that part of our victory would be the sacrifice of their own land.

What we, who have taken part in this debate to-day, are trying to achieve is not to punish a still unpunished crime, because punishment is neither feasible nor desirable in this context. What I think most of us have been trying to do is to state the obvious, not not turn away and leave it in placid anonymity. The obvious to us all is that where an inhuman crime has been committed, there is a criminal to be arraigned. What is dangerous for us all is that this criminal should be permitted to stalk and straddle the world scene, not simply flaunting his immunity, but repeating his crime, as a kind of primitive *droit de seigneur*, repeating it in the Baltic countries, in one Balkan country after another, in Poland again, in Hungary and in Czechoslovakia. We have been persuaded to dignify it with the title of the Brezhnev doctrine. It has come to the point where we accept the primitive, brutal appetite of Soviet Russia in each new manifestation as if it were a kind of unfortunate, now almost hereditary, mannerism, a recognised and tacitly legalised mannerism with which we have to live, so far at the cost of our neighbours, while we whistle and look the other way like a philosophical, docile peasantry.

Even though there can be no penalty attached to the judgment we utter to-day as participants in this debate, let us treat this—and I beg the Government to treat this—as a test case. Take it as a detective challenge, so much more of a challenge because the case is thirty years old, an ostensibly unsolved crime, only unsolved because so far nobody has had sufficient mettle to name the criminal. If an unquestionably democratic Government such as our own were to go back thirty years to pin a historic crime upon the criminal, that would impress the uncommitted world—and it would impress the criminal. It might even do something to deter continuing crime. That is the opportunity that my noble friend Lord Aberdare has this evening, in giving the Government's answer to the Question presented to them.

Lord CONESFORD: My Lords, this has been a very moving debate and not surprisingly. I think, virtually unanimous. The crime which gives rise to this debate is, I suppose, one of the greatest crimes in history. As has been said by previous speakers, it is difficult to give an order of villainy but it is difficult to conceive of a viler crime than this was. If anything could increase its vileness, I think it would be that this colossal act of murder seems to have been executed as an exercise in social engineering, the necessity to prejudice the possibility of a country's recovery and its future by taking away all power—and generally the simplest way of doing that is by taking away all life—from its natural leaders.

My noble friends in all quarters of the House have so well expressed the points I should have made that I should not have added my voice to-night, had it not been that my silence might perhaps have been misunderstood by my Polish friends. It so happens that Poland has played a large part in my political life, for it was 26 years ago that I found it necessary to resign from Winston Churchill's wartime Government because it seemed to me that the Agreement at Yalta was unprincipled and wrong. I thought then, as I have thought ever since, that it was not only unprincipled and wrong, but that it was one of the great blunders of history. When I resigned, for reasons which seemed to me overwhelming, I do not think that I then had a Polish friend. My action depended on what I thought of the issues involved. But since then I have had a great number of Polish friends, and I should not like any of them to think that I was lacking in support on this Question that has been raised to-day.

But there is another ground on which I commend the proposal before the House, one that was mentioned by my noble friend Lord Monckton of Brenchley—the truth. Some people may think that the establishment of the truth may not much matter, and it is difficult to demonstrate that it does. I suppose that fundamentally it is a matter of faith. I believe that the establishment of the truth is always right. I will not enlarge on that, because it is a matter of faith. In the end, the truth will be established. Lies will not prevail forever—at least, I hope not—unless the Communists conquer the world. But there is something to be said for accelerating the revelation of truth, the discovery and establishment of the truth. I would conclude my few remarks by a notable but sad quotation from the English poet, Coventry Patmore:

"When all its work is done, the lie shall not; The truth is great and shall prevail. When none cares whether it prevail or not".

Lord LOVAT: My Lords, I am not on the list of speakers, but as the House is in a reminiscent mood perhaps I could briefly tell your Lordships of a deputation which went to Russia in the dark days of January, 1945, to pay the respects of both Houses of Parliament to the Supreme Presidium of the Soviet Republic. There were two Peers and also members of the Forces, a soldier, a sailor and an airman, and for some obscure reason I was chosen as a Peer and as a soldier. I was suffering from war wounds at the time and I wore my uniform, and I took with me films of the Normandy landings. Perhaps for that reason, I had more chance of talking to Stalin than any other member of the delegation, which was led by the late Colonel Walter Elliot, whose widow Baroness Elliot of Harwood, now sits in our House. Stalin allowed me to ask one question which was of considerable importance from the point of view of bringing back information to this country. The question I asked was, "As you roll back the German armies" (the advance was then pushing on from Stalingrad, where Russia turned and fought back) "what will the Russian armies do in the next fortnight? Stalin replied, through Mr. Maisky, the Ambassador at the Court of St. James, who had then returned to Moscow, "When we reach the Vistula we shall pause."

This is the point which I think the noble Lord, Lord Hankey, made when he said that was a deliberate policy. The noble Viscount, Lord Monckton, also made the point that it was Russian policy to exterminate the Polish leaders and what happened in Warsaw was the attempted destruction of the Polish people. With all respect to Lord Barnby, to whom we are so grateful for having inaugurated this debate today, the massacre in the Forest of Katyn was small beer in comparison to what happened in Warsaw. I feel that the message of whatever we have discovered today is that you cannot crush the leaders of a country like Poland. The forest massacre was only one incident in a much bigger series of crimes.

Lord ABERDARE: My Lords, in putting his Question, the noble Lord, Lord Barnby, spoke with very great sincerity and depth of feeling. This has been the case with every successive speech this evening. Indeed, I think many speeches have gone even further and have been made with deep emotion on this subject, on which all your Lordships obviously feel so very strongly. There can be no doubt in the mind of anyone who has listened to this debate or who may subsequently read it, what your Lordships' opinions are of this tragic affair. There have been some very distinguished contributions, including one from my noble friend the Marquess of Salisbury, and other of your Lordships have made very well informed contributions to the debate. Some new items of history have emerged. The noble Lord, Lord Shinwell, told of the meeting he had with Mr. Maisky; the noble Earl, Lord Arran of his Foreign Office and Press conferences; and just now my noble friend Lord Lovat told us of his interview with Stalin. All this has been of great value to the debate.

There was one item of history which I think perhaps might be put right. There was an inaccuracy which crept in at one point when the noble Lord, Lord Shinwell and my noble friend Lord Dundee referred to an inquiry by the International Red Cross. This was something which the Germans sought, but it never took place because of objections from the Russians in 1943; and in fact the Germans set up their own inquiry, which I shall mention a little later and which has already been referred to by my noble friend Lord Barnby. The noble Lord, Lord Shinwell, described it as "a sordid and squalid affair" and my noble friend Lord St. Oswald as "a savage and sickening event". I am sure we all agree. All wars are sordid and squalid affairs, all wars are savage and sickening events; and the Second World War was no exception.

Some of its most atrocious events have begun to fade from our consciousness with the passage of time, though the noble Lord, Lord Hankey, reminded us of some of them. But there is a special and dreadful fascination about the tragedy of the Katyn massacre and the disappearance of 10,000 other Poles, which has resulted in persistent attempts to penetrate the obscurity in which these events are still shrouded. Against the total number of lives lost during the war, a figure of 10,000 or 15,000 is perhaps not striking in itself. At least 800,000 Russians died in the seige of Leningrad alone. But the Polish officers who disappeared, and some of whom were later found dead in the Forest of Katyn, formed part of the élite of the Polish nation, a nation which had already been cruelly buffeted by history and was to suffer still more cruelly before the war was over. It is perhaps this aspect in particular, together with the mystery to which I have referred, that has attracted, and still attracts, the public interest to which my noble friend's Question gives expression.

May I say at once that the Government are not insensitive to public thinking on these dreadful events. Governments are composed of human beings, and we have followed the recent public discussion of the issue very closely. But I would ask the House to bear in mind that, unlike private individuals or the information media, Governments are not at liberty to voice half-formed views, speculations or suspicions. Therefore, although I sympathise deeply with my noble friend's motives in raising this question, we must look closely and dispassionately at what the Government are asked to do.

As I understand it, the Question in effect asks Her Majesty's Government to take a lead in organizing a definitive pronouncement on who was responsible for the death or disappearance of over 14,000 Polish officers more than thirty years ago. It is towards the Soviet Government that the Question points its finger. It states that the 4,000 victims at Katyn were murdered "in the spring of 1940", and noble Lords will be aware that the Germans did not invade that area until the following year. There are a number of objections to acting in the way my noble friend proposes. First, Her Majesty's Government have absolutely no standing in this matter. It may be said that this is not a legal but a moral question. Even if this were so, and if it were the duty of Her Majesty's Government to take up every moral challenge regardless of legal competence. I ask the House to consider for a moment the history of the question in order to judge whether the proposal of the noble Lord is realistic.

Since the initial discovery of the bodies in the Katyn Forest by the Germans in 1943, there has been no dearth of investigations and attributions of guilt, and my noble friend Lord Barnby explained them. The German Government, as I mentioned earlier, established an International Medical Commission, none of whose members was of German nationality, though all, except one (a Swiss), came from German occupied countries. This Commission found that the Polish officers had been murdered in the spring of 1940; that is, before the German invasion. As I have already pointed out to the House, that is exactly the conclusion assumed in the Question. In 1944, a Special Commission set up by the Soviet Government found that the Germans had perpetrated the massacre in the autumn of 1941. Later still, in 1952, an American Congressional Committee concluded that responsibility for the massacre lay with the Soviet Union.

I would emphasize that Her Majesty's Government were in no way associated with any of these three investigations, nor have Her Majesty's Government accepted any of their various conclusions. The only inquiry in which Britain was involved took place at the Nuremberg War Crimes Tribunal in 1946. The results were inconclusive and the judgments issued by the Nuremberg Tribunal contained no reference to the Katyn massacre.

In these circumstances, we must ask ourselves what kind of inquiry, by whom and in what conditions, could possibly establish "beyond contention", to use the words of my noble friend's Question, the authorship of those crimes.

Lord ST. OSWALD. I should like to ask my noble friend this question. When the Katyn crime came up for investigation at the Nuremberg trials, was the possibility of Russian guilt investigated, or only the possibility of German guilt?

Lord ABERDARE. My impression is that it was only the question of German guilt that was investigated at Nuremberg. All I wanted was to state exactly what are the facts as seen from the Government's point of view. I was asking what we could possibly do to establish beyond contention who was the author of this crime. Is it likely, is it even conceivable, that the truth about these events could be established now to universal satisfaction, when it was not established in 1941, in 1944, in 1946 or in 1952? The Soviet Government, on whose territory the forest of Katyn lies, maintains the position it adopted in 1941; that all Polish officers in Soviet prison camps were released, and that those found dead at Katyn were killed by the Germans. The Polish Government (whose wishes should surely be respected in the matter) has said that it regards the incident as closed. Can it really be suggested that these Governments would now co-operate in a fresh inquiry? And, if not, what would be the value of any conclusion that might be reached?

I suggest to the House that the only result of a new inquiry would be to reopen old wounds. Historians are free to discuss this mystery, and no doubt they will continue to do so. The Press, radio and television are not muzzled or controlled in this country. But the noble Lord's Question invites Her Majesty's Government to take certan action, and this action we regard as not only beyond our competence, but likely to lead to nothing but pain, disagreement and ill will. Having said that, may I add that I have been deeply impressed by what your Lordships have said in the course of this debate, and I will certainly undertake to pass on to my right honourable friend the depth of feeling unanimously expressed by your Lordships' House.

The Earl of Arran: My Lords, before the noble Lord sits down, may I ask him: is he saying that Her Majesty's Government are funking it?

Lord ABERDARE: No, my Lords, that was not the tenor of my remarks.

The Marquess of SALISBURY: My Lords. I have no right to speak again, because this is an Unstarred Question and I have had my opportunity. But I want only to ask the noble Lord this. In passing on what has been said in this House to-day to his right honourable friend, would he also make the suggestion contained in my speech: that if it is impossible to raise this matter before the United Nations—and I agree that it would be useless, because the Russians would immediately put on their veto—would it not be possible for Her Majesty's Government to do something which they have not done up to now, and that is to express their own view about the Katyn massacre?

Lord ABERDARE: My Lords, I will certainly convey that point to my right honourable friend.

Viscount MASSEREENE and FERRARD: My Lords, perhaps I may point out to my noble friend that it is absurd to say that the Polish Government opposes this matter. The Polish Government is under the Russian Government. Of course it would oppose it.

Anglesey marine terminal bill [h.l.]

Examiners Certificate that the further Standing Orders applicable have been complied with, received, and Bill committed to a Select Committee.

THE MOTION

That this House urges her Majesty's Government to call upon the General Assembly of the United Nations to appoint a committee of investigation into the massacre of over 4,000 Polish officers in the Katyn Forest and if the evidence is conclusive to condemn those responsible.

APRIL 22, 1971

Mr. Airey Neave, Abingdon, C.
Mr. Christopher Mayhew, Woolwich East, Lab.
Colonel Sir Tufton Beamish, Lewes, C.
Mr. Paul Rose, Manchester, Blackley, Lab.
Sir George Sinclair, Dorking, C.
Mr. Peter Archer, Rowley Regis, Lab.
Mr. John Pardoe, Cornwall N., L.
Mr. Turton, Thirsk & Malden, C.
Mr. Michael Meacher, Oldham West, Lab.
Mr. Charles Loughlin, Gloucestershire, W., Lab.
Mr. Eddie Griffiths, Sheffield Brightside, Lab.
Mr. Anthony Fell, Yarmouth, C.
Mr. Ian Lloyd, Portsmouth Langstone, C.
Mr. John Nott, St. Ives, C.
Mr. Martin Maddan, Hove, C.
Mr. John Biggs-Davison, Chigwell, C.
Mr. Peter Rees, Dover, C.
Mr. John Mackintosh, Berwick & E. Lothian, Lab.
Dr. Tom Stuttaford, Norwich South, C.
Mr. Carol Mather, Esher, C.
Mr. Andrew Bowden, Brighton, Kemptown, C.
Mr. Benyon, Buckingham, C.
Mr. Robert Cooke, Britsol West, C.
Mr. Stratton Mills, Belfast North, Ulster Union.
Mr. Sydney Chapman, Birmingham, Handsworth, C.
Mr. David Madel, Bedfordshire South, C.
Mr. W. H. K. Baker, Banffshire, C.
Mr. Peter Rost, Derbyshire S.E., C.
Mr. Hugh Fraser, Stafford & Stone, C.
Mr. Leo Abse, Pontypool, Lab.
Mr. William Hamling, Woolwich West. Lab.
Mr. Cooper, Ilford South, C.
Mr. Angus Maude, Stratford, C.
Mr. David James, Dorset North, C.
Mr. John Page, Harrow West, C.
Mr. Tebbit, Epping, C.
Mr. David Crouch, Canterbury, C.
Sir Edward Brown, Bath, C.
Mr. Neil Marten, Banbury, C.
Mr. Evelyn King, Dorset South, C.
Mr. Lawrence Reed, Bolton East, C.
Mr. John Spence, Sheffield Heeley, C.
Mr. William Shelton, Clapham, C.
Mr. Geoffrey Finsberg, Hampstead, C.
Mr. Robert Boscawen, Wells, C.
Capt. Walter Elliot, Carshalton, C.
Mr. James Hill, Southampton, Test, C.
Mr. David Knox, Leek, C.
Mr. Brian Walden, Birmingham, All Saints, Lab.
Mr. Nigel Fisher, Surbiton, C.
Mr. William Rodgers, Stickton-on-Tees, Lab.
Mr. Ronald Brown, Shoreditch/Finsbury, Lab.
Mr. Ted Leadbitter, The Hartlepools, Lab.
Mr. Clark Hutchison, Edinburgh South, C.
Mr. Montgomery, Brierley Hill, C.
Mr. John Hall, Wycombe, C.
Mr. Ronald Bell, Buckinghamshire South, C.
Mr. Edward Gardner, Fylde South, C.
Mr. Iremonger, Ilford North, C.
Mr. Woodhouse, Oxford, C.
Mr. John Tilney, Liverpool, Wavertree, C.
Sir Robert Carey, Manchester, Withington, C.
Mr. Nicholas Edwards, Pembroke, C.
M–Gen. d'Avigdoe-Goldsmid, Lichfield & Tamworth, C.
Sir John Gilmour, Fife East, C.
Mr. Roger White, Gravesend, C.
Miss Joan Hall, Keighley, C.
Mr. Bernard Braine, Essex, South East, C.
Mr. James Allason, Hemel Hempstead, C.
Mr. N. St. John Stevas, Chelmsford, C.
Sir Ronald Russell, Wembley South, C.
Mr. John Wilkinson, Bradford West, C.
Mr. Douglas Dodds-Parker, Cheltenham, C.

April 26, 1971

Mr. Cranley Onslow, Working, C.
Mr. John Stokes, Oldbury & Halesowen, C.
Mr. T. H. H. Skeet, Bedford, C.
Mr. J. Scott-Hopkins, Derbyshire, West, C.
Mr. Richard Body, Holland With Boston, C.
Mr. John Temple, City of Chester, C.
Mr. James Wellbeloved, Erith & Crayford, Lab.
Mr. Ray Carter, Birmingham Northfield, Lab.
Mr. David Ginsberg, Dewsbury, Lab.
Mr. Harold Gurden, Birmingham, Selly Oak, C.
Sir Eric Bullus, Wembley, North, C.
Mr. Robert Redmond, Bolton West, C.
Sir Richard Thompson, Croydeon South, C.
Mr. John Biffen, Oswestry, C.
Mr. Churchill, Stretford, C.
Mr. W. W. Hamilton, Fife West, Lab.
Mr. Dick Douglas, Stirlingshire East, Lab. & Co-op.
Mr. William Clark, Surrey, East, C.
Mr. Dick Leonard, Romford, Lab.
Mr. Harold Soref, Ormskirk, C.

Mr. Wyn Roberts, Conway, C.
Mr. Robert Adley, Bristol N.E., C.
Sir Stephen McAdden, Southend East, C.
Lt. Col. Colin Mitchell, Aberdeenshire West, C.
Mr. Frank Tommey, Hammersmith North, Lab.
Sir Geoffrey de Freitas, Kettering, Lab.

APRIL 27, 1971

Sir Donald Kaberry, Leeds. N.E., C.
Mr. Joseph Hiley, Pudsey, C.
Mr. Arthur Palmer, Bristol Central, Lab & Co-op.
Mr. J. C. Jennings, Burton, C.
Mr. Julian Ridsdale, Harwich, C.
Mr. S. Clinton Davis, Hackney Central, Lab.
Dr. Gavin Strang, Edinburgh East, Lab.
Mr. Mark Woodnutt, Isle of Wight, C.
Sir J. Langford-Holt, Shrewsbury, C.
Mr. Peter Hordern, Horsham, C.
Sir B. Rhys Williams, Kensington South, C.
Sir Frederick Bennett, Torquay, C.
Mr. Frederick Mulley, Sheffield Park, Lab.
Mr. Stanley McMaster, Belfast East, Ulster Unionist.
Mr. Will Griffiths, Manchester Exchange, Lab.
Mrs. Peggy Fenner, Rochester & Chatham. C.
Mr. Edward Bishop, Newark, Lab.
Mr. Ray Mawby, Totnes, C.
Mr. Frederick Willey, Sunderland North, Lab.
Sir David Renton, Huntingdonshire, C.
Mrs. Jill Knight, Birmingham, Edgbaston, C.

APRIL 28, 1971

Mr. Charles Curran, Uxbridge, C.
Mr. Jessel, Twickenham, C.
Mr. John Rankin, Glasgow, Govan, Lab & Co-op.
Mr. William Wilson, Coventry South, Lab.
Mr. Marcus Lipton, Brixton, Lab.
The Rev. Ian Paisley, Antrim North, Prot U.
Mr. Alfred Morris, Manchester, Wythenshaw, Lab.
Dr. Glyn, Windsor, C.
Mr. William Molloy, Ealing North, Lab.
Mr. Hugh Delargy, Thurrock, Lab.
Mr. Arthur Probert, Aberdare, Lab.
Mr. Jack Dunnett, Nottingham Central, Lab.
Mr. Kenneth Warren, Hastings, C.
Mr. John Hay, Henley, C.
Mr. Jack Ashley, Stoke on Trent South, Lab.
Col. Sir Harwood Harrison, Eye, C.
Dr. Anthony Trafford, The Wrekin, C.
Mr. J. R. Kinsey, Birmingham, Perry Bar, C.
Mr. Emlyn Hooson, Montgomeryshire, L.

APRIL 29, 1971

Mr. Wilfred Proudfoot, Brighthouse & Spenboro, C.
Mr. Tugendhat, London and Westminster, C.
Mr. Eric Cockeram, Bebington, C.
Mr. Peter Mills, Torrington, C.
Mr. Arthur Lewis, West Hamm North, Lab.
Mr. John Gorst, Hendon North, C.
Sir John Rodgers, Sevenoaks, C.
R/Adm. Morgan-Giles, Winchester, C.
Dame Irene Ward, Tynemouth, C.
Mr. Frank Judd, Portsmouth West, Lab.
Mr. McCrindle, Billericay, C.
Mr. John Wells, Maidstone, C.
Mr. John Peel, Leicester S.E., C.
Mr. Stephen Hastings, Bedfordshire, Mid C.

MAY 6, 1971

Miss Mervyn Pike, Melton, C.
Mr. John Hunt, Bromley, C.
Mr. Michael Havers, Wimbledon, C.

MAY 10, 1971

Mr. Greville Janner, Leicester N.W., Lab
Mrs. Elaine Kellett, Lancaster, C.

MAY 11, 1971

Mr. John Loveridge, Hornchurch, C.
Mr. Richard Luce,
Mr. Nigel Spearing, Acton, Lab.

MAY 18, 1971

Mr. Sydney Bidwell, Southall, Lab.
Miss Joan Lestor, Eton & Slough, Lab.

Transcribed from Notices and Motions, by Louis FitzGibbon.

NEW U.S. POSTAL SERVICE BEGINS TODAY

HON. GEORGE W. ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. ANDREWS of Alabama. Mr. Speaker, today is an important day for the American people. On this date the new U.S. Postal Service begins functioning, starting out on what I am sure will be a long, hard road toward a better mail system.

I think we were all aware of the obstacles that lay ahead when, last year, we set to work on legislation which would make this day possible. We knew postal reform would not come easy. We knew it would not come quickly.

Yet something had to be done, and through a bipartisan effort we forged the Postal Reorganization Act of 1970—an act which has made possible today's official birth of the U.S. Postal Service.

Postmaster General Blount is, I am confident, dedicated to transforming the horse-and-buggy operation he inherited into a businesslike, efficient operation, one this country can be proud of.

I wish the Postal Service and postal employees the best of luck as they tackle the complex problems of delivering today's massive mountains of mail.

THE ARTFUL DODGER

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1971

Mr. SCHERLE. Mr. Speaker, in a surprising 8 to 0 decision, the U.S. Supreme Court recently ruled that Muhammed Ali—alias Cassius Clay—will not be drafted and will not have to suffer the penalties for refusing induction. The unsigned opinion, from which only Justice Thurgood Marshall abstained—because he had served as the Government's chief prosecutor at the time of the case—not only exonerated Clay but administered a slap on the wrist of the Justice Department for prosecuting on the grounds cited. Said the Court:

> The Department was simply wrong as a matter of law in advising that the petitioner's beliefs were not religiously based and not sincerely held.

Thus the artful draft dodger, who has been suspended from the Black Muslim ministry by the sect's own hierarchy, will go scot free. Fifty thousand Americans have died fighting in Vietnam, but Clay, the so-called conscientious objector, will fight only for his own gain in the boxing ring. This decision is the greatest miscarriage of justice yet perpetrated by the Court, and makes a mockery of the entire Selective Service System.

HOUSE OF REPRESENTATIVES—*Tuesday, July 6, 1971*

The House met at 12 o'clock noon.

The Chaplain, Reverend Edward G. Latch, D.D., offered the following prayer:

May the God of hope fill you with joy and peace in your faith, that by the power of the Holy Spirit, your whole life and outlook may be radiant with hope.—Romans 15: 13. (Phil.)

Our Father in heaven and on earth, whose wisdom and love are everywhere present and everywhere available to the children of men, we wait upon Thee with receptive hearts praying that Thy spirit will come to new life within us as we face the duties of another week. May we keep ourselves close to Thee and close to one another that together we may work for the highest good of our country.

Help us to honor America not only with our lips but with our lives, not only with our words but with our works that freedom may ring from shore to shore and from land to land until all men are free.

Bless our prisoners of war and hasten the day when they shall return to freedom and to love. May wars soon cease and peace live among the nations of the world.

In the spirit of the Prince of Peace we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

CLINTON M. HOOSE

The Clerk called the bill (H.R. 1824) for the relief of Clinton M. Hoose.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.