such, this is one of the most significant acts of international neighborliness in recent years.

SENATOR THOMAS DODD

Mr. ALLOTT. Mr. President, I join with other Senators in expressing my sadness over the death of Senator Thomas Dodd.

Senator Dodd was a man who believed that it was man's first duty to fight for those principles on which a free society depends. He was an unrelenting enemy of the dark despotism which descended on Eastern Europe after World War II. He never spared himself in the unending battle to keep Americans strong in their determination to resist tyranny.

All of us who knew Senator Dodd—his friends in the Senate and his legions of friends across the Nation—remember him for invaluable service to the Nation he loved.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon, it stand in adjournment until the hour of 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 noon.

After the standard recognition of the two leaders, the following Senators will be recognized in the order stated, each for not to exceed 15 minutes: Senator TALMADGE, Senator AIKEN, Senator HUMPHREY, and Senator YOUNG.

The next item will be routine morning business for a period of not to exceed 30 minutes, with statements therein limited to 3 minutes.

Following the close of routine morning business and until 3 p.m., the Senate will consider items on the legislative calendar or other business which may be made pending or it may resume consideration of the unfinished business, S. 1828.

At 3 p.m., the unfinished business, S. 1828, legislation dealing with cancer, will go under controlled time. Debate thereon will be limited to 3 hours, with 1 hour on each amendment thereto and 20 minutes on any amendment to an amendment.

The yeas and nays may be ordered on any amendment.

The yeas and nays have already been ordered on passage of S. 1828, so there will be at least one yea-and-nay vote tomorrow—maybe more.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move that the Senate now stand in adjournment.

The motion was agreed to; and (at 12 o'clock and 36 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, July 7, 1971, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate July 6, 1971:

ACTION

Joseph H. Blatchford, of California, to be Director of Action; new position.

FEDERAL COMMUNICATIONS COMMISSION

Charlotte T. Reid, of Illinois, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1971, vice Thomas J. Houser.

NATIONAL LABOR RELATIONS BOARD

Peter G. Nash, of New York, to be General Counsel of the National Labor Relations Board for a term of 4 years, vice Arnold Ordman, term expired.

U.S. PATENT OFFICE

Brereton Sturtevant, of Delaware, to be an examiner in chief, U.S. Patent Office, vice George A. Gorecki, resigned.

EXTENSIONS OF REMARKS

STATEMENT ON OAKLAND POLICE DEPARTMENT OFFICERS' PETITION TO THE SELECTIVE SERVICE SYSTEM

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. WALDIE. Mr. Speaker, a case regarding the Selective Service's classification system has come to my attention which warrants the examination of all branches of this Government because of its influence on a problem with which we are all only too familiar; that of crime in our urban areas and the ability of the various police forces to cope with its rising incidence.

The Selective Service has traditionally placed police officers in the II-A category. This classification is given to those in occupations "necessary to the maintenance of the national health, safety, and interest." The issuance of Executive Order 11527, however, has created a situation under which new officers are no longer able to obtain this type of deferment.

The order cited above requires men receiving the II-A rating to have first, held or applied for the deferment prior to April 23, the date the order was issued; second, continued to hold the occupation under which they were granted the deferment; and third, the continued support of their local draft board as to the validity of the deferment.

I think we can all agree that the latter two of these new requirements are not excessive. The problem, as it relates to the police, arises with the first of the regulations.

This problem is exemplified by the plight of the Oakland Police Department and, more specifically, 30 of its younger members. These men are now petitioning the Selective Service for classification in the II-A category and I think it imperative for all of us to support their petition since it has implications which reach into most of our States in one way or another.

Oakland's crime problem is one of the most severe in the Nation. In fact, according to FBI statistics as of October 1970, it had the highest crime rate of any major urban center in this country. The causes of Oakland's crime rate are similar to those found in other urban centers, but I would like to quote a portion of a report I received from the chief of the Oakland Police Department, Mr. C. R. Gain:

WHY THERE IS CRIME IN OAKLAND

Oakland has a high incidence of crime because, in common with all core cities, it is disproportionately burdened with crime breeding conditions: both the National Advisory Commission on Civil Disorders and the President's Commission on Law Enforcement and Administration of Justice have identified factors which contribute to high crime rates. These factors are a virtual catalog of conditions in our City.

In its report, "Challenge of Crime in a Free Society," the President's Commission on Law Enforcement and Administration of Justice (herein referred to as the Crime Commission) states:

"Violent crime, its offenders and its victims, are found most often in urban areas characterized by low income, physical deterioration, dependence, racial and ethnic concentrations, broken homes, working mothers, low levels of education and vocational skills, high unemployment, overcrowded, substandard housing, and high population density.[1]

The Eisenhower Commission on Civil Disorders (herein referred as to the Eisenhower Commission) concluded that although:

"Violent crime is to be found in all regions of the country, it is primarily a phenomenon of large cities. . . . These crimes are overwhelmingly committed by males . . . most often between the ages of fifteen to twenty-four . . . committed primarily by individuals at the lower end of the occupational scale . . . disproportionately from the ghetto slum where most Negroes live . . .," and, "by far the greatest proportion of all serious violence is committed by repeaters." [2]

Studies by both committees show that most crimes are committed by males between the ages of fifteen and twenty-four. Options for Oakland, a Summary Report on the Oakland 701 project, states:

"Oakland's population became younger in the 1960-1966 period, with the median age dropping from 35.7 to 31.9 years. Projections indicate that the median age will continue to drop—to at least 24 years by 1985.

Accordingly, persons under 18 years of age, representing 29 percent of the population in 1960 and 31 percent in 1966, will comprise from 38 to 42 percent of the population in 1985." [3]

In 1969 in Oakland, 63.8% of the arrests for FBI Index Crimes were of youths between the ages of 15 and 24. The dramatic increase in the youth population of Oakland has significantly contributed to the rise in crime.

Poverty is another condition affecting crime rates.

[1] *The Challenge of Crime in a Free Society*, A Report by the President's Commission on Law Enforcement and Administration of Justice, p. 35.

[2] *To Establish Justice. To Insure Domestic Tranquility*, op. cit., pp. 20-26.

[3] *Options for Oakland*, A Summary Report on the Oakland 701 Project, p. 8.

"In 1966, according to a Federal defintion of poverty (which for a family of four means an annual income of under $3,200), 46,700 people or 13 percent of the city's population, were poor . . . By location, 40 percent of the total population lived in areas with unemployment high enough and incomes low enough to be officially designated as "Poverty Target Areas."

"The poor and the residents of the Target Areas were disproportionately of black and Spanish-surname minorities. . . ." [4]

FBI statistics show that the arrest rate of Negroes for serious crimes is four times that of whites. The Crime Commission cited the reason for this rate difference as economic conditions of the minority races; whites living in low income areas have arrest rates equal to that of minorities.

In Oakland in 1969, 4.3 times as many Negroes were arrested for serious crimes as whites. Oakland's minority population, reportedly 44 percent is increasing.

"Oakland's minority groups—33 percent of the population in 1960—comprised 44 percent in 1966. The largest of these groups, the black population, accounted for 20 percent, followed by Spanish-surname whites with 10 percent, and other non-whites with 5 percent. If these trends continue, it has been projected that the black population will constitute 64 percent of the total city population by 1985." [5]

Unemployment affects crime rates. The Bureau of Labor Statistics reports a 5.8 percent unemployment rate for the San Francisco-Oakland metropolitan areas as of October, 1970.

"Among all of the nation's larger cities, Oakland continues to sustain one of the highest rates of unemployment. In spite of slight but continued decline since 1950, the 1966 rate of 8.4 percent was still critically high. This rate seasonally adjusted to 7.7 was almost twice the 4.0 rate for the United States as a whole." [6]

Underemployment, as well as unemployment, affects the economic status of Oakland's population. Unemployment and underemployment hit hardest at the uneducated and unskilled labor force which is comprised largely of minority and "ghetto" residents. Economic crisis is created in the "Poverty Target Areas." Crime is a social phenomenon and as such is affected by its social environment—Oakland's social environment is conducive to crime.

Population density and instability affect crime. Between 1960 and 1966, Oakland's population grew from 367,500 to 373,500. The 1970 census, however, shows a total population of only 357,190, a significant decrease.

Oakland's population is highly mobile and is becoming rental oriented. Total population within the city is declining but the commuter population is increasing. Population instability provides a likely environment for crime—the heavy commuter population is an added burden to an already overburdened police force.

Although the size of Oakland's force is only one of the many factors affecting the amount of crime, police strength must also be considered when analyzing the problem. The number of policemen increased only 8 percent during 1960–1969, the period when crime skyrocketed 330 percent.

The size of a police force is largely determined by the economic structure of the community and the level of crime it will tolerate. There is an optimum number of police necessary to maintain crime at minimum levels; however, the City's tax base apparently will not support such a greatly enlarged force.

That additional manpower is effective in combating crime has been substantiated by the success of the Department reducing the rate of the crime increase in Oakland during 1969 and reversing the trend in 1970.

The deacceleration of the spiraling crime rate resulted primarily because additional patrolmen during 1969 and thus far in 1970 were assigned to the Crime Prevention Unit of the Patrol Division. Some additional patrolmen became available by filling last fiscal year's authorized vacancies and by reassigning personnel from within the Department. It was the availability of additional manpower cn the street, more than any other single police program, which enabled us to curtail the activities of the criminal element during 1969. (Other factors played a part, such as the demonstrable accomplishments we have made through continued evaluation of existing practices and procedures, experimentation with alternative methods of solving problems, and our premium on innovation, research and analysis, self-criticism—all to the end of a more economic, efficient and effective police operation.)

Our recent success in reducing crime is tempered by the fact that the impact of increased manpower on crime was somewhat blunted by a lack of success in filling vacancies. Furthermore, utilization of the men actually hired was delayed by the lengthy police training period. In the 1969–70 fiscal year, forty new police positions were created. Another eighteen officers were freed for crime prevention purposes when their parking control duties were taken over by civilians. Except for a brief period in July 1969, however, the Police Department has been unable to attract enough qualified men for its available jobs. There were 748 police positions authorized in the 1970–1971 fiscal year. As of November 1970, only 705 of the jobs were filled. Although the current budget (1970–1971) authorized an additional fourteen positions, the Department still had unfilled openings in the previous year's authorized complement.

Mr. Speaker, it certainly must be apparent to those present that the latter two paragraphs of this statement show that one of the key problems in dealing with the crime engendered by these problems is that of manpower. This situation is aggravated by selective service regulations which empower local boards to draft young men out of their police jobs and waste the tax dollars spent on their training as well as the experience they may have accumulated.

In closing I would like to say that I have written letters to both the President and Dr. Tarr, Director of the Selective Service, requesting that they rectify this situation. The letters follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 30, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Recently, a case involving the Selective Service classification system has come to my attention which has broad implications and warrants your attention.

The case involves a group of Oakland Police officers who are petitioning the Selective Service for a II–A classification. Under current regulations these men are not eligible for this designation since, with the issuance of Executive Order 11527, an individual whose occupation is construed as ". . . necessary to the maintenance of the National health, safety and interest," is now subject to three further requirements. First, he must have held or requested a II–A prior to April 23, 1971. Second, he must continue to hold that occupation under which he applied for the classification. Third, his local board must continue to be convinced that his occupation meets the requirements listed above for the II–A deferment.

The problem which has arisen is that this group of officers all joined the Oakland Police Department after the April 23rd deadline or are otherwise ineligible for the II–A classification. In my view this represents an oversight with serious implications for all the Nation's "core city" police departments. Based on F.B.I. statistics, Oakland has the highest crime rate in the Nation, as of October 26, 1970. Projections show that this problem can only be expected to increase with the continued deterioration of the core city until the levels described by the Eisenhower Commission Report are reached and Oakland has become a virtual armed camp.

The problem, then, is one of recruiting and maintaining a police force of sufficient size, versatility and imagination to deal not only with the continuing spiral of crime, but to maintain and expand the innovative programs already begun in Oakland to ameliorate the social causes of crime. To accomplish this dual goal, the Oakland Department must be able to hire and retain highly competent and qualified young men who might otherwise be inducted into the military.

It is my feeling that Oakland is only one of many cities in our Nation faced with this problem, and I am convinced that it is incumbent upon the Federal Government to assist them by rectifying this situation.

Thank you for your consideration.

Respectfully,

JEROME R. WALDIE,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 30, 1971.

Dr. CURTIS TARR,
Director, Selective Service System,
Washington, D.C.

DEAR DR. TARR: This letter is to call your attention to a petition submitted to you by Mr. Lawrence Marquette Esq., of 1201 Fox Plaza, San Francisco, California, on behalf of 30 officers of the Oakland Police Department.

The petition requests deferments under the II–A classification for these men and calls attention to the apparent oversight embodied in Executive order 11527 which eliminated men from the II–A classification if they had not previously held or applied for that rating.

It is the contention of the petitioners, and I am in full and complete agreement with them, that "core city" police departments all over the country are finding themselves in situations similar to that of Oakland in that they are unable to fill their manpower requirements. This situation is only aggravated by regulations of the Selective Service which draft men out of these departments after they are trained or while they are completing their training.

The Oakland Police Department has instituted many imaginative and innovative programs and has demonstrated a willingness to deal with the root causes of crime as well as with the fact of a spiraling crime rate. In my view it is imperative that the Federal Government and its agencies assist them in as many ways as possible.

The situation regarding these men's deferments could and should be rectified and I strongly urge that you, as Director of the Selective Service, take the steps necessary to remedy this pressing problem.

I would deeply appreciate your immediate attention to this problem.

Sincerely yours,

JEROME R. WALDIE,
Member of Congress.

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[4] *Ibid.*
[5] *Options for Oakland, op. cit.*, p. 7.
[6] *Ibid.*, p. 11.

VIETNAM: HOW THE WAR HAS CHANGED

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. TERRY. Mr. Speaker, in the gloom, pessimism, and division over Vietnam, Sir Robert Thompson recently wrote an article in the Daily Telegraph of London, June 25, 1971, expressing the opinion that "Vietnamization" has succeeded and that the military situation is indeed good. Sir Robert Thompson is considered to be one of the world's leading experts on insurgency, has visited Vietnam many times, and recently completed a survey of South Vietnam's internal security for President Nixon's National Security Council. He was also responsible for security during Great Britain's successful operations against Communist insurgents in Malaysia. I commend this article to the attention of my colleagues:

VIETNAM: HOW THE WAR HAS CHANGED

(By Sir Robert Thompson)

With the anti-war debate in the United States now focusing on a target date for the withdrawal of troops, the issue of prisoners, the Calley and other trials, the drug traffic, corruption and so on, the war situation itself is becoming obscured. Yet this still remains the overriding factor influencing events.

To anyone who has not been able to visit South Vietnam at frequent intervals over the past three years, thereby allowing objective comparisons to be made, the military, economic and political progress would seem incredible. The very fact alone that 500,000 American troops have been withdrawn without the country falling apart is itself evidence of the general improvement and of the success of pacification and "Vietnamization."

The Government of Vietnam now controls, and can provide full security for, about 70 per cent of the villages with a reasonable degree of control and security in a further 20 per cent. In population terms this covers 95 per cent of the people of the country because the remaining villages are in remote and sparsely populated areas. The effect is that the whole resources of the country are now available to the Government and denied to the enemy. Over a milion men are fulltime under arms and half a million parttime. Many of those in the Popular Forces (which defend their own villages) are, in fact, ex-members of the Viet Cong, who have changed sides.

PROFESSIONAL SOLDIERS

In the regular forces of the Army of the Republic of Vietnam (ARVN), whereas two years ago only the First Division was capable of taking on a North Vietnamese division, there are now six or more divisions of this quality, not to mention other smaller units such as Ranger battalions. A further significant change has been in the military leadership. The generals rising to the top are no longer political warlords; they are strictly professional soldiers who, in this type of war which they have been fighting for years, would compare favourably with any in the world.

The economy, especially in the rice-growing rural areas, has staged a remarkable recovery. Inflation, which a year ago looked like going through the roof, has been held down to reasonable proportions. Last year's rice harvest was so good that South Vietnam expects to have an export surplus. Peasants are buying tractors, outboard motors, Hondas, television sets and transistors at such a rate that Japanese businessmen have made a killing. The new problems are the promotion of exports, the imposition of taxes and an increase of salaries for troops and Government servants.

On the political front the stability and increasing competence of the Government has been a major factor in securing progress. Whether the Government has at the same time secured a larger measure of public support will be tested in October, when President Thieu stands for re-election. Now that the Assembly has amended the election law to restrict the number of candidates (there were eleven in 1967) to those who have some political backing in the country, all the indications are that in a straight fight against Vice-President Ky or against the former Gen. Duong Van Minh, President Thieu will secure a comfortable majority.

The whole nature of the war has therefore changed. The Viet-Cong insurgency within the South has now become a minor threat. An interesting feature of its weakness is, for example, the rarity of terrorist incidents in Saigon itself. This teeming city of nearly four million people, with its maze of alleys and canals, should be an urban guerrilla's paradise, but it is safer at night than most American cities.

The major threat is the North Vietnamese Army along the whole of the land frontier from the Demilitarised Zone at the 17th Parallel in the north through Laos down to the Cambodian border in the south. This army, except in small units such as sapper squads, has ceased to be an infiltrating army because Viet Cong support within the country is no longer available to it on the previous scale as, for example, during the Tet offensive of 1968. It has therefore had to become more of a conventional invasion army depending on its own sources of supply. Moreover, its offensive capability, as compared with ARVN, has greatly decreased as a result both of heavy casualties, caused partly by its previous offensive tactics against superior firepower, and of its commitments in Laos and Cambodia.

The loss of its border sanctuaries in Cambodia and of Kampong Som (Sihanoukville) as its major supply port, with the brave resistance of the Cambodians, has almost eliminated the threat to Saigon and the Mekong Delta from the Cambodian border. The whole supply traffic for these southern forces now has to come down the Ho Chi Minh trail through Laos and recent operations have demonstrated that, in addition to air attacks, this trail is no longer safe from ground attack by ARVN.

While not a howling success, the recent operation in Laos achieved its main objectives and was by no means the disaster which some depicted. The trails and pipeline were disrupted during what should have been their peak operating period before the monsoon. Vast quantities of supplies were destroyed and the casualty figures were at least three to one in South Vietnam's favour. Although the cost was still high the operation has compelled the North Vietnamese to deploy forces to defend the trail over most of its length. These forces in turn have to be supplied by the trail, thereby reducing the surplus available for offensive operations into South Vietnam.

There has been some criticism of President Nixon for extending the fighting into Cambodia and Laos by those who do not understand that it is the very withdrawal of American forces which has automatically spread the war. South Vietnam could only maintain a completely defensive posture within its own borders. thereby allowing the North Vietnamese to adopt solely an offensive posture, while there was a large American army present in support. As the Americans withdrew it was necessary to change this strategic situation by forcing the enemy to adopt a defensive posture.

LOGISTIC SUPPORT

If the previous situation had continued it would have been like allowing the enemy a permanent penalty shot at the long goalmouth of the South Vietnamese land frontier and giving him a free choice of where and when to "shoot." To defend South Vietnam, and thereby to safeguard the American withdrawal, it became vital to spoil the enemy's offensive preparations and to compel him in turn to defend his own base areas.

If progress within the South continues over the next 18 months, as it should, thereby releasing yet more ARVN forces for crossborder operation, there is every chance that South Vietnam will be able to contain the major threat indefinitely, even though North Vietnam continues to receive substantial Russian and Chinese aid. The issue will cease to be the withdrawal of American troops and will become instead the reliability of continued American economic, logistic and training support. This must be absolutely convincing to both sides if a successful outcome is to be achieved. The position is therefore that the war is unlikely to be lost militarily in Vietnam. It can only be lost politically in the United States.

FROSTBURG STATE COLLEGE BASKETBALL TEAM PLANS TRIP TO CZECHOSLOVAKIA

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. BYRON. Mr. Speaker, the basketball team of Frostburg State College, known as the Bobcats, is planning a trip to Czechoslovakia from December 27, 1971, to January 10, 1972. Mr. Harold J. Cordts, head of the department of health and physical education at Frostburg, is coordinating the plans. So far the team has raised $2,500 of the $6,000 needed to make the trip possible. Contributions have been received from community organizations, the college student government, alumni, and faculty.

The trip in Czechoslovakia is being arranged by Mr. Vladimir Heger, national basketball coach. In 1969 the Sparta-Prague basketball team stayed 6 days in Frostburg playing the Bobcats and other area teams. This was the beginning of the idea of Frostburg traveling to Czechoslovakia. The funds for travel and sightseeing expenses from the United States to Prague will be paid by contributions.

The Bobcats would leave Baltimore on December 27, 1971, play a tournament in Prague, a tournament in Roudnice, and a game in Karlovy Vary. They would return to the United States on January 10, 1972. It has been said that the people-to-people sports program is dedicated to the promotion of international sports exchanges on the premise that when good sportsmen get together, mutual understanding and friendship are broadened. I would like to commend Frostburg on their plans and wish them success in achieving their goal.

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LOUISIANA SUPREME COURT JUSTICE HAMLIN ON CRIME

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. RARICK. Mr. Speaker, Associate Justice Walter B. Hamlin of the Louisiana Supreme Court has given his assessment of the Nation's crime rate saying:

The Nation's crime rate would drop drastically if the United States Supreme Court would only take the handcuffs off our police. Our law enforcement officers are throttled by judge-made rulings that stagger the common sense of the average citizen.

Justice Hamlin finds from judicial experience that the U.S. Supreme Court decision in Mapp against Ohio creates the biggest problem, and if it were overturned would "take 75 percent of the handcuffs off the police."

Justice Hamlin is one Supreme Court Justice who understands that the answer to the soaring crime rate is not more money, more talk, and more investigation, but rather more action—enforcement.

I am proud to represent a State which has many courageous and outspoken leaders who still believe in honest solutions to the problems of our time rather than passing them over to the succeeding generation.

The article follows:

LOUISIANA SUPREME COURT JUSTICE SAYS: "TAKE HANDCUFFS OFF POLICE AND CRIME RATE WOULD DROP DRASTICALLY"

(By Raymond Villwock)

"The nation's crime rate would drop drastically if the U.S. Supreme Court would only take the handcuffs off our police," a Louisiana Supreme Court Asscociate Justice says.

"Our law enforcement officers are throttled by judge-made rulings that stagger the common sense of the average citizen," Justice Walter B. Hamlin told the Enquirer.

"People have never been able to understand why a convicted murderer or rapist, or anyone else unchallengeably guilty, should be freed because of some inconsequential error which did not diminish by any common standard the fairness of the trial," he said.

"The public simply cannot understand these rulings. They feel there is today the danger of having a nation of criminals within our great nation."

Judge Hamlin said the biggest obstacle the police have to overcome in fighting crime is the Supreme Court's 1961 Mapp vs. Ohio decision, whose main effect is to require police to have search warrants for nearly all searches and seizures.

"I would say that's the biggest problem. Overrule Mapp vs. Ohio and you take 75 percent of the handcuffs off the police.

"I've been listening for years to people talking about soaring crime rates and what can be done. Tons of ink and millions of hours have been devoted to the problem. But there's only one thing you have to do, and that's overrule Mapp vs. Ohio." said Hamlin, who has been a Justice for 12 years.

The effect of the Mapp decision has been to handcuff police in pursuing suspects, he said.

"Take the case of a raid on a bookmaker. These places are frequented by people who violate laws. In the old days, you didn't need a search warrant to raid one of these places. And if the police spotted any evidence of other crimes they could act on them.

"Today, however, you need the warrant. And when you raid a place there is lots of running around and destroying evidence—and that's handcuffing police and encouraging criminals.

"It's the same in practically all police investigations. Say there's been a murder. In the old days you could go into the house and look for the murder weapon, clothing, anything that might be a clue.

"But today, with Mapp vs. Ohio, the police need the warrant to look for these things. Their hands are tied. It's the same with all felonies.

"In those old days, police officers were not burdened with the present problems that are placing them in a state of frustration and confusion, with hardly any yardstick to guide them as to what should be done and what should not be done.

"Yet in those days, we had generally good law enforcement, and people were happy and safe. We were far from being what is now sometimes referred to as a 'police state.'

"You don't need any fancy commissions to tell you what to do to lower the crime rate. Let's go back to the old laws—the ones that worked."

Hamlin has still another complaint about Mapp vs. Ohio—he blames it for the tremendous case backlog in courts today.

"The first thing a defense attorney does today is file a motion to quash his client's arrest. The second is to try and quash the search warrant—that means two trials before you even try the case itself.

"That means protecting lawbreakers and letting guilty people off on technicalities," Hamlin said.

"Criminals know about clogged dockets and many figure there's a good chance of getting out of a trial legally even if they're arrested."

And once the case is through the state court, Hamlin said, the defense attorney can start the whole process again in federal court by claiming his client's civil rights were violated.

"I don't believe the court should be burdened with all these remedies, or that the police should be handcuffed by some of these court rulings.

"I've had judges complain to me how they have to try cases two and three times. I've had police complain to me how their hands are tied. I don't think there's any doubt about it. If Mapp vs. Ohio were repealed:

"Police could pursue criminals more aggressively.

"It would clear up the backlog in our courts.

"And it would cut the crime rate and allow police to do their jobs."

COMMENDATION TO THE BULLOCK'S CO.

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. HANNA. Mr. Speaker, whenever a major social issue begins to reach a point of consensus, it becomes fashionable to make high-sounding public statements. So it is with economy. We find today more talk than action. It is therefore refreshing and encouraging to find a major retail corporation sponsoring a specific nitty-gritty program to stem the tide of pollution. Recently, the Bullock's Co. set up at each of their seven department stores in southern California stations for the collection of newspapers and cardboard, aluminum, and glass containers for recycling.

Solid waste disposal is one of our most frustrating ecological problems. We can no longer assume that there will always be some place to dump the trash by the traditional means. Recycling seems to me to be one of the best solutions to the problem and should be encouraged whenever possible.

The Bullock's Co. deserves our commendation for the foresight and sense of community responsibility displayed in their collection and recycling project. If their example were to be followed by other private businesses, the results would be phenomenal.

Also to be commended for their cooperation with Bullock's are Boy Scout Troop 235 of Santa Ana, the Lakewood Environmental Council, the Long Beach City College Ecology Club, the Ecology Club of California State College at Long Beach, and the Cerritos College Environmental Action.

The solutions to many of our ecological problems lie in the expression of concern and willingness to act in a wholly unselfish way, as exemplified by the participants in the Bullock's project.

COAL MINE SAFETY

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. HECHLER of West Virginia. Mr. Speaker, there follows the text of my statement before special Department of the Interior public meetings on the Department's enforcement of the Federal Coal Mine Health and Safety Act of 1969:

STATEMENT OF REPRESENTATIVE KEN HECHLER OF WEST VIRGINIA AT DEPARTMENT OF THE INTERIOR MEETING ON ENFORCEMENT OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, JULY 2, 1971

On December 12, 1968, the Secretary of the Interior called a coal mine safety conference in this very auditorium, 22 days after the disaster at Farmington, W. Va., which snuffed out 78 lives. Here we are again—932 days and 578 lives later—meeting to talk about enforcement of the Federal Coal Mine Health and Safety Act of 1969. At the rate men were killed and injured in the mines last year, I have arrived at an average figure. While this conference has been in session, 30 coal miners have been killed or injured.

In my remarks to the 1968 conference, I noted that "the profits of the coal industry are increasing, production is increasing, and the prospects for the years ahead are very bright for King Coal." That is certainly more true in 1971. At the 1968 Conference, I posed the question: "Will Congress have the courage to enact a really meaningful coal mine health and safety law?" The answer to that question is "Yes."

I closed my statement to the 1968 Conference with this sentence: "If we do our job, we won't have to have any more coal mine safety conferences."

Well, here we are. We haven't done our job. Accidents and deaths continue in this most hazardous occupation, and no amount of statistical juggling can escape the grim conclusion that there are far too many accidents no matter how you measure them or compare them.

In the preamble to the Federal Coal Mine

Health and Safety Act of 1969 was this ringing phrase: "Congress declares that the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner."

The Bureau of Mines itself has been at best schizophrenic in its approach to the statement of purpose which I have just read. The rhetoric of the Bureau has been exemplary, and the dedicated efforts of many inspectors and Bureau officials have been effective. Yet the split personality of the Bureau is evident in the timidity, stupidity, or outright failure to enforce the law on the part of other Bureau officials.

Some of the early troubles of the Bureau of Mines can be blamed on lack of leadership, during the seven-month period from the firing of Director John F. O'Leary in March, 1970, until the appointment of Director Elburt F. Osborn in October, 1970. Some of the early troubles may also be attributed to lack of trained inspectors needed by the new law, although the Bureau now has 1,090 inspectors on duty and will have 1,350 by the end of this year. Only a handful of fines were collected during 1970, and the penalty schedule became the victim of legal snarls, timidity and bureaucratic inaction. Someone dreamed up the brilliant idea that inspectors in the field ought to telephone Washington to get permission to close down mines with hazardous conditions, and Washington defended this illegal practice on the grounds that the Bureau wanted to sit down and reason together with the violators. The Bureau is very responsive to coal operator criticism and suggestion, and often tries to accommodate coal operators, again at the expense of the working coal miners.

As in so many instances, when this illegal practice was made public, it was quickly stopped by the Bureau. Yet the clandestine meetings of coal operators and Bureau officials to consider changes in the regulations and administration of the law somehow persisteα. I do not of course know what went on behind those closed doors, but there did not seem to be very much good news for the health and safety of the average coal miner which came out of these meetings. The Bureau apparently could not shake its time-honored role as a sympathetic broker among powerful pressure groups all interested in production. The top union leadership continued to play too much the role of a production partner instead of a vigorous and aggressive advocate of strict enforcement of the mine safety law. In fact, in the summer of 1970, when a group of coal miners struck for stronger enforcement of the mine safety law, the UMWA leadership sprang into the breach and took sides against their own coal miners because they were interfering with production.

I was struck by the similarity in phraseology between the statements made at yesterday's conference by Dr. Osborn and Joseph E. Moody, President of the Bituminous Coal Operators' Association on the issue of how closely the Bureau of Mines and the coal operators should work together. Mr. Moody stated: "We are disturbed by what appears to be an adversary approach by the Bureau in administration and enforcement of the Act." A few sentences later, Mr. Moody states: "We are pleased to report today that this adversary approach appears to be diminishing. There is greater and more effective consultation and cooperation . . . At least the lines of communication are firmly established for a candid exchange of views and there is a much better mutual understanding of the problems involved."

Director Osborn in his own statement acknowledged, almost apologetically: "There can be little doubt that an adversary situation developed, with the increase in the number of inspectors, the pressure on the inspectors to enforce the law and the problems encountered by the industry in trying to comply. We are aware of this problem and ask all operators, labor organizations, miners and supervisors to join with us in finding ways to keep the lines of communication open between you and our inspectors and let us maintain a team effort against death and disease in the mines. To do the job we must all work together all of the time."

Now I admire Dr. Osborn for his boundless optimism and marvel at his trustful attitude in advocating the "come let us reason together" approach. The blunt fact is that for most of its existence the Bureau of Mines has been the bedfellow of the coal industry, and it is precisely this supine and subservient attitude which further weakened the almost toothless mine safety laws on the books prior to 1969. The Bituminous Coal Operators' Association, the National Coal Association, and the small coal operators have their people here day in and day out, trying to work things out with the Bureau of Mines and with their friends within the Bureau in such a way that the law won't interfere with production. I don't blame Joe Moody for this, that's his job; he's a good friend of mine, and he really earns his pay. But the Bureau of Mines is charged with protecting the public interest, with enforcing the law without fear or favor, and when these closed-door meetings with the coal industry and the Bureau of Mines have taken place in the past, it is the working coal miner who usually suffers in the end.

If there were a strong and vigorous leadership by the United Mine Workers of America to provide a genuinely equal countervailing force to the small and large coal operators, then this problem of closed-door consultation might not be so damaging to the protection of the working coal miner. I wonder how frequently the Bureau of Mines really tries to sit down with working miners and solicit *their* opinions on what must be done to protect the working miner—I don't mean the top union officials, I mean those who actually dig the coal.

I applaud the statement which the Secretary of the Interior made in opening this conference: "Partisan politics has nothing to contribute to the life and health of the miner."

Yet the year 1971 marks the politicization of the Bureau of Mines. Few mourned the departure of Fred J. Russell as Undersecretary of the Interior, who has not been heard from since, but the Russell spirit of softening the administration of the mine safety law when it interfers with production is a spirit which is very prevalent in the Bureau of Mines. Let's face it, there are a large number of political appointees in policy-making positions who simply do not subscribe to either the letter or spirit of the preamble to the Federal Coal Mine Health and Safety Act of 1969. I know Dr. Osborn well enough to know he doesn't believe this, but there are some officials in this Bureau, some in the Department too, who act as though they felt a ton of coal is more valuable than the life of a coal miner. As long as that attitude persists, we might as well forget about progress in mine safety.

On February 18, 1971, I stated: "The departure of Mr. Russell, healthy though it is, will not result in an overnight change which will produce mine safety. The Department of the Interior is honeycombed with Russell appointees who share his philosophy that those who paid the piper should continue to call the tune."

There are many living symbols of the politicization of the Bureau of Mines. I will not indulge in personalities by naming them. Everyone in this room knows them. Some of them feel that "law and order" was a phrase which applies only to longhairs who block traffic and kick over garbage cans, and not to practices which endanger the lives and safety of coal miners.

Yes, I agree with Secretary Morton in what he says about "partisan politics." But their party politics isn't nearly as serious as their "boardroom politics", and their sincere belief that the greatest disasters are not the Farmingtons or the Hydens, but brownouts which might result from lower coal production.

Enforcement of the mine safety law was crippled in 1970 by the Abington, Virginia lawsuit. Once again we find the Bureau of Mines faced with a lawsuit filed by a group of small mine operators seeking to challenge the constitutionality of the 1969 law. About 14 months ago, small mine operators sought the same objective. For a period of nearly nine months thereafter they successfully impeded enforcement of the law, thereby resulting in a mounting toll of dealths and injuries among coal miners. During this period, Bureau and Interior Department lawyers stumbled and bungled their way through this lawsuit. In the end, the suit was settled "without prejudice" by the Government. Thus, the small mine operators were free to try again, because the Government refused to insist that settlement be with prejudice. And, indeed they are trying again in court.

Will we have a repetition of last year's events? I have seen nothing since then to make me believe this is not possible.

It is time for the Bureau and its officials to stop pussyfooting and begin now to insist on safety for our miners.

The Bureau's inspectors should not hesitate to impose the necessary penalties in order to make coal operators aware of the economic consequences of unsafe practices.

The Bureau's assessment officers should recommend stiff, but equitable fines after considering the factors set forth in the law. Here, I must applaud one of the hearing examiners of the Office of Hearings and Appeals who, only a few days ago, had the guts to set a meaningful penalty of nearly $10,000 for safety violations. He did so after the Bureau assessed the penalty at only $900 and then lowered it after a protest to $500. The operator appealed that lowered assessment. I hope in the future that the Bureau's assessment officers have the same amount of guts.

Dr. Osborn knows that I am very prone to hand out bouquets, and I delivered one on the floor of the House of Representatives on May 3, 1971, entitled "Praise for Dr. Elburt F. Osborn." In my address to my colleagues, I indicated that "Director Osborn and his Bureau are displaying courage and objectivity in stating that coal dust levels under the current law are 'clearly attainable with present technology.'" I further praised Dr. Osborn for his May 3 statement in which he stated that the progress in dust control "makes me very optimistic about the entire industry's meeting the 2.0 milligram standard by the end of 1972 with a minimum of difficulty."

Imagine my surprise last evening in picking up a copy of Dr. Osborn's statement to this conference yesterday in which he backtracked on his May 3 statement. He told this conference yesterday that despite the use of proper ventilation and water sprays, "however, additional progress must be made through more effective use of present technology, *development of new technology*, and comprehensive education and training programs if the 2.0 mg/m^3 standard is to be achieved." (Italics supplied.)

In newspaper jargon, which Osborn d'ya read?

There has unquestionably been progress in the Bureau, as evidenced by the number of inspectors now aboard and the 1,350 inspectors anticipated by the end of this year, the increased number of inspections and penalties imposed, and the generous amount

of funds for coal mine health and safety enforcement and research. I applaud the recent efforts of the Bureau to step up the campaign against roof control accidents, and I am pleased that so much emphasis was placed at yesterday's proceedings on the necessity for more emphasis on roof control.

But the split personality of the Bureau again showed itself on the dark side with the unveiling of the massive public relations scheme to bombard coal miners with radio, television, billboards, bumper stickers, buttons, and all the gimmickry Madison Avenue could muster to tell the coal miners "Don't be Half-Safe." I know the coal miners of West Virginia, and I can tell you categorically that the kind of snow job cooked up by the smart-aleck advertising men will never be swallowed by the men who work in the mines. You can't sell miners like you sell soap. But my main objection to all this hoopla is that it just might start to make other people believe that miners are the chief cause of accidents.

The House of Representatives by voice vote on June 29 adopted an amendment to the Department of the Interior Appropriations Bill, stating: "No part of the funds appropriated by this Act shall be used to pay any public relations firm for any promotional campaigns among coal miners." Now I understand that a Member of Congress told this conference yesterday that this amendment should not deter the Bureau of Mines from a program of "education." I would hasten to point out the legislative history of that amendment, in which this very question was raised as to whether my amendment would impede any educational program by the Bureau. My response clearly stated: "You cannot substitute public relations for education, even if you label such a public relations campaign as 'education'."

As a former educator, I admire the fact that Dr. Osborn is also a former educator, as well as his role in furthering mine safety through education and not through huckstering.

The Bureau of Mines needs less Batten, Barton and Durstine, and more Osborn.

I believe that mine safety can better be achieved by transferring the Bureau of Mines to the employee-oriented Department of Labor, rather than keeping the Bureau in the production-oriented Department where it now is. To place this Bureau in a new Department of Natural Resources, as proposed by the President, would further submerge the human problem of protecting the health and safety of coal miners.

Unless some of these steps are taken, I am not optimistic about the future safety of those who work in the coal mines.

You can't turn the clock back to the "good old days" before Farmington, no matter how hard you may try. The American people won't stand for this slaughter in the coal mines, and they will insist that the mine safety law must be enforced.

ERNESTO GALARZA RECEIVES DOCTOR OF HUMANE LETTERS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. EDWARDS of California. Mr. Speaker, on June 13, 1971, President Richard C. Gilman of Occidental College, Los Angeles, Calif., bestowed upon Mr. Ernesto Galarza the degree of doctor of humane letters.

Nearly 50 years ago, Occidental College received a letter from an alumnus, telling of a young man of Mexican birth who wanted very much to obtain a college education. Being without father or mother, and having no outside means of support, he would have to earn his own way. However, this letter went on to say:

He is willing to do anything—scrub floors, mow lawns, wait on tables, act as an interpretor—and he is a good, reliable worker. If the college will do something for him for the first year, he will be able to take care of himself after that.

He entered Occidental College in the fall of 1923, and the promise was more than richly fulfiled. For as a student he compiled a distinguished academic record which resulted in his election to Phi Beta Kappa, and he was one of the outstanding debaters of his college generation. Moreover, he was a champion of causes then unpopular and he often took an independent and forward-looking stand on a variety of social issues.

In the years since graduation, these characteristics of his college years have been directed toward the service of Mexican Americans of the Southwest and particularly the agricultural workers in field and vineyard. His intellectual prowess has led to the writing of several books and articles; his persuasive powers have been manifest in testimony before congressional committees and in public debate; his energies have been directed toward the achievement of social justice and equal opportunity and the advancement of the Mexican American community. In all of this he has been an activist in the best sense and a leader of his people.

Thus, the college from which he graduated in 1927 has now honored Mr. Galarza. Let me add my voice to the voice of the college and community he has so faithfully served and let me add my thanks for his dedicated and selfless efforts.

THE LOVE OF LIBERTY IS AMERICA'S HERITAGE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. EVINS of Tennessee. Mr. Speaker, the Fourth of July Independence Day Celebration reminds us again of America's heritage and America's love of liberty.

The Washington Sunday Star, on July 4, carried a thoughtful editorial which I believe worthy of widespread circulation.

There are many problems for solution but the main difficulty is distinguishing liberty from license. The editorial, in appealing for tolerance and restraint, concludes that liberty is the only thing you cannot have unless you are willing to give it to others.

The editorial follows:

THE LOVE OF LIBERTY IS AMERICA'S HERITAGE

What constitutes the bulwark of our own liberty and independence? It is not our frowning battlements, our bristling seacoast, our army and our navy. These are not our reliance against tyranny . . . Our reliance is in the love of liberty . . . Our defense is in the spirit which prized liberty as the heritage of all men . . ."

That was what Mr. Lincoln thought. He said the nation was "conceived in liberty," and his countrymen didn't need convincing. They were closer in time to the Revolution than this generation is to the Civil War, and liberty was the bright rhetorical coin that still quickened the pulse. The thrill of the beginning remained. "Proclaim liberty throughout the land," it said on the bell, and the bell rang, and the dream came true. And Washington remarked, "Liberty, when it begins to take root, is a plant of rapid growth."

Those who signed the brave Declaration that we celebrate today (and tomorrow, in accordance with modern holiday habits) said that liberty is a God-given right. Hence it is fitting that the Honor America observance here is emphasizing the place of religion in America's history and heritage. And the traditional District of Columbia fireworks display tomorrow will be—in case anyone needs reminding—an expression of exultation over liberties won and kept.

But today, some examiners of the American condition are saying that liberty is stunted, is suffocating in the crabgrass of modern conformity, materialism, congestion and bureaucracy (both governmental and corporate). Americans are so herded and channelized and mechanized in their urban milieu, some say, that independence is a shrunken value and liberty a coin that goes clunk. Polls showing a low esteem for the Bill of Rights are produced as evidence.

Some observers see, and others fear, a dismal mushing out of the splendid American experiment, an end of the vibrant libertarian spirit and the daring optimism that were the fuel for its blast-off 195 years ago. Among the chief crepe-hangers is political scientist Andrew Hacker. His book, "The End of the American Era," depicts a nation in decay and exhaustion, its members fallen victims to a malignant obsession with self-interest. He sees the outgoing, socially constructive kind of democracy in eclipse, the grand dreams about washed up. Abroad, he believes, America has lost its moral leadership.

Others see these wracking times producing a growth of repression, and worse, an acceptance of it by the majority. There is fear that Americans will become so accustomed to deferring to technological tyranny, including electronic surveillance of their innermost lives, that liberty will come to mean nothing to them. They may become resigned, some seers say, to the total management of their lives, to government secrecy, to the power of an enormous military establishment, to the suppression of a free press and television, and the engineering of opinion.

The worriers cite the non-voting habits of Americans; fewer than half of those of voting age cast ballots last November, and only 61 percent in the last presidential election. That is deplorable, but it certainly is nothing new. In 1959, only 59.9 percent balloted. And far back in 1824 a scorching campaign was climaxed when 362,000 voted, out of a population of 10 million. Women, of course, weren't allowed at the polls.

So before lamenting the supposed decline of liberty, it would be useful to look back and get it into perspective. Liberty has been a galvanic force in this country, and must always be. We believe it still has plenty of voltage. But a considerable mythology has grown up around it. It has never transfixed the whole multitude, never been a sure thing. Probably no more than a third of the populace actively supported the American Revolution, which we celebrate today. And with the new nation not yet a decade old, in an imagined crisis, it moved forcibly to deny through the Alien and Sedition Acts the liberties that had been proclaimed.

Suppression of rights and abuse of liberties came again in the Civil War. World War II and McCarthy periods, in organized labor's tumultuous emergence and in efforts of minorities to gain full citizenship. Some can still remember when almost no one spoke of the black man voting in the South, and many ridiculed the idea of women voting

anywhere. And America has always been materialistic, as Hacker should know. The land was exploited long ago; the lust for property and minerals and railroad corridors pulled the great tide westward. Self-interest isn't a modern invention. Many gained but many suffered from its early applications.

How much liberty, indeed, did millions of blacks and poor whites have in the South over long, hard decades of poverty, ignorance, isolation and oppression, both economic and political? What choices did they have? Add, too, the grain farmers of the West and Midwest, broken in recurrent panics, and generations of industrial workers (including hordes of child laborers) before the day of humane labor legislation. It is easy to forget that the liberties of millions were cruelly circumscribed by impoverishment, lack of education, the absence of communication and understanding.

No longer, some say in despair, is there a common spirit. But when was there ever a common spirit? In the heydays of the Know-Nothings, the Barnburners, the Confederacy, the Klan? This is a country of many spirits, in competition, and that competition of ideas and emotions is as robust today, we submit, as ever it was.

A large segment of the country hated the Mexican War, but Polk never saw a protest crowd on the Mall; there were no Moratorium committees or McIntires. In this generation, there has been a frontal crash-through for civil rights that is still in motion. The chorus for rights and reforms—from women's liberation, environmentalists and a score of other—movements—certainly matches anything the country ever heard. If liberty is the urge and the ability and the courage to sound off, ask any congressman if it is alive, if he hears from anyone these days. If the young today aren't the most vocal in history, we are badly deceived. The main difficulty is in distinguishing liberty from license.

Frontier democracy and the New England town meeting are still ideals; the citizen felt he was a vital participant in the affairs of his time. But we wonder if television, perverse in some ways though it may be, hasn't made sort of a great town meeting of the whole country.

All this is not to say that there are no threats to liberty. It is up for redemption in every generation. It must be defended against the invasions of government and technology, and the violent excesses of radicalism. But we are confident it still is ingrained in the national consciousness as well as the national creed. Never has there been more protection for the spoken and printed word, as evidenced by the Supreme Court's decision on Wednesday, never more tolerance of provocative political action.

Indeed the country may perhaps be nearer than ever to accepting a verity from William Allen White: "Liberty is the only thing you cannot have unless you are willing to give it to others." If today's youth can make its celebrated passion for freedom serve society rather than indulgent self, some of our finest national examples may still be ahead. That necessarily will entail some sacrifice, and discipline.

H.R. 3658: THE CONQUEST OF CANCER ACT

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. PRYOR of Arkansas. Mr. Speaker, several of my constituents from Monticello, Ark., have recently contacted me with reference to their endorsement of H.R. 3658, the Conquest of Cancer Act, which I am sponsoring with several of my colleagues. This proposed legislation would set up a National Cancer Authority which would undertake a sustained, large-scale attack on the causes of cancer. It would authorize $400 million for research immediately and would increase this amount up to $1 billion a year as soon as possible.

The Conquest of Cancer Act embodies the recommendations of a distinguished national panel of consultants to the Yarborough Health Subcommittee of the Senate Labor and Public Welfare Committee. The members of this panel concluded that a massive and systematic attack on cancer is feasible and is a matter of urgent priority. Over 300,000 Americans each year die of this dreaded disease. It has been estimated that nearly one-fourth of the population of the United States will develop some form of cancer. Its victims include persons of all ages.

I do hope that this very important piece of legislation will be reported out of committee and brought to the House floor for a vote this session.

Mr. Speaker, I include in the Extensions of Remarks of the RECORD the names of my constituents who have endorsed H.R. 3658.

Dr. Alton Boyd, Espie Moore, Eleanor Sullivan, Betty Bordeaux, Clara Willis, Ollie Faye Sanderlin, R. L. Kirchman, Elizabeth W. Chandler, Nell King, Mary Deaton.

Linnie Hogue, Bivian E. Watts, Larry Smith, Kenneth Conaway, William E. Smith, Dorothy Gartman, Emma Jean Wiscaver, Denise Laneford, Alice S. Bates, Margaret S. Wilson.

Bernice H. Durham, Leslie Beard, Bill Groce, Ruth Boyd, Harold R. Aiken, Boyce Davis, Dr. Scott Boyd, Jo Ann S. Johnson, Louise Handly, Carlis Johnson.

Linda E. Fortenberry, Charolette Shook, Phillip M. Caurson, Dareed Miller, Geraldine Sanders, Tommy Neuman, Becky Walker Hunter, Richard H. Goodgame, Tommy Maxwell.

Kay Harrod, Lana Jackson, Ronnie Toon, Sandra Siedell, Bill Corder, Verniece Phillips, Billy McCall, Sudean Goodpaster, Susan Hughes, Mary Jane Bell.

Kaye Francis Lindsey, W. R. Rana, Deborah Booker, Pam Sutton, Phyllis Ball, Evangeline Keith, Mary Jean Hollins, Ronald Gibson, Joann Thomas.

Sarah Waters, Georgia Toney, Dr. C. C. Curry, John L. Shelby, Frances C. Daniels, Merrill R. Pritchett, Linda Hopper, Debby Bobnett, Dr. Cecil Haywood, Dr. Jesse M. Coker.

Dr. D. Wayne Puckett, Sarah Hundley, Dr. Tony Chandler, Irene Puckett, Dr. L. N. Wright, Claudia Hartness, Thelma Collie, Vella Davis, Alfred S. K. Hui, D. Wayne Divine, J. G. Webb, Joseph Guenter.

ADDRESS BY GEN. RALPH E. HAINES, JR.

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. DOWNING. Mr. Speaker, several weeks ago, Gen. Ralph E. Haines, Jr., commanding general of the Continental Army Command of the United States, made an outstanding and significant address to the Virginia Peninsula Chapter of the Association of the U.S. Army at Fort Eustis, Va. What the general had to say is so timely and so important that I want to share his remarks with my colleagues.

As we all know in these troubled days, the Armed Forces of our Nation are being blamed for practically everything bad that happens. General Haines says that the American people "must hear the other side" and he proceeds to do just that. The general's entire speech was informative and interesting. He discusses with candor and clarity the problems facing the Army and the necessity for having a changing Army for changing times. His analysis of today's youth is something that should be read by everyone.

I have listened to many outstanding speeches during my lifetime, but General Haines' address that evening was one which will not fade from my memory.

The address follows:

REMARKS BY GEN. RALPH E. HAINES, JR.

Mr. Covington, Congressman Downing, Officers of the Peninsula Chapter, General Schtitz, Distinguished Guests, Ladies and Gentleman:

It is a great pleasure for me to be here this evening and to speak to you while standing on home ground here in the Peninsula Chapter.

I always take special pride in addressing the members and friends of the Association of the United States Army. I welcome the opportunity to be among those who acknowledge the role of the armed forces in our society . . . who are concerned about the security of this great Nation. To those of us in the military who regard ourselves as servants of the people, it is reassuring, during these troubled times, to know that we have such loyal friends as are represented here tonight.

Since 1950, I have watched AUSA grow and develop into a strong, viable, and highly respected national organization. For almost 21 years, AUSA has contributed its full resources to advancing the security of the United States . . . to informing the American people of the fundamental facts and factors pertaining to national defense . . . to fostering public understanding and support of the entire army . . . to promoting greater recognition of the military profession . . . and to advancing the well-being and opportunities of those who pursue a military career.

I am gratified by the size of our gathering here and by the results of our recently concluded membership drive. I commend those whose efforts have brought about a revival of interest in our chapter and increased participation in its activities within the community. But I am certain that we can do better, and that we must all work harder to see that our chapter attains the degree of effectiveness that its significance warrants. In this connection, I continue to believe that there must be a greater focus of effort devoted to increased enrollment of local businessmen in the association. They are truly the missing links—if I may use such a term—in the fabric of our organization. By way of encouraging these further efforts, let me point out that we are playing for some very high stakes. This association is not designed as a purely social entity. Everyone who follows current events is aware of the extent and the forcefulness of the influences that seek today to degrade the security posture of our nation. President Nixon said recently:

"It is open season on the Armed Forces. Military programs are ridiculed as needless if not deliberate waste. The military profession is derided in some of the best circles.

Patriotism is considered by some to be a backward, unfashionable fetish of the uneducated and unsophisticated."

We must see to it that the American people hear the other side and recognize the distortions in the views the President has cited. And the effectiveness with which we do this is magnified when civilian spokesmen carry our message. Thus, it is for good reason that I stress once more that the new lease of our chapter begins—and only begins—with maximum military support. It is fulfilled by our attracting a full complement of responsible and respected civilian leaders.

Our position here on the Peninsula is an enviable one. We have a broad base of military support from Fort Monroe, Fort Eustis and the Recruiting Command. We have an excellent source of strength and a broad variety of facilities upon which to draw. Furthermore, the Peninsula community is one that is both an experienced host to the military presence and a traditional fount of patriotism. So, if we can't build one of the strongest chapters in the AUSA here, there's something wrong, not with our situation, but with us.

I should now like to move from our local chapter to the international scene.

There is an old story about the King of Athens, who, on a visit to the King of Sparta during one of their rare friendly periods, asked: "Where are the fortified walls to protect your people?" The King of Sparta took his guest to the training ground and showed him his soldiers drilling. "These are the walls of Sparta," he said.

How true that is with us today. We Americans have never been very fond of building walls around our borders. First of all, we have sought—with more success than most nations—to make good neighbors of the peoples who live next door to us. In the second place, we have always known that no fortification is as effective as well trained individuals and units that can go where the trouble is before the trouble comes to us.

Today the United States has men stationed in scores of lands and nations around the globe. They are parts of the "Wall"—if you want to call it that—behind which we live the kind of free and democratic lives that our forefathers envisioned for us; behind which we labor to help other freedom-loving people attain their rightful place among the nations of the world; and behind which we seek in every way that we know to attain a just and lasting peace.

Our fighting men in Vietnam today are making their down payment on the cause of freedom in the currency of personal sacrifice and personal involvement—just as the soldiers of other battlefields made their contribution in years gone by.

But, as the war winds down in Vietnam and men return to the United States, our Army faces new challenges. Congressional authorization for the draft, upon which we have depended to provide us with the quality and quantity of manpower required to meet our needs, will expire on 30 June of this year. Its extension is still being debated in the Senate. Although the President has requested a draft extension in the strongest terms, he has committed his administration to seek an all-volunteer force by mid-1973. Secretary Resor and General Westmoreland have pledged the Army to do everything within its means to move toward a zero draft. The charge on all of us is very great indeed. Obviously, we must increase service attractiveness and public respect for our Army, while improving its professionalism and discipline (and I emphasize those last two words), if we are even to approach our goal. This is our announced aim today as we embark on an all-out effort to promote a Modern Volunteer Army.

I recognize that many of you are concerned about any proposed termination of a militray draft system and reliance on fully voluntary armed forces. I would agree that prudence demands that we keep draft legislation on the books until we can demonstrate conclusively that a volunteer army is both feasible and effective in the discharge of its assigned responsibilities. The Army has always measured its strength not in weapons or machines, but in people. The fact that these people today come from every geographical area of our country and every segment of our society gives us what we must have—an Army of, by, and for the people. If we are able to shift to a volunteer force, we must do so without creating a gap between the Army and the people the Army is designed to serve.

I also recognize that there are probably skeptics among you as to the effectiveness of the ways in which the Army is seeking to improve its image and to enhance its attractiveness as a profession. I sense that there is a shaking of heads about longer haircuts, no more reveille and beer in the mess halls. I can only reply that we have solicited ideas from a broad spectrum of responsible Army leaders and are currently in a test period, trying out ideas which we consider have merit, confining these experiments to selected locations, which are kept under carefully controlled conditions. Changes are always difficult, particularly in a stable institution such as the Army—and especially when they alter proven methods. But times are changing; and we must be responsive to social change, without compromising basic values, if we hope to remain in contact with, and to communicate with, the soldiers we lead in combat. I assure you, we will not knowingly do anything which impairs the ability of the Army to fight—which must remain our primary mission. As the trainer of men and units for our entire Army, we in the Continental Army Command are acutely mindful of our responsibilities to a professional Army—and intend to improve rather than degrade the professionalism within the context of the Modern Volunteer Army.

To say only this about the Volunteer Army Program might very well appear to be an attempt, on my part, to "sugar coat the pill." There are very good reasons for the changes we are testing within the Army, and with your indulgence, I'd like to delineate a few. One must begin at the beginning, and in this case by analyzing the young men of contemporary American society in terms of the values and attitudes that they bring with them into the military and which condition or produce their response to the Army.

Born into post-World War II America, too young to have any recollection of the Korean War, they know only a nation that, in their lives, has not been challenged by any threat and has required it fully to exercise its power. Instead of such a direct challenge, these men are confronted by the prolonged uncertainty of the Selective Service System. Here, their "Friends and Neighbors," who, as the local draft board, make basic decisions about their futures, are faceless strangers. The mobility that has come to characterize the American family of the mid-twentieth century produces this kind of estrangement. The draft board, however, is only one of many institutions with which today's youth cannot relate easily. Long before they reach adolescence, they begin to find fault with the society in which they live. Having neither experienced nor witnessed hunger or privation, they assume that affluence is a right, not a reward for work. They have both the time and, at least in their minds, the perception to challenge the time-honored, the valued, and the traditional, and to demand that these elements of their heritage demonstrate, to their satisfaction, that they remain valid. They are quick to detect the inconsistencies between our stated beliefs as a Nation, in areas such as equal opportunity for all our citizenry—and the discriminatory practices—often subtle in nature—which we continue to countenance. Their environment affects their attitudes also. The incessant bombardment, through all the varied media, by commercial advertising has a deadening effect upon the confidence of youth in the presence of truth within our society. From their earliest moments, they instinctively doubt that "new improved brand X toothpaste" will really give their mouths sex appeal, as their television baby sitter says it will. Additionally, our youth are conditioned by the prevalence of cheating in school for the purpose of avoiding study or of meeting the increasingly stiff competition for grades, needed by those wishing to gain admittance to college.

Thus, the beginnings of the "Now" generation's activism seem to lie, in part, in normal youthful energy compounded by a lack of challenge and a cynicism born of sustained exposure to falsehood. This activism has been pandered to by major institutions of the society. As our young people have applied pressure for change, families, schools, churches, and political parties have fallen back or shifted directions. In their encounter with the military, they have experienced a severe case of "culture shock." They have found an institution which will not compromise its principles or values. The response, or reaction of some of our youth to this discovery has been violent and has been reflected in such acts as dynamiting or burning of ROTC facilities, flight to foreign nations that will harbor deserters and draft evaders, heavy drug use, or radical dissent inside and outside of our armed services. Supporting and emanating from these reactions is a peculiarly rabid brand of propaganda that seeks to characterize the military in general, and the Army in particular—we are, after all, the bad guys who cause the draft—as war mongers. We are caricatured as being eager for war in order that we might inflate the size of our military forces at the expense of other pressing national needs and, thus, gain personal glory and promotion.

What does all of this indicate? Are we hopelessly alienated from the very youth from which we must draw the strength needed to defend the Nation? I cannot believe so. Despite the fact that we bridle under the lash of young people's often unreasonable criticism, we can readily agree that they have identified aspects of our society that are in need of change. Most of our youth accept and value the basic tenets upon which our country was founded; but they qualify their belief in them by insisting that error and hypocrisy be corrected and that the goals we have established for ourselves be consistently and sincerely pursued. Frankly, I find comfort in the identity of purpose and principle between us. We will, however, have to approach our youth in ways, and through means, that differ from techniques we have used in the past. It is precisely because the Army is aware of the necessity for such changes that we are seeking to remove from Army life irritants that we have found distract us from devoting our full attention and energies to our primary duties.

As we get on with our task, I believe we must adopt a positive attitude, avoiding distraction by headlines. I read recently in Army Magazine a very eloquent and forceful article by a friend of long standing, now retired, voicing his sincere concern that deterioration of discipline within the services is leading to our military collapse. I have nothing but the highest respect and admiration for that gentleman. He and I agree in most areas. However, I see the problem currently faced by the Army in somewhat different terms. I see our leadership being challenged, rather than our authority. I see a great need for progress rather than reaction. I deplore as much as my friend the gradual erosion of our fighting capabilities in Vietnam. For almost six years since the buildup in Vietnam, our leadership there has sought to preserve those capabilities despite a near social revolution at home, a carping and often hostile press, the strong-

est sort of criticism or deprecation about the conduct of the war by many leading members of the Congress, and a singular lack of support by the citizenry of this land as a whole.

I prefer to leave judgments as to the rights or wrongs of this war to the long view of history—although I find it difficult to accept the logic of those who, through a strange transposition of fact, have sought to transform the aggressor into the aggrieved. The soldiers responsibility is simply to carry out the mandate of duly constituted civilian authority. In my view, he has discharged that responsibility well and faithfully in a type of war quite different from any in our Nation's history. Living for weeks on end in an inhospitable environment of mountains, jungles, and swamps, he has fought eyeball-to-eyeball with a vicious and cunning enemy . . . and generally beaten him at his own game. The fact that he continues to fight what an increasing number of his countrymen choose to call an immoral war as well as he does is a tribute to, and not an indictment of, his steadfastness and the quality of his leadership. We have never in our history been charged with disengaging from a war without benefit of an armistice or a surrender instrument—and I assure you it is a most difficult thing to do . . . and, at the same time, to tidy up the battlefield and retrograde far more of our equipment and supplies than we have in any previous conflict. These things we must accomplish in an orderly manner if we are to conserve our human and materiel resources.

We are today, psychologically at least, in a post-war period. Our job in CONARC is to rebuild the dignity, pride and motivation of our Army. After every war there has been a tendency toward a drop in morale, esprit, and prestige for the man in uniform. We must work to overcome this tendency, because of its deleterious effect on both the man in uniform and the public. The dedication of the soldier and the confidence of the people in him are principal ingredients of our national strength. The Nation will be the loser if, over the long term, the dignity and pride of the soldier are undermined.

Further, we must re-emphasize the element of challenge within our service. It is challenge, not easy living, that will attract good young men to join the Army. By the same token, that challenge, translated into meaningful service, will keep them in the Army—not a Madison Avenue slogan nor a fancy wall poster. Our young people in service must see the future as affording them the opportunity for accomplishment in areas which they believe in and thus consider relevant.

We in the Army accept our responsibilities for the welfare of the private soldier. We strive in our training centers to give him the best possible training in order to prepare him for the supreme tests that he will be required to meet. But there exist higher responsibilities to the American people, especially the disadvantaged, which today only the military seems to be in a position to fulfill. Each year we take into the Army a quota of young men who, for medical or educational reasons, would not normally be accepted into the service.

Since the start of this program in 1966, we have trained nearly 200,000 of these men—in many cases providing them with the very rudimentary capability of reading at the fifth grade level of comprehension. Although only about 30% of these men are eligible to reenlist and achieve career soldier status, the important thing is that we have given them a chance. We have taken some away from street environment that leads to a life dependent on charity or welfare, and have given another solution to others who would resort to a life of lawlessness. While this program does little to improve our reenlistment rates or provide the most productive investment of our training dollar, we can agree that it does in some way fulfill our duty to serve our citizenry.

Our responsibilities to the soldier no longer end with his discharge from the service. There is no ready position in civilian life for a young man whose training has been concerned only with combat skills—closing with the enemy on foot, driving a tank, or loading an artillery piece. On a voluntary basis, we now train these men during their last six months of service in a civilian job skill so that they are immediately employable upon discharge. We are assisted greatly in this effort by various civilian businesses, municipal, state, and federal agencies—who conduct formal classes and on-the-job training for interested soldiers. This program which we call Project Transition is conducted on a priority basis, beginning with those who are disabled by wounds and those who had no civilian job skill upon entry into service. It reflects a growing awareness and empathy for the individual American soldier. I firmly believe that programs such as this are of paramount importance if we are to expect and demand his loyal service.

We have other problems in our Army today—related to dissent, drug abuse, and race relations. We are attempting to face up to these problems in a straight-forward manner and to bring all our energies to bear on their solution. The challenges posed by contemporary problems can only be met by leadership of the highest order at all echelons of our Army.

May I offer this brief quote:

"There are people who live in America—and there are Americans."

These words were spoken by a young lieutenant as he arrived home after twelve months as an infantry platoon leader and company commander in South Vietnam. He did not seem to be overly impressed with the dangers and hardships he had faced, nor even with the enormous burdens of combat leadership which he had borne. Instead he had come to realize that always in our midst are the ready and the reluctant—those who carry their share of the load and those who turn and walk away. Clearly etched in his mind was the overriding importance of personal responsibility.

It is this sense of personal responsibility that each of us must feel. We cannot stand on the sidelines with our hands in our pockets. We must roll up our sleeves and become involved. We have today an enormous opportunity to develop for our nation a first-class Modern Volunteer Army. Our government wants such a force, our young men need such a challenge; and we who are devoted to maintaining and improving the Army must make every effort to build such a force and to provide such a challenge.

But as General Westmoreland said in Williamsburg several months ago, "We will (also) need the support of the American people and their leaders in business, industry, the church, education and news media. We cannot attract the soldier we need into an organization denigrated by some, directly attacked by others, and halfheartedly supported by many. This country cannot have it both ways. If the Army is portrayed and believed as a service to be avoided at all costs, a service in which only those with the least qualifications need be recruited, and if we do not have the active help of community and national leaders in every field, even money will not do the job."

Our Army's past success resulted from the foresight and determination of those who served their country before us. We must all, civilian and military alike, live and work in the awareness of the obligation we bear, because this heritage is now in our safekeeping. I can close on no more appropriate note than a quote from our commander-in-chief to the graduating class at West Point several days ago. He said: "We stand at what well could be a turning point in modern history. But this momentous opportunity will slip away if America is lulled into wishful thinking and passive policies . . . events (today) offer us not a gift of ease but a summons to action. We must be more resourceful than ever in the pursuit of peace, and at the same time more determined than ever in the maintenance of our defenses."

To that I can only echo a fervent amen.

BARRIERS TO MANPOWER MOBILITY AND UTILIZATION IN THE HEALTH CARE FIELD

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. WALDIE. Mr. Speaker, equitable health care in the United States is set on a declining course. Our urban ghettos suffer under a burden of inadequate facilities and expensive medical costs. Rural America, too, is neglected and overlooked in the rush to provide skilled assistance.

A report has come to my attention concerning the "Barriers to Manpower Mobility and Utilization" in the health care field. Hendrik Blum, M.D., professor and head of the health administration program for the school of Public Health in Berkeley prepared this text for the National Health Council.

It spells out the barriers erected to prevent the best utilization of manpower. But even more, it provides the probable solutions to solving this dilemma.

Health care must become relevant to its society or it serves no useful purpose. And more importantly, the public has to involve itself with its community health policy in order for it to better conform with local needs and demands.

The Congress should be informed on this vital subject and it is with this purpose that I submit the following text:

BARRIERS TO MANPOWER MOBILITY AND UTILIZATION

(By Hendrik Blum, M.D.)

I. HEALTH AND HEALTH CARE: EXPECTATIONS AND MANPOWER

National expectations, political promisers, and health care purveyors have all and always promised that no one will go without health care. Our cards are being called by a society that believes that it can afford anything within reason. Why don't we, as a nation, as politicians, as purveyors, deliver on our promises to ourselves? Is it confusion, poverty, mistrust, greed, or just a low priority for health as compared to war-making and space-inflating prestige? It is these things and many more.

We expect an intelligent assessment by a health professional of what ails a patient, but experience has taught us that we can't expect much in the way of any kind of assessment of our national patient's complaints of (1) no care; (2) poor care; (3) irrelevant care; (4) unacceptable care; (5) expensive care.

A. Health status is not synonymous with health care

To begin with, experience tells me that it is customary in all health circles to confuse health care services with health. Health is depicted in Figure I as a state of somatic, psychic, and social well-being that is heavily affected by four major sets of influences:

genetics, environment, personal habits (behavior), and health services.

In our country we are quite sure that most of the time health services are not the most important of the four sets of factors that influence our well-being.[1 2] It is not so surprising therefore that with what is already the highest level of health expenditures in the world, we do not have much to show for the five billion dollar annual increase in our health bills in each of the past five years.[3 4 5]

B. Why have we assembled to discuss health manpower?

We have had bad repercussions from the fiancial coverage of two small segments of the population: the aged and a fraction of the poor. This was in great part caused by lack of any commensurate increase in trained manpower and by having no mechanism to provide care where it was least available.

If our position about the inputs to health is correct we have excused the health purveyors from major direct responsibility for our national failure to adequately improve health, but they cannot be excused from the concerns about distribution of health care services. There are at least three basic reasons that force us to consider manpower issues.

1. Equity must be met. Health purveyors are poorly distributed and part of that national promise of equality of opportunity means equal access to the purveyors of care. Maldistribution of personnel and inadequate availability have to be rectified even though we can realistically anticipate that perfect distribution of health care services might at best add a year to the average span of life of our people. Purveyors are the visible and necessary symbol of health care even if they alone are not enough to improve health.

2. Costs must be controlled. By our failure to try to affect health needs intelligently (most of them arise from aspects of living other than deficient health care), by failing to even try to modify demands intelligently (more commonly, we inflame and raise care expectations by each new publicized technical or delivery scheme), by failing to produce adequate numbers and kinds of health care purveyors to cope with the needs and demands, by failing to devise or utilize delivery schemes that counter the tendency to overuse which results from the present purveyor dictated cost plus basis of medical practice, prices are being jacked up and the nation's wrath is being drawn upon the purveyors. Moreover, medical purveyors order the tests, the procedures, the drugs and the hospitalization for their patients. Even if their own take-home only accounts for 15 per cent of the health care bills, they are the visible keys to the costs.

3. Spokesmen for health must emerge. Health care purveyors must become the spokesmen for the well being of the people of America instead of for the purveyors of care. Through their opportunities they do know when people are ailing and why. What is bad for health will become the professional's concern or it will become the concern of some other group. Available, interested and qualified health manpower will be the means of meeting this challenge.

II. VALUES AND BELIEFS THAT MOTIVATE BEHAVIOR WHICH CREATES BARRIERS TO MANPOWER AVAILABILITY AND UTILIZATION IN THE HEALTH CARE FIELD

Values, attitudes and beliefs held currently by health professionals, educators and administrators are creating significant barriers to providing the required categories of manpower whether at the "port of entry" into health professions, forming and training new types of technicians or professional, or reordering or reorganizing traditional responsibilities. These are aided and abetted by general public attitudes as well.

Footnotes at end of article.

A. Professionalism

Professionalism today is most evidently operating from the confused belief that quality, not relevancy, is the key to adequate medical care, and that no validation of this thesis is necessary. It then becomes possible to ignore the real meaning of professionalism which is to serve suitably those who need the professions' services. Quality is never defined in socially useful terms but has as its point of reference solely the purveyor's view of himself.

Quality of care as rendered by the purveyor is one thing, but quality of care as received by the patient is quite another matter. Although each procedure relating to a patient's care may have been masterfully executed, the actual results in terms of disease prevented, health or well-being restored, or productive life maintained are not necessarily reflected by the technical quality of the care rendered. The acceptability of care, the timing of the relation of the care to work and family responsibilities, the procedure in relation to the patient's ability to function socially may all be more critical than the quality of technology or medical skills applied. In fact, quality of care goes beyond what the individual received, for in the aggregate, society as a whole is also the recipient. What is seen as valuable to each man in the society may in fact be destructive to his society and thus eventually to him. The allocation of resources necessary to achieve certain levels of health services may cut into the ability of the economy to create the educational, industrial or agricultural basis from which the wherewithall is obtained for health services.[6]

Clearly, purveyor peer control for what is *rendered* must be paralleled by community peer control for the relevancy of what is *received*. Let us from now on talk about adequacy of care, or better still let us call it relevancy as others have.[7] Relevancy implies effects on someone. Above, we have distinguished technology as relevant to health professionals, well-being as relevant to consumers and costs as relevant to society. (I am indebted to Dr. Agnes Rovnanek whose penetrating thesis brings these issues into focus for me.)

Many of us are more than a little nauseated with the misleading professional din for peer control over "quality" as though quality were limited to medical definition. Under a half century of total peer control directed at "quality", our nation's people are still exposed to dangerous practices, many of its health practitioners excluded from useful contact with hospitals and continuing education, and one quarter of its population is significantly underserved.

Obviously, in any given society there will have to be trade-offs between the best possible technology, the maximum in results and costs, accessibility and scope of care. These trade-offs will of necessity have to be made by agreement among the technologists, purveyors, consumers and representatives of the body politic.

From the primary, inadequate and misleading assumption about quality the professional proceeds through a series of similarly questionable premises each of which adversely affects selection and education of professionals.

1. A misleading belief that quality of service is guaranteed by "quality" of the trained manpower. Unfortunately, there is evidence that technical quality varies under the circumstances of its application.[8]

2. A misleading belief that "quality" of manpower is in great part determined by wise selection for training among those who present themselves and that prior academic success and tests for brightness or aptitude are proper criteria. The correlation between academic grades and success in medical practice is apparently close to zero.

3. A misleading belief that quality of manpower is measured by what is stuffed into a trainee more than by measuring what he can do.

Licensing is in great part dependent upon presentations of a diploma attesting to duration and nature of exposure not to competency, and qualifying tests generally measure what can be crammed for and then regurgitated. Moreover, although great noises are made about the evanescent practical life of an education, there is still very little in the way of required continuing education, and much less in the way of continuing performance checks except for medical practitioners in certain elite hospitals.

4. A misleading belief that what is to be stuffed into a trainee and how it is to be done is the prerogative of his teachers. I can't help but be reminded of my four lectures on Ear, Nose and Throat as a medical student by four eminent professors, all of which resulted in my learning four different ways of getting a bean out of an ear.

Professional education is plagued by fast changes, and more, by generally inadequate teachers who operate from a position of the elitist expert dropping pearls or beans, rather than from a partnership for learning. Some happy exceptions at the least expert levels and some at the professional schools presage a happier day.[9]

5. A misleading belief that the institutional capacity to train for a given career is a suitable determinant of when and how many persons should be trained.[10] The overproduction of one or another class of practitioners such as the current surplus of general surgeons (also English, science and other Ph. D.'s), speaks clearly to the folly of this approach, just as though we can afford to waste training dollars and lives of trainees in one field while we happily run short in another.

6. A misleading belief that qualified trainees will automatically respond to the needs and provide their services where they are needed most. Although the opposite situation has finally been acknowledged by all parties, essentially nothing is ever said about requiring health practitioners to practice for a certain number of years in underserved areas in return for the privilege of receiving a societally subsidized education and entry into one of society's most rewarding occupations.

7. A misleading belief that a qualified trainee will so align himself with the other health servers and facilities that his service will be most efficiently and effectively utilized. Again the evidence is so contrary that validation must be avoided at all costs to maintain this myth. Health practitioners are no different from other mortals and in general can be expected to work out those arrangements which suit themselves best.

The foregoing are mistaken premises which the professionals "prefer". There is also a series of collateral beliefs which are usually denied or claimed to be of little consequence although evidence is to the contrary.

8. Professional pride will not be an obstacle to surrendering present prerogatives which adversely affect health care, or that seeking changes of roles or functions will not be seen as tantamount to an admission of deficiencies or oversights by a profession.

9. There will be no anxieties or fears on the part of health purveyors that will lead them to oppose the takeover of various activities, functions and roles by lesser trained and less well paid classes of purveyors. (Fear of professional and economic displacement have, in fact, been so prominent, on so many professional interfaces that the idea is laughable that the public interest only will be held uppermost by purveyors.)

10. The non-elite consumers can not understand enough to effectively participate in direction setting, but would learn just enough to dictate medical techniques.

This all sums up into one crowning belief that enough qualified personnel and quality

facilities will solve all the health care problems. Yet we in the United States already have the highest per capita expenditures and with but a few exceptions the most of all health services in the world. Even in our citadels of medical care such as Boston or San Francisco we haven't come anywhere near meeting health needs of significant population segments and no end is in sight if we follow our professional instincts.

B. Bureaucratism

Although intended to lead us to the most effective delivery of what is needed, not unlike professionalism which focused inwards and came up with *quality* as its credo, bureaucratism, medical, health and educational, also turned inward and came up with the *happy allocations of inputs* as its credo. Bureaucracy almost never evaluates its outputs, nor accounts in terms of service results for the inputs it devours. Its happiness with input disposition is for and with itself, just as quality is the security blanket for the professions. Many misleading ways of thinking and doing business have arisen.

1. Professional quality should be recognized first of all and the most highly qualified or trained person should be in charge and paid accordingly. Evidence of failures is leading to reconsideration of the wisdom of this theorem.

2. The desirable level and relevancy of services is best attained by organizing along professional career lines rather than functional or output lines. Experiments using primarily functional concepts have appeared more frequently in the past decade, often under consumer or new-careers types of pressures. The verdicts are not clear, but are very suggestive that function is often a better guide than skill for organizational structuring.

3. Merit badges testify to capacity of personnel and should be written into job qualifications which must also specify roles, functions and activities for each merit badge classification. Unions now add to the impregnability of these harmful doctrines because of their concern that no one work out of classification, not even a little bit, and that pay be rigorously aligned with the dignity, complexity or danger of the work in each classification. Of course, nothing is said or done about alignments which pay street-sweepers more than orderlies, nurses or technicians.

4. Bureaucrats can wisely second guess public demands as to what will be tolerated or applauded by recipients of service. Much of the reluctance of public and private agencies to utilize minority personnel stems from administrative unwillingness to take any chances. Administrators also oppose the substitution of lesser merit badge holders for more statusful ones because of anticipated client complaints. In the same way the administrators have made foolish decisions about which services to offer, or the hours and places of offering them. Of course, a good bit of this may also be attributable to the desire for administrative ease of rendering service.

5. Consumers could not understand enough to participate effectively in setting policy but probably would learn enough to get into the day-to-day administrative decision making. Exceptions would of course be the elites who personally encounter few if any real blocks to service and they could be depended upon to understand the administrative outlook, for many of them have to administer in other organizations.

6. Enough money will solve all problems that good organization has not already solved. General starvation and half measures have been lived with by so many health organizations for so long that their chronic dissatisfaction with budgetary limitations added to their natural American belief in the therapeutic effects of money are bound to firm up the quite false belief that more money alone would really solve most consequential service problems.

7. Productivity is a function of employee reliability, faithfulness of employees service to the agency, employee cooperation with management, and meaningfulness of years of service. These desires are derived more from concerns about administrative burdens than for what is to be delivered and account for a good bit of the discrimination against employing untrained, potentially unruly, historically unreliable or disadvantaged group members. It also militates against attempts to hire the aged, new types of skills, or lesser skilled as substitutes for the more skilled.

C. Public attitudes and beliefs about health and health care

The American public wants to believe in the infallibility of its best educated experts, the healing power of money and our leadership in the health realm as well as other sectors. This has given rise to many misleading attitudes and beliefs.

1. Professionals are concerned with and understand consumer service needs. As a result, the successful practitioners in almost every field have been given *carte blanche* to dictate their own prerogatives, select entrants to their field, mandate the education to be given entrants, design licensure to enter and stay in the field, and conduct peer review to determine the adequacy of their own performance. Thus is supported the professional beliefs in quality.

2. Money can solve all problems. The history of our successful exploitation of natural resources and manpower to produce an unbelievable even if somewhat inequitably distributed superabundance has added to our belief in ourselves and in our production capacity. A free hand with money and the freest in the world towards the health sector, particularly so in the past ten years, has produced more inflation than health care or health. Fortunately, the notion is dying that an open purse combined with professional guidance will solve our health problems.

3. We have the best health and health care in the world. It is with anger, disbelief, and dismay that any United States audience hears of our stagnating health record and our drop behind one country after another. People in their rush to explain away this offense to their pride find it more possible to believe that delivery systems in other countries do reach people more effectively. As a result the public often comes up with the almost certainly erroneous conclusions that a better level and distribution of health care than we have is the cause of better health in those countries with a better health record. In spite of our growing awareness of our real health status and the size of expenditures we make compared to others, we still look for simple answers and forget the malignant effects of our affluent style of living on health and the health consequences of our poverty and starvation areas.

D. Other relevant public attitudes and beliefs

Public beliefs about our health system are paralleled by some nonhealth directed attitudes that cause other problems for the health sector.

1. A strong laboring class feeling that no one really cares about how much unemployment there is in the nation and that if true non-discrimination against women or minorities were practised it would pit cheaper labor against more expensive white males "who have to support families" and were "here first". There is ample validation that our government does close down its own operations as well as heavily subsidized industry for political and budgetary reasons and thereby dumps skilled or unskilled workers out of employment quite casually without any attempt to make sure that they are immediately absorbed elsewhere. Our leaders also make fiscal and monetary changes that slow up whole sectors of our economy, acknowledging that unemployment is a necessary concomitant to this approach to inflation control. It is no wonder that more recent white ethnic arrivals to our country are bitterly jealous of their jobs and prerogatives, that organized labor has not freely admitted minorities or that the first reaction of both is often to oppose policies that are intended to improve the education, services, benefits, or welfare programs that appear to be most beneficial to minorities.

2. Generalized racial and male chauvinism can be seen to subtly extend into the ranks of the bureaucrats, the educators, and the professionals as well. We all are aware of how members of one or another ethnic minority are always said to be glib, pushy, sneaky, dumb, and so on. In the selection process among entrants to careers, these tendencies toward stereotypes are often reinforced by anxieties on the part of minority persons who are aware that their ethnic group is in fact rarely admitted, that they have had a dismal schooling or carry a borderline record.

At one major well-publicized state university women make up 1 per cent of the tenured faculty and this represents recent improvement. It can't claim that there aren't enough lavatories to go around for both sexes as many engineering offices do. It can claim that there aren't enough women to choose from, but its own policies and counselling are no small factor in that state of affairs.

3. There is a pronounced national tolerence of an inadequate basic grade school education for those living in poverty and ghetto areas. As a problem secondary to our racial biases and our great regard for success, individuals from those cultures which do not place a great value on material progress are generally not thought of as being worthy of much concern or attention. Hand-me-down housing, jobs, schools and textbooks are good enough for such people. Their attitudes coupled with a pathetic education simply induces behavior which reinforces our beliefs that such people are not worth bothering with.

This has bred mutual disrepect, distrust and hatred, and the unserved who now more than ever want service from the hands of members of their own kind have thereby raised a new manpower barrier. But they still do not have the belief, the educational equipment or the financial avenues that will allow them to produce their own kind of providers of service.

4. There is an undeniable national tolerance of inadequate and irrelevant health care in poor and ghetto areas particularly. However, neglect of health care in the ghettos is apparently becoming more evident than neglect of standard of living, of jobs or of education. I would be inclined to say that this is occurring primarily because it is presumed to be easier to overcome health care delivery deficits than to overcome the more basic issues which give the underserved their higher rates of health need as well as their inability to participate in what is available generally.

III. SPECIFIC BARRIERS TO HEALTH MANPOWER AVAILABILITY AND UTILIZATION

Barriers are created by the behavior which results from the values, attitudes and beliefs of the public, health professionals, educators and administrators. These may result in partial or absolute blocks to entry into the health manpower categories or to mobility between them.

A. Entry into the more skilled health manpower categories

1. Inadequate basic educational preparation. We may all cluck when San Francisco is discovered to be using English I.Q. tests on its Spanish speaking children in 1970 and its retarded classes are full of these same children, most of whom are immediately moved to regular classes when tested in

Spanish. Could this have any slight relationship to the almost nonexistent Chicano contingent in the health or any other profession? Entry blocks are further aggravated by the generally poorer teaching and facilities in the ghettos, even to the point of not providing either college entrance type courses or useful technician training.

The University of California has in recent years become concerned at the infrequency of ethnic minority applicants. Investigations by one school found that there were indeed a good many minority students in the Bay Area qualified to enter but that they were counselled (for their own best interests) to avoid a "tough" school and misdirected to others and to less challenging career choices as well. Here we have the effects of bureaucrats and professionals in education overlooking the desperate needs for minority professionals.

2. Traditional barriers against entrance into training for health careers. The junior or community colleges are one of the heartening exceptions to the folly of admitting primarily on the basis of good grades, and fortunately they are rapidly assuming a larger share of the health manpower training. However, entrance into four year colleges is still very heavily grade bound, and entrance into graduate schools even more so.

Those categories requiring a bachelor, master or doctoral degree are with few exceptions still having a hard time finding disadvantaged applicants who meet their customary entrance requirements. When they relax entry requirements for minority students, a long unexercized concern for fair play tends to become very pronounced amongst the white public and the white students, administrators and professionals. We do share their so-called fear of lowering standards dangerously, but in our own experience when we substitute criteria such as evidence of high calibre community service and unusual capability, we have been able to waive the scholastic requirements for entry to graduate school and such students with a short briefing period are able to compete equally with their scholastically admissable classmates.

Even though there are many more so-called qualified students than places in medical school and public health schools the reasons for taking in so-called less qualified minority students remains well justified even beyond the single issue of equity. White professionals of any kind are no longer welcome in the poorly serviced minority ghettos and these are just the places with more illness per capita. Since minority professionals with the capacity, concern, and willingness to serve them remain at most at one fifth of the level available to white communities, we must increase their enrollment and be guided by capacity, not grades alone.

Similar problems often arise in the admissability and choice of students willing to work in the rural underserved areas.

Problems of admission are also posed in the attitudes about utilization of women. Are these difficulties based on sex bias, beliefs about the obligations of motherhood or beliefs about economic utility of training women whom it is assumed will not practice nearly so many years as men under the present delivery structure? Women do serve well and diligently in many other countries in the world. The oft-quoted examples of dropouts from U.S. nursing practice which are used to damn women from high status professions may only be evidence of the unsatisfying nature of a poorly paid, rotating shift, hodgepodge job for people who are overtrained in one sense and undertrained in another, people who earn little career respect. Insult is added to injury by minimal opportunity for movement up the ladder, for nurses cannot become physicians and can no longer become anaesthetists, administrators or social workers without very extensive, if not total, retraining.

The admission of older persons, some very determined and evidencing skill for community service, is also fraught with problems. There are legitimate issues of high educational investment for a relatively few years of practice and high incidence of health breakdown among older students in our experience. Again practitioners, educators and bureaucrats feel comfortable in making decisions about issues which are basically matters of economics, utility and suitability, matters about which they often know very little and in which society's stakes may be very high. Since education has to be expensively refurbished every few years in the more skilled professions, if initial educational investments can be lowered as is now promised in many medical schools, and if new types of practitioners are produced whose stock in trade does not anchor them to the great medical centers, older persons committed to work in the unserved areas may be a good bargain.

3. No means to obtain an education. Although most education to and through community colleges and a small part of it at four-year colleges and universities is very low cost, it is nonsense to say that education is "free" to anyone who wants it. Free of specific costs it may be, but it can be inaccessible even at the grammar school level for those who must work to eat, for those who can not afford the clothes, the transport or even the school incidentals.

B. Mobility to and through curriculum in accordance with what the students already know

Credit must be given for capacity already obtained and demonstrable. Many persons through one opportunity or another, often military or work as lab assistants or research assistants, have learned practice or theory or both about a skill area or a profession. Today they typically get no credit for competency in such an area, are made to repeat work or allowed to waste time doing make-work when they could have been examined, and if satisfactory, moved on to other areas of study they still need. Testing in this area may in some cases be as simply done as checking performance proficiency for one or many laboratory or patient care procedures or by use of regular exams for theory depending on what the particular field requires.

Current physician assistant programs tend to be heavily concerned with months of training rather than with proof of proficiency which might obviate much of the course work. Perhaps this is a necessary safeguard in a period of transition and experimentation with new professional careers. Today our school is beginning to use the equivalent of "final" exams upon entry to see if students already have reasonable proficiency. Where they demonstrably do, we waive so-called basic requirements to speed up their progress.

C. Movement between categories of health manpower

The topsyturvy growth of new health skills has typically arisen as one or another health care institution has felt great pressures to expand its capacity in one direction or to maximize the use of one bottleneck skill. As a result, some piece of skill or activity was carved off and a new worker, often someone already in a related level of skill who had been called upon to perform this duty, is assigned to do only this new function under a new title. Pride, status carving and demands for professionalism in the new role soon follow. The training base requisite for the skill is often forgotten in the confusion resulting from the pressures created by the type of worker who has found the transition easy and by his demands for tough future entry into the new field. Thus arises the curriculum of what is supposedly needed by future recruits. The problems that result fall in 2 major categories.

1. Up a new ladder. Many so-called medical specialties are classic examples of requiring a four year M.D. degree prior to dropping out of most of medicine into the new specialty. The need for a psychologist, psychiatric social worker or mental health nurse to get an M.D. in order to enter psychiatric training and become a psychiatrist seems to be a stretch beyond belief. These are costly excursions for society and the scenery isn't worth it for the candidates. Similar problems occur when biochemists or physiologists, or even nurses and dentists wish to become physicians. With rare exceptions they have had to put in a full tour of duty even though vast areas may be a total repetition, often at a lower level of proficiency than they already have, until they complete the prescribed servitude under the proper new auspices.

2. Up the same ladder. The longtime efforts of nursing to organize and train categories of workers relevant to duties has not received the credit it deserves. This is probably due to the failure of their efforts to improve the mobility between categories and an unconcern for how their demands for professional status (which included premature attempts to shut down 3 year hospital based schools) adversely affected the nation's ability to meet its nursing needs.

Again, concern for units of course work as the tests and symbols for capacity would for example force an orderly or an l.v.n. of demonstrated capacity to complete a standard college or hospital nursing program without getting one unit credit or one day's shortening of his time in school even though some things he is asked to repeat he may be able to do better than his instructors. In comparable straits are the three-year nurses who wish to go on for a baccalaureate.

The failure to look for common background bases among health care professionals or to rationalize what each requires, has left us with the need to start from the bottom up in each category since we don't acknowledge capacity or competency as the criteria of utility.

In practice, licensure or professional accreditation, closely followed by civil service, institutional and union requirements helps freeze these non-rational requirement blocks to mobility.

D. Movement of functions and skills from one category of trained worker to another

The transfer of functions and skills from one category of trained worker to another has been the most painful of all of our mobility disaster areas.

1. The removal of lower cost competition. In some cases lesser status skills are absorbed by practitioners with higher status degrees, as exemplified by the encroachment of M.D. anaesthetists on nurse anaesthetists. Although possibly justified by the shaky capacity of nurses 30 or 40 years ago, it was followed for years by the even shakier anaesthesie performance of medical students, interns, residents, and general practitioners who replaced experienced nurses before trained anaesthetists became generally available. The obstetricians who formerly did the same to midwives are now reconsidering and sponsoring them as well as similar workers in the field of diagnostic procedures in gynecology. Pathologists have acted similarly towards laboratory technologists, gently edging them to the abyss of inadequate qualification and then take-over. This is somewhat more of a financial manoeuvre than a manpower one since the pathologist (rarely trained in the basic laboratory work) goes on using the persons with lesser status and does not do their work himself. The anaesthetists might take note of this approach, and since they are truly more expert in what their assistants do, they have a justifiable interest in their supervision, as is true for the relationships between physicians or dentists

and their assistants. This has been a costly lesson for society to learn.

2. The experts prevent the use of simpler, faster or cheaper technologies by lesser skilled persons. A shift of duties in the opposite direction, where someone of lesser training takes over a function, has only been acceptable when the original performer of the duty was so pressed that he would not foreseeably ever again want to indulge in the act for money. Thinking back on my own experiences, in the early fifties we felt the anger of the radiologists over the mini-filming of chests by less skilled technicians and physician readers. This was shortly followed by the active sabotage by psychiatrists against attempts to disseminate mental health counselling via lesser skilled persons. We moved on to worse battles over the use of optometrists screening school children for defective vision, and to attempts at encouraging dentists without special credentials to use the simpler removeable appliances for orthodontic problems. This was then followed in the sixties by the anger of pathologists at the utilization of fluorescent stains as a replacement of the traditional pap smear, now a widely accepted procedure in which most of the work is done by modestly trained screeners.

We also moved on to genetic counselling by non-geneticists and to new battles with confused guardians of the public's health at our state department of public health. We never found any professional group immune from attempts at suppressing even experimental trials of apparently worthy and less expensive use of resources. Yet in every case that I have just described, the practitioners and guardians of the highest reaches of quality in their field were either too few or too disinterested or otherwise incapable of doing the numbers of procedures and of serving the numbers of people who were being sacrificed at the alter labeled of high quality.

That obstruction and harrassment is not restricted to the super experts in this our land of free enterprise is amply demonstrated by experiences with training and utilizing poverty workers. Trained on the job to do certain parts of the work of sanitarians, nurses, or social workers, some, even though uneducated, learned in a few months how to care for problems never well done by more skilled persons, e.g. guiding nurse "drop outs" to service. (Dropouts are persons in serious need of services who could not be brought to care by public health nurses.) The professional ploy to bar these skillful, on-the-job trained persons from regular jobs, which was the major initial reason for setting up the program using poverty workers, was to require a high school diploma of these people which they were years away from obtaining. This was done with the support of those keepers of the grail, the civil service professionals and without protest from public health professionals who well knew that personnel shortages as well as incapacity were badly limiting agency ability to reach those needing service most.

3. Professions squabble over shifts of duties from one service group to another. A classic example is the halting growth of opportunities in the eminently needed, and relatively simple activity known as Homemaker Service. The vagaries of the medicare legislation created a new name—Home Health Aide—for what is essentially the same service, The two names—Homemaker and Home Health Aide—now constitute a further basis for the smothering effect on the growth of this service which is so widely used in most western countries. The insistence by nursing and social work that strict limits and strict supervision must be exercised by both professions, has the ultimate effect that the Homemaker-Home Health Aide is severely limited in what she may do for ill patients in their houses. Moreover, the administration of such a service is discouragingly complicated by these professional inhibitions.

4. Professionally erected barriers that keep doctors and their patients out of hospitals as well as interfere with continuing education of physicians. Related to abscription of lesser skilled work by persons with higher skills or higher status skills, this phenomenon also represents the takeover from generalists by specialists. As specialists came into the ascendancy in hospitals over the past 30 years, the general men were often squeezed to the wall as to which procedures they would be allowed to do, always under the guise of improving quality. The results have slowly but surely been not unlike those we so regularly scoff at in England, the removal of many of the less specially qualified practitioners from the hospital. This has been a raging problem in New York for decades, and surfaces in San Francisco from time as the University-run city hospitals does its best to exclude neighborhood practitioners from working there.

What is also apparent is that quality of specialist performance has after all not always been supervised, presumably under the assumption that a specialist's high status is an adequate guarantee of competency and honesty.[8]

E. Movement of skilled workers into new output configurations vis a vis other types of workers

1. Resistance to team approaches and sharing of roles. Among the experimental administrative approaches designed to allow workers to share their skills in an attempt to handle complex human problems, the new team configurations seem to hold promise. But attempts to team up workers from several professions will rapidly raise the issue not of who has the key relationship to the patient, but who is in charge of the team. The idea that team relationships would at least vary for each team set up because of the personalities and capacities it encompassed, or that the team relationships might vary with the needs of each client, are hard to make operable in the status and profession oriented world of health workers. The ideal team leader, in one case, for patient care might be a nurse, or a social worker, but their role is often restricted, sometimes only because the more statusful but less relevant physician member must have the last word or even the only word.

2. Resistance to creation of more generic workers. Setting up services in which functions or activities formerly reserved for one or another profession are now utilized by all members of the staff in accordance with their capacity is the converse of the changes discussed above.[11] This approach rapidly draws the wrath of all professions concerned for it superficially suggests that if a one man team can practice and produce as well as or better than a handful of separate practitioners who refer the patient to one another, the separate professions must not really be all that expert or meaningful. Attempts at fielding a generic family worker doing traditional public health, school, and mental health nursing, and in addition welfare and probation type social work made it clear to me that the threats to most professions was very high. It also seemed clear that offering other kinds of truly meaningful community status recognition might well have overcome the fears and prejudices generated by a worker's own immediate professional associates.

F. Availability as well as movement of workers to and from underserved areas

1. Less professionals are drawn from the urban underserved areas (and this is probably true as well for the underserved rural areas). There are not only less role models to be observed, but for reasons of poor initial schooling and lesser means, advanced schooling seems further away and is in fact harder to come by for poor people. Those who do generate the energy and purpose to make it are not typical and are very likely not to return to communities comparable to the ones from which they were recruited.

2. Underserved areas whether depressed or not are generally not seen as attractive. Perhaps certain rural areas are seen as ideal out of doors living country, but probably a majority of populated rural areas are in fact not attractive to an affluent sports lover who can do better nowadays from a central city location. Are there other potential major attractions? Antiquated or poor schools, few comparably educated persons with whom the family can associate, a dearth of spare time avocational choices, less opportunity to keep up professionally, 24 hour availability and less opportunities to get off call seem to make up anything but an attractive package. In the isolated areas there is also often none of the equipment, or the galaxy of specialists to whom the professional can turn to in his anxiety over more difficult or unusual cases. In the ghetto, home and office life may also be under significant and obvious threat much too often.

Moreover, in neither the rural nor the urban undeserved areas is there much reason to think that earnings will be better. If anything, the inflated demand for services created by recent financing measures such as Medicare actually helps doctors to move wherever they wish, usually away from the areas where they are needed the most towards areas where it would be most fun to live but where there are the fewest underserved persons.

Status might be the other great reward to promote mobility in the needed directions. However, status comes from one's peers first, by nature of work as well as from social relationships, which typically grow out of one's work associates. Clearly these rewards presently pull professionals in the wrong direction.

Community award of status, once so satisfying, is less often well expressed today and to many a community dweller circumvents his neighborhood practitioner to head for the so-called experts over the hill.

3. Failure to train generalists who can practice at the neighborhood or rural level. Although urban underserved areas have the population to justify the use of teams of specialists, and can provide them then with ample backup facilities, the urban as well as the underserved rural areas also need general practitioner and teams built around them. Teams built out of only specialists pose many problems of cultural digestion even if well garnished with cultural bridgers or outreachers. The client has also been well taken in by the myth of the wonders of specialization and he is not aware of the need for a generalist who has some concept of all the systems at risk, who in my opinion would undoubtedly be the best, least expensive and least dangerous first stop for health care.

4. Failure to provide formal backup to generalists. Without formally committed central facility and specialist backup ties, even a well trained generalist could probably not comfortably undertake duties when he practices alone or with an outreach or assistant team for company. He is often not able to use good facilities for either reasons of exclusion or because they are not available in his area altogether. The virtues of the HMO's[12] and the HCC's[13] lie particularly in their intent to offer this feature of secure backup for the patients of any doctor or team, irrespective of the patient's means or distance from the necessary services.

5. The issue of discouragement of professionals. When a high proportion of a practitioner's clients cannot afford or cannot obtain needed procedures and drugs, when many are facing serious undernutrition, when many doctors cannot understand their

Footnotes at end of article.

clients or know that their clients cannot understand them, there is a tremendous strain imposed on professionals. Competent ones know that they can't cover all the bases that must be served if their clients are to be kept in or restored to good health, that these services lie outside the reach of physicians even if physicians understand the need for them. Some practitioners steel themselves to such insights and do those things that their training and circumstances allow them to. Helpers yes, often life saving ones, but too often not able to secure for their patients what they really need most.

6. The problems of licensure, reciprocity, continuing education, and state legislation in relation to foreign as well as domestic graduates of medical schools are being dealt with in another forum paper.

IV. ADAPTING TO OVERCOME OCCUPATIONAL BARRIERS

I will not attempt to describe interventions calculated to overcome each and every barrier already described. However, several areas are worth elaborating upon because they would not only help provide mobility in the directions desired but in quantities sufficient to do the job. Moreover, they are generally supportive of principles of equity (such as equality of opportunity) and of efficiency (such as making more services available for the same amounts of money). I dislike offering a package of panaceas without the opportunity to explore the problems or dysbenefits associated with each and without a chance to scrutinize other alternatives. However, since illustrious commissions do no better, I felt that these ideas, old and new, deserved an airing since they are at least addressed to the real manpower problems.

I am not excluding the recommendations made by the Carnegie Foundation and others, but pressing for organized attack on the main manpower barriers.

A. Overcoming pre-entry barriers at the same time as decreasing needs

As already pointed out, interventions from outside the health sector will have much the most to do with cutting the need for health care among the underserved, and would eliminate much of the dispartity between the haves and havenots in their ability to produce as well as to consume health manpower. However, just because we are not called upon to minister to educational and economic wants as health professionals does not give us an excuse to look the other way. It is our health professions that have the mass of poverty-caused illness thrust upon them, and the health professions are the ones who will get the blame for failing to overcome it.

We have to press for adequate educational offerings in all schools, and the funding to keep every needy child in school, fed, clothed, and supplied with enough of the necessities to keep going to that school.

B. Overcoming entry barriers

1. Specifically we as health professionals through our galaxy of agents and associations have got to get off our butts and get our knowledgeable representatives into the schools of the ghetto and of stagnating rural areas. Perhaps best done through the community colleges whose presence may make it seem more real a) we have to get the grammar school and high school curricula into acceptable form for students who wish to go on into the health professions, b) the counsellors must be encouraged and gotten to a sensible focus so that every kind of reasonable inducement is offered to children from areas short of professionals to see the virtue and possibilities of a health care career. And let us use our minority professionals to the hilt so that examples of their participation are not wanting in the eyes of the children. c) Community colleges serving underserved areas must be assisted in getting their health curricula in order. d) Evidence must be offered from the professional schools and nearby universities and colleges that health careers are indeed open to people in underserved areas. Spearheading the above tasks in their territory would be a requirement for HMO or HCC franchises once they come into existence.

2. Funds must be obtained for support of all students in health careers. Loans seem unwise for the simpler skills, the virtue of loans over gifts for training at the higher levels need not be debated here. The Carnegie proposals for support of institutions and students seem sensible.

3. New criteria must be designed to determine relevancy of candidates for health careers. Most obviously the criteria should assist in providing a solution to the problems we now have without obviously promoting worse or new problems. The old decision-making aids such as grades have to be put in a suitable perspective secondary to some new ones. Until need declines, at least 25 per cent of all candidates accepted to each and every service health career in each training institution must meet all four of the following criteria (by 5 per cent increment annually so that by 1976, 25 per cent are enrolled) even though their grades may not be of the so-called customary caliber:

(a) provide evidence of proven capacity to have done meaningful work in undeserved areas.

(b) be reasonably convincing as to their commitment to continue to work in underserved areas

(c) appear suitable for work in underserved areas in a health capacity

(d) guarantee two years of service in an underserved area for each year of education received and before there can be any question of admittance to any advanced health career. The issue of age, given reasonable health status, should be offset by evidence of high capacity in the above criteria.

C. Overcoming relevancy barriers by consumer/provider mutual education and decisionmaking

1. The concept of *relevancy* of care must be substituted for that of *quality*. By so doing, we can in each of our communities come up with a sensible view of what manpower problems it faces and set about getting solutions that are acceptable. These solutions must also lie within the flexible national framework of career patterns and standards so that we add no new barriers to necessary change.

What are these factors of relevancy of care?

a. Technical adequacy of procedures and of the professional skills of applying them (so-called medical quality)

b. Accessibility to adequate scope and amounts of care for patients, including such matters as physical proximity, hours of service, and eligibility to obtain care.

c. Adequate financing to cover all needed aspects of care.

d. Acceptability of care to patients

e. Good patient outcome in terms of maintaining health, minimizing illness, minimizing disability for work and for other social functions and minimizing premature death

f. A bearable level of all consequent costs to individuals and to society both presently and in the long term.

2. All health background and training programs at the Associate Arts level or lower should be required to meet fairly general content or performance tests nationwide so that students from any A.A. program can legitimately get course credit towards his career from other shcools or towards his A.A. degree.

D. Overcoming barriers to career changes between parallel skills or to more advanced ones

1. We must begin to use common or uniform health background bases at several levels of health worker: The comparable A.A. degree must be acceptable nationwide for any health skill that terminates at the A.A. level, and credit given for relevant courses if A.A. level career switches are sought.

2. There should be allowance for much if not all of the A.A. credit in health sciences for those going on to a career at the Bachelor level in the health sciences and full credit for the relevant Bachelor's level courses must be given when transferring from one Bachelor's level skill to another.

3. Allowance of credit must be made for much if not all of the A.B. in health sciences for those going on to the master's level in health sciences, and full credit given for the relevant courses for those changing from one master's level of skill to another.

4. Following the same logic we must do the same at the doctoral and then at the specialty board level. There already are some significant exchanges of credit now in operation at the specialty level of physician training.

E. Overcoming traditional curricular barriers by turning out medical practitioners in appropriate length schooling

Consistent with the removal of entry, horizontal and vertical barriers for candidates evincing capacity for change or advancement, there is the need for putting the basic curricula into a format that brings relevancy for the training of the future medical deliverers of care into line with relevant and needed services. Moreover, this scheme would extend some eight years of schooling after high school over 14 or more years guaranteeing a better span of continuing education.

1. Creation of an A.M., Associate of Medicine degree, which applies to all physician assistants. (Two years in a college of medicine or other medically affiliated college after completing high school.)

2. Creation of the M.B., Bachelor of Medicine, degree which is the basic medical degree (two years in a college of medicine after attaining the A.M.)

3. Creation of the M.M., Master of Medicine, degree which is the basic specialist degree (two years of residency training after the M.B.)

4. Creation of the M.D., doctor's degree in medicine which is the super specialist degree (two further years of residency training after the M.M.)

5. Two years of practice required in an underserved area between each step, with scrutiny of work and intellectual capacity as the basis for re-entry to the next degree.

6. Purely research types would not stay in this pattern but would get a bachelors, masters, and doctorate in something other than medicine and they would not have the field assignment to delay their entry into their special work.

7. Since the critical health manpower shortage in the change over period will still be the physician shortage, all the candidates selected for the physician ladder should be of physician calibre so that if they so desired the bulk could go on through to the highest or new M.D. degree. This could be begun in 1972 by each medical school adding 10 per cent, and in no case less than 10 students in the A.M. curriculum (done by affiliation and staffing with two year or four year colleges or in the medical school itself). By continuing to add an equal number in each of the next 20 years and beginning in 1982 to subtract an equal number of traditional student M.D. types for 10 years, by 1992 all students would be in the new curriculum with over 20,000 entering training from 1982 on.

There would be no shortage of trainees for the current type residence programs during this 20 years changeover period or thereafter. Moreover, by 1980 there could be in addition to the current type M.D.'s some 13,000 in the two year assistant practice category, and 5,000 in the M.B. level practice category, assuming that no one stayed on to practice at the A.M. level once their two year stint was up.

If regular M.D. training programs were shortened one year beginning in 1973 the entry in that group could be increased by about 30 per cent for traditional M.D. types. Or preferably they could be replaced by the same number of the new A.M.-M.B.-M.M.-M.D. students.

Reconsideration every three or four years as to overall admissions, changes in types, etc. is imperative.

F. Overcoming barriers to movement of functions and skills from one category of trained worker to another and of movement of skilled workers into new work patterns

Politicians and the populace generally must be made to understand the need for getting away from professional hegemony and insist on legitimate participation of consumers in all major examinations of manpower and assignment of functions. Consumers must participate in open forums where all contemplated shifts of workers or functions are to be decided upon. Thanks to consumer involvement in solving delivery problems, a new focus will be placed on what is needed, and given the factor of local resources, the best way of getting it. Costs as well as gains, and costs for whom as well as gains for whom must be brought out. It is the public who pays and they should have a say in the decision as to what they get.

Public participation will provide motivation and rewards so that solving irritating problems should provide both incentive and rewards enough to guide health workers into new relationships to get the job done. Their bureaucrat partners will no less find it necessary and desirable to help with the arrangements.

G. Overcoming barriers to necessary geographic distribution of health manpower

Better use of new transport and communication schemes can and will be used to substitute for some medical manpower in the more isolated and rural low density populations. However, the underserved towns and urban masses are going to be best served by insistence on the following things:

1. Recruitment restrictions as previously described so that at least 25 per cent of all new health careerists come from and seem suitable to serve and are committed to return to the underserved areas.

2. Requirement of service in underserved areas for no less than two years must be met by all new graduates in each of the major health professions not just by the designated 25 per cent, for as long as the gross disparities in service remain. If it produces enough manpower this might be limited to those who accepted stipends or loans, and as a sweetner, loan repayments could be waived on a year for year basis.

3. Adoption of the features of the HMO or HCC proposals that put every single U.S. dweller into the territory of one or more such organizations which have full responsibility for making reasonably available a full range of acceptable services to every consumer in their area. This also provides an operational base, connectedness to all the services, communications as needed, and transport for consumers in the underserved areas.

H. Overcoming barriers to maximal utilization and refurbishing of practitioner skills as well as providing guarantee of minimal medical skills

We need an immediate requirement that all licensed medical practitioners be given staff membership in the approved hospital of their choice or nearest the residence of the bulk of their patients, or nearest their office. Such practitioners must be able to bring in their patients and by referral or supervision the medical staff can place sensible restrictions on their activities so as to ensure care of relevant quality. In this way, up-grading older and neglected practitioners can begin. Education must be recommended for those men who really need it most and get it least. Staff membership could only be lost for failure to participate in the educational program or to meet general care requirements. Such practitioners who are discharged then would routinely come under consideration by licensing boards as to why their license should not be revoked since they are by their own behavior providing evidence that they are uneducable or incompetent. If HMO's and HCC's come into being they must carry such stipulations as part of their franchise.

SOME CONCLUSIONS

Most important to overcoming manpower and all other service barriers is the involvement of the consumer not as a reactor to what professionals decide to do to or for him, but as part of the policy setting for his community. We are not asking the consumer to step in and assist with auscultation or surgery, we are asking that he help decide how best he and his community can get served, and what price he is willing to pay for the kind of service that he requests. Not only will he become concerned with foolish demands made by consumers but he will be willing to pay for what he wants when he has some notion that he is not blindly opting for what he is otherwise likely to call "made" work and "exhorbitant" profits. It would seem that herein lies a challenge to the great national voluntary health agencies that constitute part of the membership of the national health council. Because of their origins and commitment to urgent accomplishment of specific goals, these agencies in some cases have adjusted to—are dominated by—and, in all cases, work within the existing system, supporting the present health manpower arrangements. Their stake in overcoming the worsening occupational barriers in the field is far greater than they may realize. A major investment of their time and money could well be made in furthering the role of the consumer in policy setting.

We can safely guarantee that left to their own devices, professions and the heavily vested interests will not make necessary changes in time to be of use to the underserved areas and that quality or administrative needs will always be the irrelevant justification for every professional or organizational takeover as well as resistance to change. If community demands for professional participation with consumers are not met, we do not see the consumers by themselves or through their political channels getting what they need either. But if we do not help them, they will proceed anyhow and they will come up with messes equally as gross as we professionals have in the past. As a West Oakland Health Center consumer board member explained it to me, the consumers are really the providers, and the providers are also the consumers, and a partnership it has to be.

FOOTNOTES

[1] "The Role of Ecology in the Design of a Health Care System," Winkelstein, Warren, Jr., French, Fern., *California Medicine,* Vol. 113, #5, pp. 7–12

[2] "Needed: A New Strategy for Health Promotion," Williams, Grier, *New England Journal of Medicine,* Vol. 279, #19, pp. 1031–1035, November 7, 1968

[3] Report of the National Advisory Commission on Health Manpower, Appendix 1, Vol. 1, November 1967, U.S. Government Printing Office

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HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 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.

THE FAIRFAX MASSACRE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. RARICK. Mr. Speaker, the massacre of a Navy lieutenant commander and his 19-year-old son in a Virginia suburb of our Nation's Capital, must be taken as exemplary of the brazen criminal attitude, nurtured by liberal Supreme Court decisions, of certain elements in our Nation who feel they are untouchables. And the tragic truth of it is, they have been proven right time and time again as decent citizens of the law abiding society, through their established governmental channels, are denied their constitutional right to life, liberty, and the pursuit of happiness.

How long will the American people tolerate atrocities of this magnitude before they understand that justice is denied them through established governmental channels and that if society is to survive the people must demand equal rights for law abiding citizens.

I insert a newsclipping at this point:

[The Washington Daily News, Tuesday, July 6, 1971]

NAVY LIEUTENANT COMMANDER AND SON SHOT

A Navy lieutenant commander and his 19-year-old son who last night stopped at a traffic light to ask the driver of a souped-up car why he was continually tailgating and harassing them were shot to death on the street near Sleepy Hollow in Fairfax.

Fairfax police said are looking for four to six people in a 1966 to 1968 dark-colored Pontiac Grand Prix with racing slicks and a "jacked up" rear end. Police believe the words "Cool Town Hustler" are painted on a rear fender.

TAGS

Police said they believe the car had Virginia license plates.

They said they had only a scant description of the occupants of the car, "four to six Negroes," and weren't even sure if all of them were male.

One witness said she thought she heard a "female scream" coming from the car.

The shootings occured shortly after 10 p.m. at the dimly lighted intersection of Columbia Pike and Sleepy Hollow Road, Annandale, as Lt. Comdr. William F. Rolland, his son William Jr., 19, his wife, and four of his six other children were driving to their home at 4910 Bruce Lance, Annandale.

The family was driving home after watching the fireworks display on the Washington Monument grounds.

STORY

Mrs. Virginia Rolland, who watched from their Volkswagen station wagon as her husband and son were gunned down, gave this account to The Washington Daily News:

"We sat on the hill in the Navy Annex (on Columbia Road) and watched the fireworks.

"We left about 10 p.m. and four colored people in a car started tailgating us. We were really worried because we had nothing but children in the car."

Mrs. Rolland said the car followed them all the way out Columbia Pike until they started up the hill to the Sleepy Hollow intersection, about a mile from their home.

"Then they got in front of us real fast when we had to stop for the light.

"My husband got out and went over to the car to ask them why they had been tailgating us. He had tried to flash his brake lights at them to stop.

"The driver got out and hit my husband in the stomach."

As her husband slumped to the ground, her son, William, jumped out of the car.

"I think he was just going to help my husband up.

"Then two other men in the car jumped out, and a woman started screaming."

She said the men knocked her son to the ground.

"And then they shot them both."

The car then sped away.

Mrs. Rolland said she got out of her auto and saw two other cars behind their VW station wagon.

"The two cars in back just pulled out around me and drove away."

But, another motorist, who had his wife and three young children in the car, stopped, found out the Rollands were Catholic, and phoned for a priest for the two men who were dying in the street from chest wounds. Police were then called.

After they arrived, the man, who was not identified, drove Mrs. Rolland and her children home, took her to the hospital and stayed with her the whole time.

The children in the Rolland VW were son Patrick, 12, Joey, 3, and daughters Tina, 10 and Becky, 5; and a neighbor youngster, Timothy Justice, 11.

Another daughter, Terri, 15, was not with them. Comdr. Rolland had taken a month off in June from his job at the Naval Systems Command in Crystal Plaza in Arlington so that he could spend some time with his family.

He was scheduled to leave for Vietnam July 22.

Mrs. Rolland and the children were going to stay here during his tour of duty.

"I have no idea what I'm going to do now."

[From the Evening Star, July 6, 1971]

FAIRFAX FATHER, SON SLAIN IN ROAD DISTPUTE

A Navy officer due to leave for Vietnam and his eldest son were shot to death last night at a suburban Virginia intersection after what Fairfax County police called an altercation in a traffic encounter.

Lt. Cmdr. William F. Rolland, 41, and his 19-year-old son, William Jr., both shot in the chest, were pronounced dead at Fairfax Hospital, after the encounter at 10:15 p.m. at Sleepy Hollow Road and Columbia Pike, police said.

Rolland, due to leave for Vietnam on July 22, William Jr., the commander's wife, Virginia, three of the Rollands other children and a 10-year-old neighbor boy were returning from an outing to the Washington Monument grounds for the Fourth of July fireworks display.

MILE FROM HOME

The family was about a mile from their home at 3910 Bruce Lane, in the Columbia Pines subdivision, when the shooting occurred.

Fairfax police said this morning that the Rolland car, westbound on Columbia Pike, had stopped for the red light at Sleepy Hollow Road. A car had been tailgating the Rollands for some distance and pulled up next to them at the light.

Police said "words were exchanged," and the shooting followed. The suspected car contained three or four men and one female, police said.

SUSPECTS SOUGHT

According to preliminary reports, Rolland stepped from his vehicle after the traffic encounter at the isolated wooded intersection, "and his son came to his aid. The son was knocked to the ground and shot. The father came to his son's aid and he was shot."

Police are looking for the occupants of a dark-colored 1964 or 1965 Pontiac Grand Prix with racing tires on the rear, white wheel rims with high springs, described as a "racing type" car.

The car, police said, had writing on a rear fender, similar to "Cool Town Hustler."

Besides the dead youth, who a neighbor said she thought was a student at Northern Virginia Community College, the Rollands have five children. Three others—Patrick 12, Rebecca, 5, and Joseph, 3—were in the car, as was a neighbor, Tim Justice, 10. The Rollands' other children, Christine, 11 and Therese, 16, were not with the family.

CALLED EVEN-TEMPERED

"This just has made us sick to our stomachs," said a neighbor in the four-house cul de sac where the Rollands live.

Maj. John W. Moore, who lives at 3906 Bruce Lane, described Rolland as a very even-tempered person.

Another neighbor said the family, who had lived in the subdivision only since October, had just returned from a camping vacation.

A neighbor answering the door at the split-level brick-and-clapboard home with a blooming mimosa tree in the front yard, said Mrs. Rolland was "too grief-stricken" to speak to anyone.

Rolland, according to neighbors, was a personnel management specialist in the Navy who before moving to Columbia Pines had served for three years in Belgium.

Mrs. Basil Justice said that about 6 o'clock last night, 12-year-old Patrick Rolland came by their house at 3904 Bruce Lane and asked if Tim could go with the Rollands to the fireworks.

Mrs. Justice said the first she knew about the shooting was when someone, apparently a passerby at the scene, brought her son home. "He's all right," she said, "but terribly upset."

Rolland, according to police, was stationed at the Navy Systems Command at Crystal City.

DRUG ADDICTION IN THE ARMED FORCES

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. LONG of Maryland. Mr. Speaker, the parents of a Baltimore soldier have just learned that their son is hospitalized for drug addiction and faces an undesirable Army discharge at 19½. He enlisted in the Army on his 17th birthday, and served 2½ years with a fine record. In July of 1970 he was sent to Vietnam, and 6 months later he began using drugs.

I should like to share the parents' letter with my colleagues in the hope that it will help all of us in Congress to understand and to cope with the plague of drug addiction in our Armed Forces:

DEAR SIR, I am writing to you to see if you can give my wife and I some ray of hope in an hour of dark grief of which we do not know where to turn to for this kind of help.

Our son left on his birthday for the army at seventeen (17) as a volunteer and did a wonderful job in there up until not long ago when his ranks started to disappear. He was sent to Vietnam in July of 1970 and then trouble started for us. He got hooked on drugs over there after 6 months and now he is going to be given an undesirable discharge out of there at 19½ years old.

We realize there was no excuse for this kind of thing and he should have known what it would do to his life and his service record. He was so proud of the army and now this. We are so heart broken and upset over this terrible thing.

The thing is, what is to become of a 19½ year old boy dumped back into society on his parents who must worry if he is going to be cured or dried out as they call it? After all he was not on this until he went to Vietnam.

We wonder just what is to be available to him in way of treatment having this undesirable discharge? Also can this type discharge ever be reviewed or anything? Couldn't they have treated him somehow so he could have completed his other 2 years in there as he was due back in states next month.

CARY, N.C. CELEBRATES ITS 100TH ANNIVERSARY

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. GALIFIANAKIS. Mr. Speaker, I wish to salute a town within my district, Cary, N.C., which this year is celebrating its 100th anniversary. And because of the significance of this event. I would like to share with my colleagues some of the outstanding facts about this progressive community.

The origins of Cary go back over 200 years. Settlers first began establishing themselves in this part of the State around 1750. After the Revolution, the settlement found itself in a good location, on the main road between Raleigh and the university in Chapel Hill.

Cary's growth was spurred on by Allison Francis Page, who bought and developed 300 acres of land there. He named the settlement after Samuel Fenton Cary, a prohibition leader whom he admired. The town was incorporated on April 3, 1871, and with the formation of a railroad junction here, the town began to boom.

The boom did not last long, however. The main industries moved to other locations, and so Cary failed to develop as an industrial center.

However, it did develop in other ways. During this period the town became known as an educational center. The first public high school in North Carolina was established there, and it was a source of great pride for the citizens.

Another source of pride for Cary was its most distinguished son, Walter Hines Page, who served as U.S. Ambassador to Great Britain from 1914 to 1918. Page was a favorite of the British, and he remains one of ony four Americans who have been honord by a commemorative plaque in Westminister Abbey.

Cary continue to grow at a moderate rate until after World War II, when it experienced a residential boom. Its population doubled in the 1950's and increased by 125 percent in the 1960's. Thus it has become one of the fastest growing communities in North Carolina.

At the present Cary is making long-range plans for future growth. It hopes to provide for increased population in such a manner that it can remain a good place to live and raise a family.

With the 100th anniversary of its founding this year, the citizens of Cary decided to hold a centennial celebration. Its purpose was to have some good old-fashioned neighborly fun and to acquaint citizens with Cary's past and to build new pride in the community. Any profits which they raised would go to support community needs. Jim Swindell was designated centennial chairman, with Miss Esther Ivey as cochairman.

The main celebration was held the week of May 6. Activities included a centennial parade, a pageant entitled "The Unbeatable Century," an agriculture and industry day, a salute to youth day, and a religious heritage service. To add authenticity to the celebration, the men of Cary grew beards for the occasion, and the women wore costumes from the founding period.

In recognition of this event, the General Assembly of North Carolina issued a joint resolution commemorating the centennial celebration. Cary was further honored by a telegram from President Nixon. The President made the following statement to the citizens of Cary:

The high purpose and vital community spirit that are reflected in your eventful history are in the best tradition of our American way of life.

Cary is a progressive and active town with a proud history. Its citizens have brought fame to the district and to North Carolina. I think that it is only fitting, therefore, that we salute Cary, N.C., on its 100th anniversary.

NIXON'S DO-NOTHING ECONOMIC PLAN

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. RIEGLE. Mr. Speaker, this past weekend, there appeared an excellent article in the Washington Star by Milton Viorst. I feel this article would be of great interest to my colleagues in both the House and the Senate, and would like to share it with them. The article follows:

NIXON'S DO-NOTHING ECONOMIC PLAN

President Nixon's veto on Tuesday of the public works bill, an emergency effort to put unemployed men to work, reveals much of the essential Nixon; Not only conservative in ideology, but cautious, to the point of drabness, in temperament.

What that President did was to rule out not only any direct program to create jobs in the public sector, but any new federal controls over inflation and any new federal stimulation, through taxation and spending, of over-all economic activity.

It probably is fair to Nixon to say that the veto was not basically a political act. If anything, the Democrats will acquire political advantage in claiming a priority of concern for the nation's jobless and for economic prosperity.

The President vetoed the bill because he considered unemployment less troublesome than a departure from the "game plan," the policies of economic orthodoxy with which he obviously feels most comfortable.

Not for him the almost carefree attitude of "nothing ventured, nothing gained" that characterized the early years of the New Deal—and, indeed, led to many errors.

It was this attitude which made Franklin D. Roosevelt a figure beloved by many, detested by many others. But it also was leadership and everyone knew that Roosevelt was "doing something" to lead the country out of economic doldrums.

Nixon—more apprehensive of misadventure than of lethargy—is doing nothing, while the unemployed become more desperate and the principal index of economic activity remains rising wages for some, rising prices for all.

It is distressing that the President is temperamentally so constrained, because the economy—as Arthur Burns, chairman of the Federal Reserve, has said so often—responds not simply to manipulation, but to personality.

In a free economy, the impression of decisiveness that a president conveys has a definite impact on the thousands, perhaps millions, of individual economic decisions by which trends are established. The factors are psychological, but clearly a resolute president can make indices respond.

It is not surprising, then, that Burns has been urging the President, publicly and privately, to drop the laissez-faire stance of the past 2½ years in favor of a tough, new posture, particularly against inflation.

He argues that, as long as businessmen and union bargainers see that they are operating in a permissive atmosphere, they will continue shoving prices and wages upward.

Yet Burns is hardly a radical. In fact, as Nixon's chief economic adviser in 1969, he was known as the most conservative man in the White House. In no way does the methodology he proposes violate the conventional wisdom of economics.

There are Democratic economists, of course, who would push the President even further, perhaps into outright wage and price controls. But, however disinterested their advice, they naturally convey an appearance of partisanship.

In a completely nonpartisan way, what Burns recognizes is that the "game plan" simply has not worked. He believes that the President's continued attachment to it is based less on economic evidence than on a kind of religious faith.

Indeed, it is obvious that the President's economic policy emerges more out of his inherent Protestant-Republican distate for government action than out of a commitment to any set of modern economic principles.

The President has called himself a Keynesian—but it's a kind of fundamentalist Keynesianism that he espouses, uninfluenced by the thought of contemporary reformation.

It enables him to justify subsidies for Lockheed and Penn Central, but not for the unemployed—for he sees something inherently moral in business, and immoral in the dole.

Ironically, Nixon's one departure from the "game plan"—the setting up of fairly rigorous procedures for holding down costs in the construction industry—has worked rather well. But he has not seen fit to extend the procedures to other sectors, or to make them a precedent or positive action generally.

The public works bill which he vetoed was, to be sure, no panacea. But it promised jobs, and that, at least, is "doing something."

What Nixon offers instead is nothing at all. He is condemned by his cautious personality. In fact, we all are.

INDEPENDENCE OR INTER-DEPENDENCE?

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, I would like to share with the Members of this body, a very eloquent and well-reasoned address delivered on July 4 in historic Faneuil Hall in Boston.

The speaker was Dr. Freddy Homburger, a very good friend of mine, who finds in the history of his native Switzerland and its parallels to our history hope for the future of this country.

Dr. Homburger is a distinguished biochemist and a learned man of enormous intellectual scope. I commend his thoughtful remarks to you:

INDEPENDENCE DAY ORATION, 1971: INDEPENDENCE OR INTERDEPENDENCE?

(By Freddy Homburger)

My appointment as Orator today traces back to a speech I made to the Bostonians visiting Switzerland in May to inaugurate Swissair's direct line Boston-Zurich. Deputy Mayor Ed Sullivan must have liked what I said about the Swiss Patriots of 1291 and thought this qualified me to address you commemorating our patriots of 1776.

I also recall an episode of this memorable Swiss trip wherein Mayor Sullivan and his co-religionaries went to the wrong Church. This is how it happened: The postal bus stopped for coffee at a spot where there was a beautiful church up on a near hill. Since it was Sunday morning, our Bostonian decided to forego coffee for mass and they climbed the hill, entered the church with its hushed congregation, only to find that they were in the middle of a protestant service. They stayed the length of the coffee break and left as quietly as they had come. I hope that should his Honor realize that he chose the wrong speaker, he will stay the length of the coffee break as he did then.

I am as proud of this assignment as I am to be an American. United States citizens of Swiss origin are indeed special Americans. For in contrast to those who became Americans by necessity fleeing hunger or prosecution, or those who become Americans by accident through the place of their birth—we modern Swiss immigrants are Americans *by choice*. There is no unemployment in Switzerland and plenty of jobs await us there, no political reasons prevent our return. Our hereditary Swiss citizenship remains with us; but we like it here and we are Americans by choice.

Friendly relations have bound our countries together since 1823 when the first Swiss representatives, two honorary Consuls, were accredited here. On that occasion, "the chairman of the Diet, Niklaus Rudolph von Wattenwyl, asked the president of the United States to give the exequatur to the two gentlemen chosen by the Diet. The solemn letter in which he introduced the two consuls to President Monroe is the first official communication on record between the governments of the two countries. Von Wattenwyl pointed out that although there was a great difference in size between the twenty-two independent cantons which made up the Swiss Confederation and the huge American nation with its vast resources, there were similarities between the two countries and their people that furnished natural motives for drawing closer together, foremost among them the liberal and federalistic constitutions and the love of personal liberty. Von Wattenwyl also stated that the rapid growth of the United States was watched with interest and sympathy by the Swiss people, for they saw in it a triumph of principles dear to themselves, and he expressed the hope that the government of the United States would look with favor upon the opening of friendly relations with the Diet. Von Wattenwyl's letter is significant not only as the first official piece of correspondence but also because it set the tone which was to become characteristic of American-Swiss relations and contained in a nutshell the main ideas reiterated time and again in the course of the 19th century." [1]

The Treaty of Commerce, Friendship and Extradition now governing relations between the two countries dates to 1850.

The contributions of Swiss Americans to the cultural, commercial, religious and political life of this country are too numerous to mention here. Albert Gallatin who first landed in Boston in 1970 is the most illustrative and illustrious case, but well known also are Jean Louis Rodolphe Agassiz, leading biologist and geologist, professor at Harvard, Ferdinand Rudolph Hassler who founded the Coast and Geodetic Survey and the ill fated General John August Sutter.

In barely 200 years the United States have grown from a rebellious obscure nation to the most powerful in the world. Switzerland, until recently the only small and neutral country among the nations of the world, now has to share this position with many others. Yet, through 700 years of history since its founding, Switzerland has maintained its specially valued position among nations. Can we as Americans learn useful lessons from the historical experience of our tiny sister democracy? We can and have. In fact, our history as nations is one of interdependence.

We have learned and borrowed much from each other in the past. The founders of this country were well acquainted with the declaration of independence of the original Swiss confederates of 1291. They used its basic concept in the formulaton of the moral cornerstone of these United States of America.

The Swiss, on the other hand, when reorganizing their State in 1848, adopted the United States constitution in principle as it was. One major difference which they maintained was the absence of a single chief executive who is replaced by a council of seven, one of whom in rotation serves as president for a year. This system shows that even a leaderless democracy functions and survives, a fact not without its consolation for certain periods of US history.

What were the crucial factors that allowed Switzerland's survival and prosperity for 700 years? First, there was a rebellious and war torn history of the early years with territorial expansion. The Swiss did not kill Indians but plenty of Hapsburgs. After a long period of dissention, religious prosecution and wars, there came a period of conciliation and consolidation. Ways were found to hold together a Federation of 22 states and four languages without allowing emergence of any oppressed minorities. A government evolved by laws, not by men or media. Neutrality was declared and strong defenses were developed to make this neutrality an armed and independent one. A strong sense of national unity eveloped. Everyone was a Swiss first, then secondly, one of German, French, Italian or Romantsch culture.

Service to humanity became the watchword—the International Red Cross becoming a generally recognized symbol of Swiss service to the world. The diplomatic services of Switzerland were asked and took over for representatives of many nations when diplomatic relations were broken.

Now the American problem: After 200 years of war for independence, civil war, expansive wars and wars of dubious justifications, we have, according to recent polls, a wavering of the American belief in the US future, we have rebellious youths who demonstrate their disrespect for our national heritage, jealous and aggressive minorities fight among themselves. There is disregard for law and order and a fumbling and distrusted government. We could take the position that things never looked worse.

In analogy with the Swiss history, however, this may be just a phase of our development. As the Swiss were defeated by the French revolutionary Army and emerged as a new and stable republic, so we may learn from our unfortunate Southeast Asian expedition that nothing today can be gained by force, that in this rapidly contracting world interdependence is more a determinant of national survival than independence. In time to come I predict a new patriotism will emerge uniting Americans for the good of the world to become the one nation that will lead all others in bringing about healthy and happy living conditions for all at home and abroad and understanding among men throughout the world. This can come about while military strength is maintained adequate to discourage less enlightened and more backward nations, which are as yet even earlier in their historical development, from imposing their outdated warring notions upon this world. We were united as a nation many times before by the pressures of attacks upon us. We all can remember Pearl Harbor. We face far greater dangers today from overpopulation, discontent and hunger here and throughout the world. These pressures will unite us once we recognize them as the challenge which they are. As a nation serving the world we shall then survive and flourish as has Switzerland.

I have just returned from a trip through Switzerland and Greece and as I saw the ruins of the temples of Greece, built when the first democracy known to man was flowering, I wonder—where did these societies go wrong? Why were they to be overrun and destroyed by less developed war-obsessed barbarians? Their cultural and peaceful concerns were ahead of their times. And so I concluded that the world was not ripe then for the brotherhood of men as it is now. Today our way of life can be protected and brought to others, less fortunate, by peaceful means and we can justify our survival by service to the world as the Swiss have done so successfully so long.

For this we must become united again as a nation with a strong national purpose. I see this coming, even though one must search for the evidence. Most of our young people are good people. They are humanitarians and cosmopolitan, they search for solutions and will find them. The noisy minority makes things look worse than they are. There is yet another story which I must relate—this one of Americans travelling in Switzerland sleeping in an alpine refuge at the edge of a glacier. At the first rays of the sun they were awakened by frightful noises like cannon shots and shell explosions. They feared the end of the world had come. Their guide explained that the glacier expanded with the first warmth of the sun and this caused the fearsome noise—"It is not the end of the world—but the dawn of a new day." The disquieting noises we hear today and which make us afraid are not signalling an end but the ferment from which there will arise a beginning.

What happened here in 1776 was unheard of, revolutionary and quite improper and the battle for independence led to the development of the unique and great human achievement that is the United States of America. We need not fear that we shall be in rubble in the years to come, an attraction for tourists as the Greek temples, unless we fumble badly.

If we look towards 700 years old Switzerland, we may save ourselves untold trouble.

Footnotes at end of article.

We can follow their lead and strive for unity once more as a Nation, not as a collection of minorities, define national goals that serve mankind, mediate peaceful settlements among nations, cultivate the concept of Service of the individual to the Nation and maintain armed strength only for the defense of our own shores and bases abroad to contain bona fide potential aggressors. Thus a new kind of patriotism will emerge for Americans which now is reserved for citizens of small nations.

Max Frisch wrote: "Our home is man; to him above all belongs our allegiance; in the fact that fatherland and mankind do not mutually exclude themselves, in that actually consists the happiness of being the son of a small country."[2] This need not be limited any more to small nations but must apply to the citizens of any truly *great* nation.

This new humanitarian patriotism is based on belief in one country as a strong beneficial power among nations which remain eternally interdependent—let them all vie with each other not which will be the strongest, but which will be the greatest and the best. There is no doubt that this America will be.

FOOTNOTES

[1] Meier, H. K.: "The United States and Switzerland in the Nineteenth Century." Mouton & Co., The Hague, 1963, p. 17.

[2] "Switzerland, Present and Future," Yearbook of the New Helvetic Society, 1963, p. 178.

DANGERS OF ELECTRONIC SURVEILLANCE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. WALDIE. Mr. Speaker, I would like to include in the RECORD a noteworthy editorial from the Los Angeles Times on the electronic surveillance of people and private organizations.

This piece offers a graphic presentation of the case against electronic surveillance without court orders. Its substance lies in Senator SAM J. ERVIN, JR.'s remarks on the possibility of future governmental efforts to predict and control human behavior through insensitive computers.

The editorial follows:

A FREE SOCIETY WIRED FOR SOUND

The Supreme Court has agreed to decide whether the government, as asserted by Atty. Gen. John N. Mitchell, has the constitutional power to conduct electronic surveillance of persons and organizations it regards as subversive without first obtaining court approval. The issue, because of the present public turmoil, is vital both to political dissidents and the government, but it is more than that. It bears on the right of privacy, the right of freedom of thought, and the right of free expression by every American without fear that his words will be recorded surreptitiously by government.

Sen. Sam. J. Ervin Jr. (D-N.C.), who is opposed to electronic surveillance without court orders, stated the issue this way: "These (government surveillance activities) are predicated on the theory that if government officials can only acquire sufficient information in advance on individuals, then they can predict and control behavior. So they seek to learn about how they think; how they behave in their personal lives; how they cut their hair; how they read; what their conduct and attitudes are in sexual matters; how they relate to their parents; what they dream about."

Ervin said he wanted "to try to spread a gospel of my own. That is my belief that while the Recording Angel drops a tear occasionally (in heaven) to wash out the record of human inequities, there is no compassion to be found in computers."

In this age of technology, Ervin's old-time gospel may have more to tell us than the new science. Computers don't cry.

CWO FRANK FORGIONE

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. BROWN of Ohio. Mr. Speaker, I would like to call the attention of my colleagues to an article by Mr. Gilson Wright, news correspondent for the Hamilton, Ohio, Journal, concerning CWO Frank Forgione who directs the band which accompanies the U.S. Navy good will and training cruise—UNITAS—to South America each year. While Forgione and his UNITAS band are well known to millions of people in South America, most of his fellow Americans are unaware of the fine public relations job he is doing for our country in South America. Mr. Wright, who has accompanied several UNITAS cruises as a Navy guest journalist, has developed a close acquaintanceship with this dedicated, unofficial ambassador of good will, and felt that Mr. Forgione's work should be known to more of his countrymen:

UNITAS BAND LEADER GOOD WILL AMBASSADOR, BIG FAVORITE IN SOUTH AMERICA, SCRIBE SAYS

(By Gilson Wright)

OXFORD.—Millions of people in South America know who Frank Forgione is.

But the average American doesn't have the slightest idea who he is, what he does and why he is so popular below the Isthmus of Panama.

I have met and interviewed many famous people in a 48-year newspaper career. They include Will Rogers, Eleanor Roosevelt, Herbert Hoover, Clarence Darrow, Walt Disney, movie, radio and TV stars by the score, and politicians by the hundreds.

Yet in all of that nearly half a century none stands out more than Frank Forgione.

UNOFFICIAL AMBASSADOR

For the past decade he has been an unofficial ambassador of good will in South America where, it has been estimated, 100 million people have heard him and his UNITAS band in person or on radio-TV.

Forgione hails from Haverhill, Mass., but his forebears came from Italy and he has inherited its musical tradition. Besides, he is one of a musical family of seven brothers and a sister.

It might be said he is a product also of John Philip Sousa. His teacher, as a boy, was Frank Holt, a one-time Sousa band member.

UNITAS is a U.S. Navy good will cruise which combines its annual training operations with maritime South American nations and good will visits ashore. This is where Forgione, his band and its variety show come into the picture.

ENLISTED IN

He enlisted in the Navy in 1938 and attended the Navy School of Music in Washington, D.C. He was at Pearl Harbor when the Japanese attack came and his ship, the Ogalala, was among those sunk. After the war he headed the percussion department at the Navy School of Music.

The Navy inaugurated its UNITAS project in 1960 and Forgione, now a chief warrant officer, organized a band for UNITAS III in 1962. Its success was instantaneous and to many millions of South Americans UNITAS means Forgione and his band since many of them do not have a chance to see the ships themselves in action.

I first met Forgione when, as a Navy guest journalist, I shared a stateroom with him in 1966 aboard the USS Leahy, a guided missile frigate. I use the word "shared" with hesitation because we seldom had a minute together. Usually all I ever saw of Frank were his comings and goings while the ship was in port.

Between ports the band was being flown and bussed to engagement after engagement. His in-port appearances might include a white uniform for one and a Navy blue outfit for the next. He made those changes in the stateroom, sandwiching a quick shower and shave in between them, while managing a bite or two in the officers' wardroom. Then he was gone again.

DEDICATED MAN

"Frank is one of the most dedicated men I've ever seen in the service," officer after officer has told me.

His band, made up of enlistees changes to some extent from year to year but Forgione sort of goes on forever and keeps it together. The total amount of time it accumulates in its mad dashes from ship to shore and through the countryside of practically every South American nation easily exceeds the "watch" time expected of men aboard ship. And when they are sometimes aboard ship for a day or two they readily entertain officers and the entire ship's company with music at mealtime just to keep in shape.

Forgione has been to South America many times and speaks Spanish well enough to make him popular with everyone. He leads the 25-member band in street parades at elementary schools in remote villages in hospitals and in orphanages at receptions staged in American ambassador's homes and at receptions by South American hosts, including a president or two. They perform in old people's homes and in schools for the blind. While the latter can't see the show they enjoy the musical part of it.

Neither Paraguay or Bolivia has a seaport where the ships can be seen so the UNITAS band occasionally flies inland to appear in some of their cities. While at Asuncion the capital of Paraguy the band had a distinguished visitor, President Alfredo Stroessner who insisted on being photographed with the popular group.

BAND TAKES OVER

Several times the band has been placed in awkward spots like the time in one country where a Communist leader who had just finished a term in prison was billed for a speech in one corner of the main plaza. Over in the far corner were Forgione and his band. The Communist soon lost his audience. It could hardly hear his harangue and listen to the music wafting from across the plaza at the same time. So it drifted over to hear the Norteamericans—and stayed.

Rowdies have tried to raise trouble at times but angry members of the crowd have silenced them in their own way while Fargone and his men played serenely on.

"We were giving an open-air concert in one city and heard the next day that police were quelling a riot two blocks away" recalls Carl Alisa the 230-Samoan who acts as drum major when one is needed and performs as a bull in a comedy bullfight routine at other times. "If anyone in the crowd

knew a riot was going on you couldn't tell it from their reaction."

Once the band played on the shores of Lake Titicaca. Even though Bolivia is landlocked, it has a small navy and the band was appearing at its training school. Woody Herman and his band had played there earlier and was forced to rest between numbers because the high altitude—the lake is 10,000 feet above sea level—made their breathing difficult. The UNITAS band had trouble with the lack of air, too, but the show must go on—and it did.

FAVORITE WITH KIDS

It was my good luck to see Forgione in action on several occasions. Once, in an inland oil company town in Ecuador, the band gave its show at an outdoor basketball court. The bleachers were packed with bright, clean Indian youngsters and their equally well-groomed parents. Forgione is particularly responsive to children and this pleases their parents—and makes friends for the United States. After all, he comes from a large family, has three children of his own and is uncle to many nieces and nephews. He gets some of the children to participate in some of the acts and usually hands the baton to one of them for a number or two.

I'll never forget the scene when the show was over. At least 50 kids followed him, like the Pied Piper, when he headed for a nearby refreshment stand for a soft drink. His hosts had to close the doors. Kept from getting any closer, the children pressed their faces against the windows to see Forgione and the band members, all dressed in U.S. Navy uniforms.

Frank and his band sometimes have to battle high seas getting to and from their ship. This means handling heavy equipment, passing it from small boats to the ship. At times the equipment has to be handled by using cargo nets. Once a bandsman dropped a bass fiddle in the water but fortunately it floated and was quickly retrieved without serious damage.

"He's very popular in South America," one Navy man told me. "When UNITAS visits a port and the band is scheduled to play at some event, people expect to see him."

Capt. Alva M. Bowen of the USS Yarnell, on which Forgione was billeted during the 1970 cruise, went ashore at a small Peruvian coastal town along with other officers of the four-ship task force to attend a reception in their honor. Some of their Peruvian hosts expressed disappointment that Forgione, about whom they had heard but never had seen, was in far-off Lima on another mission.

While UNITAS occupies four months of his time each year, Forgione spends much time planning his programs during the rest of the year and occasionally takes the bands on cross-country tours of the United States, playing in high schools and elementary schools. He also finds men in the service, during those off months, who can replace those whose "hitches" are expiring.

Frank will be embarking next month on UNITAS XII, another four-month cruise, which probably will be his last as he is scheduled to end his long navy career early in 1972.

TAKE PRIDE IN AMERICA

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

American dairy products contribute substantially to the gross national product of the United States, accounting for $13.4 billion or 14 percent of the total value of food industry shipments in 1969.

THE PENTAGON PAPERS AND PINBALL JUSTICE: A STRANGE COINCIDENCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. RARICK. Mr. Speaker, the U.S. Attorney General's Office has filed a 133-page affidavit against New Orleans District Attorney Jim Garrison alleging implication in pinball machine payoffs.

Now that the U.S. Attorney General recognizes the sinister threat to law enforcement by the use of pinball machine money to generate favoritism and as bribes, can we expect similar activity regarding payoffs, expenses, and royalties from other behind-the-scene activities carried on by corporations, labor leaders, and tax-free foundations, all intended to induce influence and favoritism? One thinks of "A rose, is a rose, is a rose"—Gertrude Stein.

In fact, while the U.S. Attorney is about it, he might consider taking legal action against State and local law enforcement agencies, including some judges who are accepting Federal funds being offered them through the Law Enforcement Assistance Act as inducements to get in line with the new Federal direction while veiling their duplicity in the interest of improving fair and impartial administration of justice.

I know nothing of Mr. Garrison's activities one way or the other; but as an attorney and former judge, I have always felt that it was the responsibility, if not the sacred duty, of all elected officials to take action to insure a fair and impartial trial for any accused, which should even include the district attorney of New Orleans. A 133-page affidavit of charges including testimony not subjected to cross examination and the usual safeguards of evidence is unique enough in the annals of legal history; but for the top legal officer in the Executive Department of our Nation to send the affidavit to the news people as if to try the accused in the newspaper is not only unethical, it is reprehensible. Now we find the New Orleans district attorney filing suit in Federal court in a futile effort to prevent the prejudicing of his defense and the abrogation of his constitutional rights by seeking to prohibit newspapers from publishing the Government's case.

And even more bizarre, the court action by the New Orleans attorney comes within days of the recent action by the U.S. Attorney General in suing the New York Times and Washington Post to prevent publication of the Pentagon papers. This is a strange coincidence.

Charging any official is certainly within the authority and responsibility of the Justice Department; but once the accused is charged, the case should be tried on its merits in court under established procedures, rather than turned into a sideshow affair.

Unless, that is, there is some believeability in Mr. Garrison's remarks that the entire matter is but a federally financed propaganda move to discredit him because of his previous attempts to disprove the Warren Commission report.

And what was Garrison's theory in opposition to the Warren report findings which has made him so unpopular in high places? Was it not that President John F. Kennedy was assassinated because he had opposed further escalation in Vietnam? And what was it that Attorney General Mitchell sought to suppress by filing suits against the New York Times and Washington Post, except the Pentagon papers, classified as top secret, reportedly contained the recommendations and plans of the Kennedy and Johnson administration to escalate U.S. military involvements in Vietnam?

What relationships, if any, can there be among the Pentagon papers, the Garrison investigation of the Kennedy assassination, and the unusual timing of the pinball machine payoff charges?

I insert several newspaper clippings at this point:

[From the Baton Rouge (La.) State-Times, July 3, 1971]

CHARGES AGAINST JIM GARRISON

NEW ORLEANS.—District Atty. Jim Garrison has filed a suit in federal court to block two New Orleans newspapers from printing the voluminous affidavit in which the government outlines its charges that he accepted bribes to protect gambling interests.

In the petition filed Friday, Garrison and eight of the nine other persons charged in the case, claim that publication of the 113-page affidavit would render it impossible for them to receive a fair trial "by a jury free of preconceived opinions as to the guilt or innocence" of the plaintiffs.

A hearing has been scheduled for Tuesday in which the Times-Picayune Publishing Corp., publisher of the Times-Picayune and The States-Item, must show cause why it should not be restrained from printing the affidavit.

U.S. District Court Judge Herbert Christenberry refused to issue a temporary restraining order that would have blocked publication of the affidavit until after the hearing.

The bribery and gambling charges against Garrison were based on the affidavit compiled by federal investigators and including transcripts with Garrison.

The States-Item began printing the text of the affidavit on a series basis in Thursday's editions. The Times-Picayune has printed excerpts from the affidavit.

PLAN TO CONTINUE

Both newspapers plan to continue.

The affidavit was made available to newsmen by U.S. Atty. Gen. John Mitchell in Washington and U.S. Atty. Gerald Gallinghouse in New Orleans.

Garrison, two police officers and seven persons connected with the pinball machine business were arrested and charged Wednesday.

The 6-foot-6 Garrison, ailing and bent because of a spinal infection, said the federal government was out to get him for his probe of President John F. Kennedy's assassination and his attacks on the "Pentagon and Central Intelligence Agency."

Garrison headed a sideline probe of the John F. Kennedy assassination, and in 1967 charged Clay Shaw with conspiracy to assassinate Kennedy.

A jury acquitted Shaw, a New Orleans businessman, in March 1967 but less than

three days after the acquittal, Garrison charged Shaw with perjury, saying he lied on the witness stand during the trial.

Judge Christenberry, blocked Garrison from prosecuting Shaw for perjury and was blasted by Garrison in a statement issued to newsmen.

In other action related to the gambling charges Friday, Police Supt. Clarence Giarrusso suspended the two officers arrested with Garrison: Capt. Frederick Soule Sr., an investigator on Garrison's staff, and Sgt. Robert Frey, vice squad commander.

LANDRIEU STATEMENT

Meanwhile, Mayor Moon Landrieu said Friday he had no knowledge of any payoffs to public officials while his law firm was associated with TAC Amusement Co.

"I don't know why an attorney should know of that kind of thing or even be remotely conscious of it," Landrieu said at his weekly news conference.

TAC officials were among those arrested by federal agents Wednesday and accused of buying off public officials.

Landrieu noted that reference to his firm's former legal association with TAC implies guilt by association, but declared that he has no fear of being investigated.

The mayor pointed out that he sold his interest in the law firm before being elected mayor and in fact had actually practiced little law since being elected to the city council in the early 1960s.

Landrieu said he was surprised, "but not shocked beyond belief" that police officials were arrested. He added that he knew of no one in his administration under investigation by the Justice Department.

U.S. Attorney Gerald Gallinghouse and attorneys for the Justice Department organized crime strike force presented the government's case against the district attorney who made headlines by trying to prove a New Orleans based conspiracy resulted in the death of President John F. Kennedy.

Gallinghous has said the arrests of Garrison and the others was just the beginning of a federal crackdown which could result in charges against other public officials.

Louisiana Attorney General Jack Gremillion, acquitted recently of federal fraud and conspiracy charges, said Friday he supported Garrison's decision not to resign from office while the bribery and gambling charges are pending.

"I don't blame Mr. Garrison for not resigning," Gremillion said. "To resign is indicative of guilt."

Gremillion also said he had no plans to follow recommendations by the New Orleans Metropolitan Crime Commission which wants him to take action to remove Garrison from office.

"If I listened to the crime commission," said Gremillion, "I'd be trying to convict a fish for swimming in federal waters.

"We've got to go by the law and there's no vehicle under which I can replace Mr. Garrison under any circumstances."

[From the New Orleans (La.) States-Item, July 3, 1971]

GOVERNMENT CHARGES JIM GARRISON

Dist. Atty. Jim Garrison has gone to federal court to try to prevent The States-Item and The Times-Picayune from continuing to print the text of an affidavit in which the government outlines its charges that he accepted money to protect pinball interests.

U.S. District Court Judge Herbert W. Christenberry set a hearing on the suit for 4 p.m. Tuesday, but he left the two newspapers free to publish whatever they want of the affidavit between now and then.

Meanwhile, Police Supt. Clarence B. Giarruso has suspended two police officers who were arrested along with Garrison and seven others Wednesday. Giarrusso said Capt. Frederick A. Soule Sr. and Vice Squad Commander Robert N. Frey have been suspended for violating the rules of the police department and pending further investigation.

The suit to stop the two newspapers from publishing the affidavit was filed on behalf of Garrison and eight of the other persons arrested this week. John Pierce, the owner of an amusement company, was not listed as a plaintiff.

The affidavit was compiled by federal investigators and included transcripts of secretly recorded conversations with the district attorney. It forms a basis for the bribery and gambling charges against the DA and the others.

Atty. Gen. John Mitchell and U.S. Atty. Gerald Gallinghouse made the affidavit available to the press.

In their suit, Garrison and the eight others contend that publication of the text of the affidavit would make it impossible for them to receive a fair trial by a "jury free of preconceived opinions" about their guilt or innocence.

The attorney who filed the suit on Garrison's behalf was F. Irvin Dymond, the man who has been defending businessman Clay L. Shaw. Shaw was charged by Garrison—and found innocent—of conspiracy in connection with the assassination of President John F. Kennedy.

Editors of the two newspapers say they plan to continue publication of the affidavit. Walter Cowan, editor of The States-Item, said it will take two weeks to complete publication of the text.

The States-Item has been printing portions of the affidavit in series form since Thursday. The Times-Picayune also has published sections.

In addition to Garrison, Soule and Frey, the others who were arrested by federal authorities this week and who are plaintiffs in the suit against the newspapers are John Aruns Callery, pinball industry lobbyist, Louis M. Boasberg, Harby S. Marks, Jr., Robert Nims, John J. Elms, Jr., and Lawrence L. Lagarde, all of whom are executives in the pinball and amusement machine industry.

All of those arrested this week are charged with violating the Organized Crime Control Act of 1970. They are alleged to have taken part in bribery and illegal gambling.

Yesterday, Gallinghouse discussed the case with the federal grand jury. He said he was giving them a background briefing and later told newsmen a decision will be made over the weekend whether to present the case to the present grand jury or to call a special one.

In announcing the suspension of Soule and Frey, Giarrusso offered no explanation of what regulations they are alleged to have violated.

Giarrusso, in saying earlier this week he would not suspend the men immediately after their arrest, told newsmen he would have a Departmental investigation conducted.

The police Internal Affairs Bureau has been examining the government affidavit and questioning Soule and Frey.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 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?

REASON MUST END UNREASONABLE WAR

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. HARRINGTON. Mr. Speaker, an editorial which appeared in both the Gloucester Times and the Beverly Times deserves to be inserted into the RECORD for its cogent analysis of the mistaken policy still being pursued by the administration. One almost gets the impression that the administration is unwilling to negotiate at times. Clark Clifford, former Secretary of Defense, said a few weeks ago he had reason to believe that the North Vietnamese would release American prisoners once we set a date for withdrawal. Instead of pursuing Clifford's suggestion, the Nixon administration immediately denigrated it. Now, recent statements by the North Vietnamese appear to substantiate Clifford's statement.

To quote from the editorial in the papers, both of which are from my district, states:

This country has poured bullets, blood and billions of dollars into Vietnamization, a fancy word for leaving the South Vietnamese to settle their own differences with their brothers from the North. The United States has been overly patient.

The editorial concludes by saying the administration must stop giving "short shift" to what appear to be reasonable moves for peace.

At this time, I insert the editorial for my colleagues:

REASON MUST END UNREASONABLE WAR

It was nine years and six months ago that the first United States "advisor" was killed in Vietnam.

Since then, this country's casualty figures have increased to nearly 45,000 killed.

This makes it one of the bloodiest wars in the nation's history. Only in World War II and the Civil War did more soldiers lose their lives.

And both of those wars were shorter than the current conflict raging in Vietnam.

In a very strict sense, the Vietnam conflict cannot be called a war. Conflict is a more appropriate discription.

Congress has never been asked to make a formal declaration of war and the combat situation facing American fighting men is unlike any they have ever faced before.

There are no front lines. Gains are not measured in lands or property taken. The city of Saigon is assumed to be safely under the control of the Americans and the South Vietnamese government, but if the Viet Cong wanted to mount a rocket attack there tomorrow, it doubtless could do so.

To many, the Vietnam conflict must appear to be struggle without end; one that has created widespread dissension at home and made drug addicts of 25,000 combat men, drug users out of thousands more.

In the United States Senate this week, a resolution was passed 57–42 advocating a total withdrawal of all troops from Vietnam within nine months provided satisfactory

provisions have been made to repatriate United States prisoners of war.

Both Sen. Edward M. Kennedy (D) and Sen. Edward W. Brooke (R) voted in favor of the amendment. This is consistent with their prior stands against the conflict.

Unfortunately, the reaction of President Nixon to the resolution was also consistent with his stand that no withdrawal timetable should be established.

White House press Secretary, Ronald Ziegler, took care to note the Senate resolution was only a "sense of the Senate" feeling and in no way binding on President Nixon.

He hinted the Senate resolution did not indicate the feelings of a majority of Americans.

Ziegler said if Hanoi thought the Senate resolution was a majority feeling in the United States "this could seriously jeopardize the negotiations in Paris."

This reaction from the administration is regrettable. Those negotiations in Paris have gone on since 1968 and they are apparently no nearer to accord on anything than they were six months after they started.

This is the second time in recent weeks the Nixon administration has downgraded significant plans to end this turmoil of Vietnam.

Early in June, former Defense Secretary Clark Clifford came up with a plan for ending the conflict. It would pledge the United States removal of all forces from Vietnam by the end of the year provided the Viet Cong and Hanoi started releasing prisoners 30 days after the U.S. formally agreed to set the withdrawal date.

Nixon's reaction to this was that it would be unfair to the government of South Vietnam. The President pointed out that more time is needed for the program of Vietnamization to be perfected.

This was a shallow argument.

The South Vietnamese government has been working on Vietnamization since the last days of the Johnson administration in 1968.

This country has poured bullets, blood and billions of dollars into Vietnamization, a fancy word for leaving the South Vietnamese to settle their own differences with their brothers from the north.

The United States has been overly patient. If Vietnamization is no nearer accomplishment now than it was in 1968, how much longer can this country be expected to stay buried in what Sen. Mike Mansfield has called "the tragic morass of Southeast Asia?"

President Nixon is off base if he doesn't feel most Americans want an end to this struggle.

He should stop giving short shift to what appear to be reasonable moves to end this Southeast Asian nightmare.

RICH FARMERS SPLIT HOLDINGS TO SHARE SUBSIDIES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. ANDERSON of California. Mr. Speaker, earlier today I spoke briefly about the farm subsidy program which will pay actor-politician John Wayne and his partners $218,000 from the Federal Treasury.

Yesterday, as I was reading the Washington Post, I was shocked to learn that the intent of Congress had been abused and ignored.

Last year, when Congress enacted a law placing the limit a farmer may receive at $55,000 per crop, I thought this was unrealistically high. But I was shocked to learn the Department of Agriculture has aided and abetted the agribusinessmen in circumventing the will of Congress.

The language of the limiting provision was endorsed by the Department of Agriculture—the acknowledged spokesmen of agricultural interests—and the provision was intended to save the taxpayer upward of $60 million.

Now, by bureaucratic fiat, the businessman-farmer, such as Mr. Wayne, is allowed to collect huge sums from the Federal Treasury.

Last year, I supported an amendment which would have limited payments to $10,000 and would have added strong language to prevent agriculture-businessmen from establishing dummy corporate entities and then subdividing their land to evade the legal limit.

This year, I supported the amendment which would limit farm payments to $20,000 per farm. Hopefully, the Senate will concur in our action, and hopefully, the administration will carry out the intent of Congress to save the taxpayer millions of dollars.

Mr. Speaker, at this point, I place in the RECORD an article which appeared in the Washington Post on July 5, 1971, and I would like to commend the Post for bringing this situation to light:

RICH FARMERS SPLIT HOLDINGS TO SAVE SUBSIDIES

(By Nick Kotz)

Hundreds of the country's richest farmers, including Sen. James O. Eastland (D-Miss.) and movie actor John Wayne, have reshuffled their businesses in ways that avoid the effects of a 1970 law designed to limit their federal farm subsidy payments.

The law limits each farmer to a $55,000 per crop maximum federal subsidy check. But Agriculture Department regulations and the law itself have produced a bumper crop of legal loopholes.

Congressional supporters of the payment ceiling had hoped it would save taxpayers $60 million this year, principally on cotton, where the biggest subsidies are concentrated. Contrary to their expectations:

Total farm subsidies, more than $3 billion last year on cotton, wheat and feed grains, will not be lowered as a result of the payment restriction.

Many big farmers, like Eastland, have legally circumvented the subsidy limit. The senator and his family will receive about $160,000, only slightly less than payments last year. The Eastlands avoided the $55,000 maximum payment by creating eight new business entities to farm their 5,200-acre plantation in the cotton-rich Mississippi Delta.

Actor Wayne and his partners will get about $218,000—far less than their 1970 payments of $810,000—for Arizona cotton ranches named "Red River," "Rio Bravo," and "El Dorado" after Wayne movies. The government, however, won't save any money. More than $500,000 in Federal checks that formerly went to the Wayne group will be paid instead to other farmers and investors.

They, in turn, paid Wayne at least several hundred thousand dollars to lease his valuable federal cotton allotments.

The J. G. Boswell Co., which last year received $4.4 million, the country's biggest single farm payment, this year won't receive anything from the government. Instead, most of the payments that would have gone to Boswell will go to a combine of 53 investors. This combine and others paid Boswell about $1.3 million for a one-year lease of the firm's cotton allotments. They also will pay Boswell to farm their leased land. Each of the more than 50 investors can receive the maximum $55,000 subsidy. Again, the government won't save any money.

Far more cotton will be grown this year, as giant operators like Boswell continue to plant their own land, but without federal subsidies. Boswell and other large corporate farmers may this year experience some reduction in total income. But they now, in effect, have the farm program "both ways." They get substantial cash by leasing their cotton allotments to others, for use on other land, and then are free to grow as much cotton on their own land as they want without any of the restrictions of the farm program. Boswell has planted 25 per cent more cotton this year.

Critics contend that the new Boswell approach runs counter to the basic intent of the farm program, which was designed to support farm prices by limiting production. Farmers were paid federal income supplements in return for their pledge to divert some land from production.

USDA officials say the business maneuvers of Eastland, Wayne and Boswell are legal variations on a theme employed by most of the 1,353 largest farm operations that are affected by the $55,000 per farmer limit.

Agriculture Secretary Clifford Hardin told congressional critic Paul Findley (R-Ill.) in May that USDA never expected to achieve substantial government savings. Hardin said he became even more pessimistic about any savings after he decided that the law required USDA to issue regulations that permitted a wide variety of farm reorganizations.

Findley had originally proposed a much-tighter written $20,000 limit and warned of loopholes in the final bill. It was written as a defensive maneuver by USDA officials, together with congressional farm committees, of which Eastland is a member. Nevertheless, Findley believes USDA has widened the loopholes in its regulations interpreting the law.

Findley said: "I believe most members of Congress thought they were getting a payment limit in which less money would be spent on the program. I'm disappointed in the whole thing, but I expected to be because the law and regulations were written by people who don't believe in any payment limitation. These short-term leases strike me as a subterfuge and clear evasion of the intent of Congress."

George Hansen, a former Republican congressman from Idaho and now the USDA deputy administrator charged with overseeing the new regulations, disagrees. He said Congress did not intend "to destroy farmers" by prohibiting them from farm reorganizations. "This is a tough apple," Hansen said. "Some people think our regulations are too easy. Others say they are too tough."

Hansen emphasized that USDA now is spotchecking 50 already-approved farm reorganizations to make certain that farmers are not illegally avoiding the payment limit.

Only 1,353 of several million American farmers received subsidies of more than $55,000 per crop in 1970 and thus are affected by the new payment limit this year. Their 1970 payments totalled $142 million, of $3 billion total payments. Only 153 of the 1,353 were wheat or feed grain farmers. The vast majority are big cotton growers in Arizona, California, Mississippi and Texas.

These cotton planters had received the huge federal subsidies because they operated highly productive land with many acres of federally assigned cotton allotments. These allotments are needed to qualify for government payments.

The family of Sen. Eastland, for example, is assigned 1,125 acres in cotton allotments this year. The Eastlands' $159,925 in USDA-estimated 1971 payments are determined by multiplying their allotment acres (1,125)

times their cotton yield (a rich 945 pounds per acre) times the federal subsidy payment rate (15 cents per pound).

Wealthy Arizona and California planters such as Boswell and Wayne get payments based on even higher yields—more than 1,000 pounds of cotton per acre.

The Eastlands are not limited to a $55,000 payment this year because of the wording of the new law and the way USDA has interpreted it.

The law specified only that "a person" was limited to $55,000 per crop. The drafting of "fair and reasonable regulations" defining "a person" was left up to the Agriculture Secretary. The law also permitted cotton farmers to continue the past practice of selling or leasing their federal cotton allotments.

The USDA regulations provide that each member of a partnership qualifies as a separate "person," entitled to a $55,000 payment. In addition to this $55,000 payment, the regulations also permit a farmer to share subsidy payments from corporations in which he is a minority stockholder.

USDA officials told The Washington Post how Sen. Eastland reorganized his plantation in compliance with provisions of the new law and regulations.

In 1970, Eastland Plantation, Inc., in which Eastland, his wife, and his four children were stockholders, had received $162,967. In addition, the senator received an $11,487 subsidy from a partnership with his cousin.

If the Eastlands had not altered their two business entities, they would have been limited to $65,000 in subsidies this year.

A business reorganization was carried out early in 1971. The family corporation and partnership with his cousin were both dissolved. The corporation was replaced by six new entities: individual farms for the senator, for each of his four children (for land willed them by a grandparent), and by a new family corporation, which leased land owned by the senator. A new family partnership will farm all this land (two of the senator's daughters live outside the state and his son is in the Navy). Eastland's partnership with his cousin was transformed into another new corporation.

Payments to the senator and his four children will total $160,000, less than their payments in 1970 because of another change in the USDA payment formula.

The Eastlands also will receive a small feed grain payment, probably less than $2,000, from the Double O. Ranch, Inc., a cattle operation in which they have a 50 per cent interest.

Sen. Eastland said in an interview that the new payment limitation law "had nothing to do" with his family's business reorganization early this year. He said the new business entities were created because his mother's will called for dividing up his children's property when the youngest reached 21. Another reason, said Eastland, is because "we're going into the cattle feeding business in a big way."

The senator's youngest child is his son, Woods, now 25. USDA records show that Eastland still owns 62 per cent of the family plantation land, but his children hold a majority of stock in the farming corporation.

Eastland said one advantage of the new farm law is that it provides greater flexibility to grow more cotton. "We planted more cotton this year," he said, "because it's a commodity in short supply."

Other large cotton planters have carried out similar business reorganizations. For example, Roy Flowers, another major Mississippi Delta planter, divided two family farming operations into five, thus avoiding any loss from 1970 payments of $196,000.

Kirby Hughes, who in 1970 received $711,000, the largest payment to any single Arizona cotton farmer, this year formed a new 15-man partnership. The partners are Hughes, his son, brother, brother-in-law, and 11 former employees. Hughes sold or leased land and allotments to the partnership, which USDA says will receive $782,000 in 1971 payments—about $52,100 for each partner. The new operation is financed by a major cotton broker and ginning corporation.

The very largest farm corporations, which cannot subdivide their subsidies among enough family members or employees, have taken another course, which has benefited either smaller farmers or nonfarmer business investors.

Delta and Pine Land Co., a British-owned company in which Queen Elizabeth II reportedly has an interest, received $805,000 last year, the biggest payment in Mississippi. This year, for several hundred thousand dollars, the Delta firm leased its cotton allotments to 57 other farms. These individual or corporate farmers will receive the subsidies permitting some to expand their farm operations. The British-owned firm will farm its more than 10,000 acres of prime cotton land without any government restrictions.

The giant Boswell firm has similarly leased its California cotton allotments, but Boswell has retained a greater financial interest. Its payments will generally go to business investors rather than to other planters.

Boswell has leased most of its allotments to a combine of five partnerships with more than 50 investors. The combine will not only pay Boswell about one-half the cash value of the allotments but also will pay the firm the land for the investors. Boswell continues to farm its own land.

William E. Young Jr., a member of USDA's California state farm committee, is rankled that more subsidies now are being paid to non-farmer business investors. Of the Boswell investors, he said: "It's prettty much of a cinch they are going to make money, unless there is a disaster."

Young says farmers like himself, who do not have an endless supply of relatives with whom to split subsidies, have been hurt by the new regulations. In an effort to prevent the use of "strawmen" to help spread a farmer's subsidies, USDA has ruled that wives, minor children and persons who cannot prove some contribution to a farm enterprise are ineligible to receive payments. Each corporation is limited to a $55,000 payment.

Young said the payment ceiling will cost him about $50,000 this year. He had to give up cotton allotments he formerly leased from others. Young, his father and his son still will receive about $147,000 in cotton subsidies and $28,000 in sugar beet payments (not subject to the subsidy limit). Young's minority interest in a farm corporation and his creation of a new farm for his son will help him avoid larger payment cuts.

Farm experts disagree about whether efficient cotton planters can make money without the benefit of cotton payments. Kenneth Frick, the Nixon administration's director of farm commodity programs, says the new payment limit is providing a test of whether corporate giants such as Boswell are efficient enough to earn a profit in the open market. USDA officials acknowledge, however, that the test is not a complete one because the big corporate farmers still receive in allotment lease fees about one-third to one-half the money formerly paid directly to them in subsidies. It is expected that Boswell will have only slightly reduced income this year if present cotton prices are maintained.

John Schnittker, who was under Secretary of Agriculture in the Johnson administration, says that two-thirds of the formerly unlimited cotton subsidy payments merely represented added profit to big farmers, thereby encouraging them to plant more cotton rather than less. He believes production could be effectively controlled and farmers could still earn a fair profit with a $20,000 subsidy limit.

However, USDA staffers such as Howard Cox insist that the payments mean the difference between profit or loss for most farmers, including the big ones.

Meanwhile, congressional opponents of big farm subsidy payments are trying to reduce the payment limit to $20,000. The House already has taken this action, in an amendment to the 1972 agriculture appropriations bill. But the House bill did not close any of the present loopholes permitting farm reorganizations.

Farm Administrator Frick said the imposition of a $20,000 limit would be grossly unfair, since the 1970 farm law promised a three-year program with a $55,000 payment limit.

"Farmers just can't make another adjustment," Frick said.

EXTENSION OF THE SUGAR ACT

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. DIGGS. Mr. Speaker, it is utterly inconceivable that a nation, such as ours, should even consider extending the Sugar Act Amendments of 1971, which will guarantee continuing subsidy to South Africa.

Throughout the course of history, it has been observed that, "repression begets repression." The story of South Africa's repressive society, as it relates to blacks, is well known and has been widely publicized. Less well known, but equally as distressing, is South Africa's stepped up repression of religious bodies in that country.

Last month, South Africa suspended the transfer of sums of money to Israel because of Israel's contribution of nearly $3,000 to the Organization of African Unity—OAU.

The July 3 edition of the New York Times carries a special article, "South Africa Curbs Priest, Indicts Second Anew" which cites the house arrest of Rev. Cosmos Desmond, a Franciscan and the first Roman Catholic priest to be placed under such restrictions.

Father Desmond has been an outstanding critic of the Government's policy of resettling "unproductive" and otherwise "unwanted" blacks in areas away from the cities. The 35-year-old South African citizen describes these conditions in his book, "The Discarded People." The Ministry of Justice served the so-called banning and house-arrest orders, against Father Desmond, effective for 6 years.

In a separate move, the Times article tells of a second indictment against the Very Reverend Gonville Aubie french-Beytagh, the Anglican dean of Johannesburg who was first detained for 8 days last January. New charges were brought against the dean by the public prosecutor. Dean french-Beytagh, a 59-year-old British subject, was originally charged under the Suppression of Communism Act, but in a later hearing, the prosecutor substituted more serious charges under the Terrorism Act, which is aimed at suppressing activities by or in behalf of black nationalists. The dean is accused of distributing pamphlets advocating the

overthrow of the government and supporting a move to bring about political changes in South Africa. He is presently free under a $14,000 bail pending a hearing scheduled for August 2.

There is little doubt of the multiplicity of such acts of religious repression by the South African Government. In a hearing conducted last week before the subcommittee on Africa, the Right Reverend William F. Creighton, Episcopal bishop of Washington, revealed during his testimony that he was subjected to a brief period of detention in South Africa with no explanation given for the act. Judge William H. Booth, of New York, was also detained.

This type of repressive behavior counteracts any impressions that we may have of South Africa as a "highly civilized" nation. It is disquieting to witness a government policy which allows repression to spread—crossing the boundaries of racial repression to include religious leaders who dare to speak out against apartheid.

How can we, in good faith, support an apartheid government by guaranteeing them millions of dollars in subsidy through "the Sugar Act Amendments of 1971?" As chairman, House Subcommittee on Africa, I submitted the following testimony on June 22, 1971, before the Senate Finance Committee:

STATEMENT OF REPRESENTATIVE CHARLES C. DIGGS, JR., DEMOCRAT, MICHIGAN, CHAIRMAN, HOUSE SUBCOMMITTEE ON AFRICA, BEFORE THE SENATE COMMITTEE ON FINANCE ON EXTENSION OF THE SUGAR ACT, JUNE 22, 1971

Mr. Chairman: I appreciate the opportunity to appear before you and submit this statement of my views on H.R. 8866, "The Sugar Act Amendments of 1971".

I am confining my presentation today to the statement of the reasons requiring a termination of the sugar quota for South Africa. This can be done by nullifying the provision in section 4(3) of this bill for a 1.44 percentum proration for South Africa in accordance with the amendment submitted by Senator Harris (Amendment 163), that is by amending line 7, of page 7 of the bill, to provide that the proration for South Africa should be zero per centum and the proration for the other countries proportionately increased.

There is no political or economic justification for a sugar quota for South Africa. Moreover, a sugar quota for South Africa is directly in contravention of the very criteria set by the House Committee on Agriculture for determining whether foreign countries should be granted a proration. Finally, an analysis of the facts pertinent to the South Africa sugar quota demonstrates conclusively that there is no basis whatsoever for a sugar quota for South Africa.

Political Considerations

South Africa is the only country in the world where economic, social and political discrimination is the proclaimed policy of the Government and is instituted and implemented by law.

Apartheid, or the doctrine of separate development, means that 13% of the population of South Africa, that is the white population, is allocated by the law 87% of the land of the Republic.

Apartheid means that the Blacks, Coloreds and Indians—denominated as non-Whites in South Africa—cannot vote, have no political representation in their government, and are deprived of all political rights. South Africa is governed by an All-White Parliament, no member of whom represents the majority of the people.

Apartheid is a system whereunder the African by law is denied fundamental human rights. The Special Rapporteur of the Economic and Social Council of the United Nations has found that in South Africa the African has no freedom of association, speech, no freedom of religion or right to marry and no protection of his family life, no right to property, no freedom of movement or of residence, no rights connected with his work, no right to education, no freedom from slavery and servitude.

Apartheid is a system of repressive laws, such as the infamous Terrorism Act, permitting indefinite detention, without charge or trial, without access to any relative, friend, lawyer or clergymen, such as the Bureau of State Security Act under which an accused may be deprived of the right to give evidence in his own behalf, such as banning laws which permit the executive to place any person arbitrarily—even a person found innocent by the Courts—under house arrest indefinitely, without charge or trial and without right of recourse to any court.

The United Nations has pronounced apartheid a "crime against humanity". In South Africa no one, black or white, is safe who questions the Nazi-like tyranny and subjugation of the people by the Government. No greater potential threat to world peace exists. The United States cannot with impunity support apartheid.

Support of apartheid is a violation of the principles of the United States Constitution and of the United Nations Charter, which requires that government be based on the principle of equality of peoples and on dedication to the development under law of the right of each person to labour, to work, to raise his family, to just treatment, and to educational, political and social advancement without regard to his race, color or religion.

Support of apartheid is an insult to the 25 million black Americans. It is in complete disregard of the true interests of the United States and is a serious erosion of United States foreign policy interests in Black Africa. Credibility demands that our pronouncements of abhorrence of apartheid not be made a mockery by our supporting apartheid morally and economically.

Finally, a sugar quota for South Africa represents support for a government which has been censured by the entire international community for its repression of its own people in South Africa and for its continued occupation by force of Namibia in defiance of the United Nations and of the rights of the people of that international territory.

Only by striking the sugar quota for South Africa can Americans indicate the repugnance we feel for apartheid in all of its petty viciousness.

In taking a stand against apartheid, but declining to support a solution by force, Secretary Rogers has emphasized the necessity of seeking a solution through the constructive interplay of economic and social forces. I submit that this country must not economically undergird South Africa by providing the financial and economic support of a guaranteed market for its sugar and additionally the financial bonus of the premium price available under the United States sugar quota.

ECONOMIC CONSIDERATIONS

Clearly, a sugar quota provides economic assistance to the recipient country. South Africa is considered a developed country by all standards set by our own laws, the Foreign Direct Investment Act, the Interest Equalization Act, and Sub Part F of the Internal Revenue Code.

Moreover, South Africa is a land of diamonds and of gold with a highly developed scientific and engineering capacity, an advanced technology, and a fully operating industrial complex.

The sugar quota for South Africa is unique, since it is a developed country and, unlike Australia and Ireland, there are no special political reasons for allocating a sugar quota to it. In fact, there are compelling political reasons requiring that it not be given the comfort and support of a U.S. sugar quota.

A sugar quota allocation to a particular country can be justified on the grounds that financial support to that country is within support to the Black African countries is consistent with our foreign policy interest of helping to build viable self-sustaining economies in those countries, to some of whom the sugar industry is of vital importance to their economies and to their prospects for growth. None of these considerations apply in the case of South Africa where the total exports of the sugar industry to all countries accounts for only 2.5% of its exports.

Economic considerations also require that the United States not support a country which in its labour practices does not endeavor to meet international standards and criteria for decent labor conditions. South Africa does not meet this test.

THE CRITERIA SET BY THE AGRICULTURE COMMITTEE

The House Agriculture Committee has stated that there are five "main standards against which individual country quotas are adjusted." South Africa fails to meet three of these five criteria!

The first is that a quota recipient be a "friendly government to the United States, *including non discrimination against U.S. citizens in the quota country.*"

Another determinative factor is the "need of the country for a premium priced market in the United States including . . . (b) its relative dependence on sugar as a source of foreign exchange and (c) present stage of and need for economic development."

Thirdly, a basic consideration is the "extent to which the benefits of participation in this market are shared by factories and larger land owners with farmers and workers, together with other socio-economic policies in the quota countries." This final deficiency will be treated exhaustively in the next section of this paper.

The criteria relating to the country's stage of economic development has already been discussed and under no economic criteria is South Africa eligible for U.S. aid.

South Africa's discrimination against U.S. citizens, including Congressmen is too well known to require reciting here.

THE FACTS AS TO THE SOUTH AFRICAN SUGAR QUOTA

Under the sugar quota which South Africa received in 1962, South Africa has received *extra* profits from the United States totalling 37.3 million dollars. This is the sum of the bonuses for the years of 1962, 1965, 1966, 1967, 1968, 1969, 1970 and for the first quarter of 1971. In all of these years the price was paid to South Africa for sugar exceeded, sometimes by two-fold, the world market price. During the nine years since South Africa has had a U.S. sugar quota, there were two years, 1963 and 1964 when South Africa might have found buyers for its sugar at a higher price than the quota price, since the U.S. price for those two years was lower than the world price. Taking all nine and a quarter years into consideration, we find that the income advantage to the South African sugar industry from selling to the United States at U.S. premium prices has netted 34 million dollars to South Africa in foreign exchange.

The following chart shows the income advantage to the South African sugar industry from the U.S. sugar quota:

	Millions
1962	4.9
1963	—3.1
1964	—¼
1965	7.6
1966	4.9
1967	4.9
1968	5.5
1969	3.9
1970	3.9
1971 (Jan.–April)	1.7

I repeat, in the past decade the United States has supported apartheid with a 34 million dollar bonanza.

But this is not the whole story, because the prices we have given thus far only reflect the premium South Africa has gained in dealing with the United States. The actual support that South Africa has received from the United States under the sugar quota has been for a guaranteed market for more than one and a half billion pounds (1,629,291,299 lbs or 800,000 tons) of its sugar. The United States has paid South Africa $105,734,662 for its sugar. To repeat, 105 million dollars is the figure at which we have subsidized apartheid. And as shown above, one third of this, or 34 million dollars, is a pure giveaway.

The breakdown on these totals is as follows:

1962	190,187,237	$10,717,532
1963	254,766,674	19,667,988
1964	235,230,333	14,966,098
1965	221,332,937	13,586,402
1966	134,272,278	7,676,319
1967	150,977,858	9,278,900
1968	122,961,120	7,949,202
1969	123,263,076	7,869,021
1970	164,307,236	11,467,370
1971 (January–April)	31,992,550	2,555,830
Total	1,629,291,299	105,734,662

Let us put aside for a moment other factors militating against a quota for South Africa, such as political considerations of apartheid and the economic fact that South Africa is a developed country, and look at the sugar industry in South Africa itself to see if, nevertheless, there may be humanitarian reasons justifying a quota for South Africa. Such mitigating considerations would be based on a finding that the South African Black sugar grower reaps a meaningful benefit from the U.S. sugar quota.

Our first inquiry is to what extent the financial advantages of the quota sifts down to the African sugar grower.

South African sugar exports are handled through SASA (the South African Sugar Association) with the total price from sales to the United States at the quota premium prorated over the entire crop. Thus, we must look at the production figures for the African sugar grower to determine his participation in the profits from the U.S. sugar quota. The latest year for which we have full figures is 1969. (The SASA submitted figures for the number of growers for 1970, but we cannot use these because figures for productions are not included and it is this, the production figure, which makes the picture meaningful.)

The following is the breakdown for the number of growers by race for these years:

Africans	4,286
Indians	1,837
White *	2,127

*Including 24 miller planters.

A breakdown of the figures on productions of these growers shows the following cane production:

	Tons
Whites *	15,491,000
Indians	948,000
Africans	383,000

*Including 3,432,000 production of miller planters.

Thus, notwithstanding the fact that approximately two-thirds of the growers are African, the productions of the African growers is only about two percent of the entire crop. The figures are as follows:

	Percent
Whites *	92.4
Indians	5.6
Africans	2.3

*Including 20.7% of miller planters.

We understand from the submission of SASA to the House Committee on Agriculture that the proceeds on all sales of sugar are distributed so that two-thirds goes to the growers and one-third to the millers. So, if we look at the 3.9 million quota premium paid by the United States to the South African Sugar Association in 1969, we see that 1.3 million dollars went directly to the millers who are white and that 2.6 million dollars went to the growers. Since this amount is allocated to the growers in direct proportion to their production, and since 2.3 percent of the production is attributable to the African growers, we find that the African sugar growers received in toto $59,800. There are 4,286 African sugar growers among whom this sum was to be divided. Carrying out the computation, we see that the African grower in 1969 received $13.95 extra because of the U.S. sugar quota. Thus our sugar quota for South Africa means on the average of a $1.16 a month for the African sugar grower.

The submission of SASA states that the premium price paid by the United States means an additional $100 to the small grower who produces 500 tons of cane. Looking back at our chart, we find that the 4286 African sugar growers produced 383,000 tons of sugar in 1969 and dividing, we see that their average individual yield for that year was less than 90 tons. Thus, although the U.S. premium price may benefit by $100 the "small grower of 500 tons", the African sugar grower is not such a "small grower".

To recapitulate, so that we can see the full picture of who benefits in South Africa from the sugar quota, the following table is presented.

1961 sharing in South Africa sugar quota premium

[In percent]

White grower	47.8
White miller (including miller planter)	46.8
Indian	3.73
African	1.53

The African sugar grower receives 2.3% (his percentage of the production) of the growers' share of two-thirds of the premium or 1.5% of the whole premium. Similiarly, the Indian gets 5.6% (his proportionate proportionate production) of the growers' share of two-thirds, or 3.7% of the premium.

Thus, the actual share in the profit from the United States sugar quota was as follows:

Whites	$3,689,400
Indians	145,470
Africans	59,800

The above picture and data graphically and conclusively demonstrate that a sugar quota for South Africa cannot be justified on the grounds that the African sugar grower is a meaningful participant in the premium distribution.

One other factor should be examined to determine possible justification for giving racist South Africa a sugar quota; for African workers comprise a large segment of the field workers in the South African sugar industry. The question therefore concerns the wage structure of the sugar industry.

The poverty datum line for Africans as set by the Johannesburg Associated Chambers of Commerce is $103.00 a month. This signifies what is considered the minimum essential for an African family.

Since the available data on the wages paid to African sugar workers is not uniform, we will use the figures submitted by the South African Sugar Association—a figure which no doubt is most favorable to that association. This figure lumps together the operatives, semi-skilled laborers and the unskilled laborers. The average daily rate for all such workers is, as given by SASA only $1.67 a day or $41.75 a month. This figure which surely represents the optimal view of the wage structure situation is sixty-two dollars less a month than the poverty datum line.

Thus, no argument can be successfully advanced that the sugar quota for South Africa should be continued because it means decent wages for the African workers in the sugar industry.

CONCLUSION

For all the above reasons it is not in the national interests of the United States to give South Africa a sugar quota, and I urge this Committee to terminate the sugar quota for South Africa by amending H.R. 8866 to provide that the proration for South Africa be a zero proration.

South Africa is anathema to the civilized community of nations and considerations of justice, of human rights and elementary decency dictate that assistance to that country which "denies the humanity of most of mankind" be ended forthwith.

NEW DIRECTIONS FOR CITIES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. WALDIE. Mr. Speaker, we are all aware of the many problems faced by our urban centers today. Many incisive suggestions have been made to date as to how we might go about solving the rapidly developing crisis in our cities and I would like to add to those suggestions the article by Mr. Leon B. Sager, "New Directions for Cities."

Mr. Sager's article includes ideas which are both penetrating and practical, and I feel that it is incumbent on all of us to give them careful consideration, as we attempt to deal with the many complex problems and issues which surround the cities of this Nation.

The article follows:

NEW DIRECTIONS FOR CITIES—GOVERNMENTS AND PRIVATE ENTERPRISE COOPERATE IN CREATING THE FUTURE

The point has been reached where no one is unaware of the crisis in our cities. It is in the air city residents reluctantly breathe, the water they can no longer drink, the sky they rarely see. Unless the present direction towards city concentration is reversed many more will be robbed of the possibility of human living.

Blight in our large cities, serious enough in itself, is but one of the evils our cities face. To this must be added crime, deterioration, loss of privacy and recreational facilities, rising accidents and loss of time in urban transportation and, not least of all, drabness and ugliness. It has reached the point in Los Angeles where over half of the downtown area is covered with concrete: freeways, streets, parking lots. What has escaped adequate thought is the primary part played

by rapid urbanization in environmental blight.

Over the past 35 years, seventy-five million people within the United States moved from rural areas and small towns to the cities—thirty-five million remained. This has been the most massive migration of man on any continent at any time in our history.[1] The question this article examines is whether we are prepared to add to this urban concentration the 80 million estimated to be added to our population by the end of the century. Also, to present evidence that this can be avoided; that it is within our capacities to provide more satisfactory alternatives.

Granted that a change in the physical environment is only one of the many problems that plague us, nevertheless it merits high priority. It affects the majority of the population. In addition, physical factors powerfully influence the health, mental attitudes and life-styles of urban residents. John W. Gardner has said, "we are faced with a series of opportunities brilliantly disguised as unsolvable problems."

A SECOND CHANCE

Cities no longer need be built along the humid Mississippi River as they have been from Duluth to New Orleans. For need they be crowded in a continuous, undifferentiated mass along the eastern seaboard. The past criteria and motivations for city locations are becoming obsolete. With the accelerated development of technology, including transportation, nuclear power, and communication, Federal and State policies can be developed that will guide the new growth more beneficially. We are thus afforded an important second chance.

We may benefit, in our new city and smaller city redevelopment program from a generation of European experience. In our own country, the new cities of Columbia, in Maryland; Reston, in Virginia; Irvine and Valencia, in California; Lake Havasu City, in Arizona; and many others, have explored the many problems involved. Their innovative experience can be of the highest value.[2]

Among the many advantages of building new and satellite cities, as well as redeveloping and expanding smaller cities, a few are particularly worthy of note: they open up potential employment for hundreds of thousands, including scientists and engineers from reduced Defense and Space programs; they offer far greater opportunity for development of community, citizen participation in government, and expression of individuality. Above all they offer a more pleasant environment for living. This is no less than a means whereby we may reshape our future, and—of basic importance—it is within our capacity.

A problem of this dimension requires a nationwide awareness—and a meaningful change of priorities. We have a strong commitment to defence—$68.6 billion worth; we have a strong commitment to transportation—$7.5 billion worth; we have a strong commitment to farm subsidies—$5.4 billion worth; we have a strong commitment to space—$3.7 billion worth. But our direct commitment to help people get decent homes is $375 million.[3] A second example: total expenditures for research and development by all departments and agencies of the government amount to more than $15 billion, yet only $60 million of this is for research in the field of housing and urban development. We are also far behind Europe in the development of new materials and in industrialized construction.

If there is to be significant headway in developing alternatives to big city sprawl much of the initiative must come from the Federal government. Equally imperative is a new attitude and participation by private enterprise. Fortunately both are occurring; they will be examined extensively.

Although the actions required on the part of the Federal government are numerous, two in particular may be singled out—reassessment of taxation and legislation on land-use and urban growth.

REASSESSMENT OF FEDERAL TAXES

Nationwide, critics have deplored the ever-widening imbalance of power between the Federal government, the states, and the cities. Its most obvious manifestation has been in taxes. As recently as 1932, more than fifty per cent of all taxes went to local governments; in the past twenty years this has sunk to fourteen per cent. Deprived of adequate taxation, for ever escalating needs, and neglected by the states, the cities have had to go, cap in hand, imploring assistance from Washington. Meaningful tax changes benefitting states and cities are an imperative need in solving city crises.[4]

Another means by which the Federal government could play a decisive role in the development of new cities is through providing corporations with tax-deduction incentives for decentralization. Also worthy of consideration is a change of direction of highway funds. The present antiquated concept—exclusive use for highway purposes—should be revised. A portion of these huge resources could more beneficially be used for purchase of greenbelts surrounding cities and for building new and satellite cities.

PROBLEMS OF LAND-USE, AND ABUSE

The past half century of rapid urbanization has brought many consequential changes, most of them ill. Perhaps none is more portentous than land-use; or abuse. Our grossest error was to treat land-use as a commodity of which the supply was unlimited. Among the consequences are despoilation and land speculation. A perfect example of what not to do with land is furnished by Santa Clara Valley, at the southern tip of San Francisco Bay in California. Here we find the flagrant misuse of one of the most unique agricultural areas in the world, and the substitution of a completely irrelevant urban development of massive size and questionable quality that could have been placed almost anywhere else on more appropriate land. Nationwide we are swallowing up half a million acres of cropland each year.

CONGRESS ACTS ON URBAN GROWTH AND NEW CITIES

The most important legislation ever passed by Congress to establish a rational program for urban growth, including new cities, became law at the end of 1970.

The following is the Short Title and Statement of Purposes of the 1970 Act:

"This title may be cited as the 'Urban Growth and New Community Act of 1970.'

"It is the policy of the Congress and the purpose of this title to provide for the development of a national urban growth policy and to encourage the rational, orderly, efficient and economic growth, development and redevelopment of our States, metropolitan areas, cities, counties, towns, and communities in predominantly rural areas which demonstrate a definite potential for accelerated growth; to encourage the prudent use and conservation of our national resources; and to encourage and support development which will assure our communities of adequate tax bases, community services, job opportunities, and well balanced neighborhoods in socially, economically, and physically attractive living environments."[5]

FUNDING FOR NEW COMMUNITIES AND RATIONAL URBAN GROWTH

The new law (P.L. 91-609) provides for an aggregate of $500 million of developers' obligations which can be guaranteed by the Federal government; not to exceed $50 million for a single community. In addition the Federal government authorizes the issuance of $240 million in loans; not to exceed $20 million for a single community.

Further, Grants are to be provided to States for the implementation of the new patterns of growth. Achievement of several objectives is anticipated by Grant provisions: helping States find and procure the best locations for new communities as well as expanding and enlarging existing communities; conserving land and other irreplaceable natural resources; expanding housing and employment opportunities.

This is surely a new turn in urban policy. Provided the bill is adequately funded—and this is a big proviso—it is possible to envisage a larger part of the American landscape without pollution of air, land, and water.

The bill creates a Community Development Corporation within the Department of Housing and Urban Development. The aim is not only to concentrate new building to save open space, or to initiate and experiment with new ways too of providing education, health and other services, or to avoid all kinds of pollution. Nor are the new towns to be only pleasant places for those who can already afford to live pleasantly. A foremost aim is to provide new housing close to new jobs for people not confined to the ghetto.

THREE NEW CITIES UNDER CONSTRUCTION

The new bill is the outgrowth of previous new city legislation. Under Title IV of the New Communities Act of 1968 the Department of Housing and Urban Development had already been empowered to guarantee developers' obligations for new communities. $250 million was provided in the bill; not more than $50 million in any one new community. One of the prime objectives of these guarantees is to help new communities meet their most difficult problem: securing "patient money"—investments with slow return. Income on new city development is often delayed 5 to 10 years on land purchases, streets, and the under-structure—gas, water, sewers, electricity. An important feature of the housing construction in Federally sponsored new cities is Planned Unit Development (PUD). Essentially this calls for a core area of public buildings, shopping mall, theatres and restaurants; industry concentrated in an industrial park; a residential area of villages of varying price ranges including single homes, townhouses and low-rise apartments. The government will have no part in the actual construction. Close cooperation with the private developers will be continual during the life of the guarantees.

The first three new cities under construction under Federal guarantees are: St. Charles Communities, 25 miles southeast of Washington, Park Forest South, details of which follow, and Johnathan City, 20 miles southwest of Minneapolis, Minnesota.

A Federal guarantee of up to $30 million was pledged by the Department of Housing and Urban Development for Park Forest South, near Chicago, which takes in 8,291 acres, 4,600 of which are covered by the Guarantee. Developer is Park Forest Developers, a general partnership including Park Forest South Investors, Mid-American Improvement Corporation (a subsidiary of Illinois Central Industries, Inc.) and US Gypsum Urban Development Corporation (a subsidiary of US Gypsum). In 15 years the figure of 100,000 population is expected.

The popularity of this approach to solving the city crisis gets part of its appeal from the fact that it simultaneously helps to solve another crisis—housing. Poor people, and many lower middle-class as well, are having a dif-

Footnotes at end of article.

ficult time finding decent living quarters, a situation greatly worsened by recent unprecedentally high interest rates, shortage of mortgage money, and inflation.

COST OF A NEW CITY

A computer appraisal of the general levels of investment for a new community of 250,000 made by the General Electric Company, arrived at the following: land costs, 40 to 50 million; improvement costs, 20 to 30 million; administration costs, 15 to 20 million; borrowing and interest, 30 to 50 million.

The calculations were made by Albert F. Trevino, Jr., now President, Urban Interface Group. By comparison, Mr. Trevino found that this cost was about equal to 30 miles of urban freeway, or one 747 Jet, or three or four major freeway-to-freeway interchanges. How far is private enterprise willing to go? One indication is the special issue of *Saturday Review*, January 23, 1971, "Can We Afford Tomorrow?" In an introduction, Mr. William C. Stolk, Chairman, Committee for Economic Development, told of a symposium devoted to social problems held by the Committee for Economic Development in the fall of 1970. "The meeting," said Mr. Stalk, "was testimony to the understanding of business leaders that social concern is enlightened self interest and that social involvement is investment in the survival of a free society."[6]

PRIVATE ENTREPRENEURIAL NEW CITIES

A significant upsurge in the building of planned new communities in America represents a pace of activity never before approached. Estimates range from less than 50 to more than 250 projects which can be designated as new communities. Regardless of the exact number, this represents an unprecedented level of activity. These new projected communities are in 18 states and range in size from 12,200 to 53,000 acres. They are designed to accommodate populations from as low as 4,000 to as high as 270,000 people; an aggregate of 3,374,000, not including three large communities with indefinite population project.[7] See Exhibit.

Among the diversity of new cities, a brief outline of three follows: Greenwood Village in Colorado, Reston in Virginia, and Irvine in California.

GREENWOOD VILLAGE, COLORADO—HOME OF DTC

"If we've got to work, then let's be comfortable. This modest statement of engineer-builder George M. Wallace, grossly understates the Denver Technological Center, located partly in Denver and partly in Greenwood Village. At the Denver Technological Center (DTC)—reputed to become the computer center of the nation—the buildings appear to be tucked skillfully into the contours of the land with an abundance of trees and grassy knolls and the grandeur of the Rockies in the distance. Some of America's most prestigious corporations have become part of DTC; among them United Air Lines, which chose DTC for its reservation center—a $45.7 million dollar complex.[8]

Among DTC's innovative features, some are particularly worthy of note. Individuals and families of varying income levels live in close proximity; minimal time is wasted in transportation; air and noise pollution are greatly reduced. It all adds up to lessening of fatigue, anxiety, and frustration, resulting from the better environment for living and working at Greenwood Village.

LARGE DEVELOPMENTS AND NEW COMMUNITIES COMPLETED OR UNDER CONSTRUCTION IN THE UNITED STATES SINCE 1947 [1]

Name [2] and location [3]	Acres [4]	Planned dwelling units [4]	Planned population [5]
Arizona:			
Kearny, Pinal County	1,300	1,000	4,000
Lake Havasu City, Mohave County	16,500	20,000	60,000
Litchfield Park, Maricopa County	13,000	22,000	75,000
San Manuel, Pinal County	700	1,500	6,000
Sun City, Maricopa County	10,700	30,000	55,000
Tucson Green Valle, Pima County	2,900	6,000	15,000
California:			
Calabasas Park, Los Angeles and Ventura counties	3,000	4,000	15,000
Diamond Bar, Los Angeles County	8,000	20,000	80,000
El Dorado Hills, El Dorado County	9,800	20,000	75,000
Foster City, San Mateo County	2,600	11,000	35,000
Irvine Ranch, Orange County	32,500	80,600	270,000
Janss, Thousand Oaks	11,000	22,000	80,000
Laguna Hills Leisure World, Orange County	2,500	18,000	30,000
Laguna Niguel, Orange County	7,900	22,800	80,000
Lake San Marcos, San Diego County	1,700	3,000	6,000
Mission Viejo, Orange County	11,300	27,000	80,000
Porter Ranch, Los Angeles County	4,100	12,000	43,000
Rancho Bernardo, San Diego	5,400	7,000	26,000
Rancho California, Riverside County	41,100	27,000	80,000
Redwood Shores, Redwood City	4,700	20,000	60,000
Rossmoor, Walnut Creek	2,000	10,000	16,000
San Martin, Novato	2,200	5,000	20,000
San Ramon Village, Alameda and Contra Costa counties	4,500	20,000	72,000
Sun City, Riverside County	1,700	8,600	11,000
University Village, Santa Barbara County	4,000	3,500	14,000
Valencia, Los Angeles County	4,000	40,000	250,000
Westlake Village, Los Angeles and Ventura counties; portion in Thousand Oaks	12,000	20,000	68,000
Colorado:			
Montbello, Denver	3,000	12,000	35,000
Northglenn, Adams County	2,700	6,500	30,000
Pikes Peak Park, Colorado Springs	4,300	11,500	35,000
Delaware: Pike Creek Valley, New Castle County	1,200	5,000	20,000
Florida:			
Coral Springs, Broward County	10,400	15,000	60,000
Deltona, Volusia County	15,000	32,000	75,000
Lehigh Acres, Lee County	51,800	([6])	([6])
Miami Lakes, Dade County	1,900	6,000	25,000
North Palm Beach,[7] Palm Beach County	9,600	7,100	25,000
Palm Beach Gardens,[8] Palm Beach County	6,100	15,000	70,000
Port Charlotte, Charlotte County	53,800	([6])	([6])
Georgia: Spring Hill, Hernando County	10,000	32,000	75,000
Peachtree City, Fayette County	15,000	4,300	15,000
Hawaii:			
Hawaii Kai, Honolulu County	6,000	16,400	56,000
Mililani Town, Honolulu County	3,000	14,000	56,000
Illinois:			
Elk Grove Village,[7] Cook County	5,800	13,500	58,000
Oak Brook,[7] Du Page County	3,600	7,000	25,000
Park Forest,[7] Cook and Will Counties	2,700	10,000	34,000
Park Forest South,[7] Will County	1,600	15,000	60,000
Louisiana:			
New Orleans East, New Orleans	32,000	120,000	250,000
Maryland:			
Columbia, Howard County	14,100	30,000	110,000
Crofton, Anne Arundel County	1,300	3,500	15,000
Joppatowne, Harford County	1,300	3,000	10,000
Montgomery Village, Montgomery County	2,200	10,000	30,000
Massachusetts:			
New Seabury, Barnstable County	3,000	3,700	16,000
Minnesota:			
Jonathan, Chaska	2,300	17,000	50,000
New Jersey:			
Willingboro, Burlington County	4,500	11,000	50,000
New Mexico:			
Paradise Hills, Bernalillo County	8,500	20,000	70,000
New York:			
Levittown, Nassau County	5,000	17,500	68,000
Sterling Forest, Orange County	20,000	([6])	([6])
Ohio:			
Forest Park,[7] Hamilton County	4,000	9,000	35,000
Grant Park, Clermont County	7,500	14,500	50,000
Pennsylvania:			
Levittown, Bucks County	5,500	17,000	70,000
Texas:			
Clear Lake City, Harris County	15,000	57,000	150,000
Sharpstown, Houston	4,000	9,900	35,000
Virginia:			
Reston, Fairfax County	7,400	25,000	75,000

[1] Compiled by the Division of New Communities, U.S. Department of Housing and Urban Development, Washington, D.C., January 1969.
[2] Arranged alphabetically by States.
[3] County, or city where annexed.
[4] To the nearest hundred.
[5] To the nearest thousand.
[6] Indefinite.
[7] Incorporated as a village.
[8] Incorporated as a city.

RESTON, VIRGINIA—THE GARDEN CITY

A high compliment is paid to Reston—it is frequently referred to as the Tapiola of America. (Tapiola, Finland, is often acclaimed the most beautiful new city in the world). Though this is a bit fanciful Reston does have many unique features. And small wonder. It was conceived and begun by an imaginative idealist, Robert E. Simon of New York City.

Before engaging architects, economists, sociologists and planners, Robert Simon laid out goals which were to become the blueprint for the building of Reston (a name formed from his initials). In addition to the primary requirement of physical beauty, Reston put emphasis on the importance and dignity of each individual. To achieve this, in Mr. Simon's view, required a variety of occupations near at hand, a wide choice of recreation facilities, and a mixture of people who would desire to remain in Reston, perhaps for generations. The mixture would be made more likely by providing variety of housing all in proximity: low-rise apartments, town-houses, and individual homes.[9]

Though much of this was accomplished, some things went wrong. Saddest for Robert Simon himself: after sinking $17 million in Reston, he ran out of money. Begun in autumn 1963, by 1967 Mr. Simon was obliged to sell. The purchaser, Gulf-Reston, a subsidiary of Gulf Oil Company, was one of the original investors. It is not unreasonable to suppose that Gulf's motive for taking over Reston was less idealism than an effort to save its investment. This it has accomplished. Nor was the investment too surprising: Gulf Oil, an international company, has built new towns in many parts of the world.

Reston today is a city of 11,000. In the three years since Gulf-Reston's acquisition, the population has tripled, 20 industrial plants have been added; also, schools, another church, another golf course, several miles of carefree walkways, and several swimming pools. Its location, 18 miles from Washington, D.C., puts Reston in the class of satellite rather than completely new cities. But this has an advantage—it enlarges employment opportunities.[10]

The future of Reston now seems assured. Though its ultimate goal of 80,000 is ob-

Footnotes at end of article.

scure, early expansion is certain. During the past 6 years Gulf has invested $35 million in the project. There are now 34 firms, basically engaged in research, electronics and the like. A real "shot in the arm" will occur when the $50 million, 105-acre headquarters of the U.S. Geologic Survey starts construction. Contractual arrangements with the Government Services Administration have been completed.

In the context of new city creation another prospective Reston development is of particular interest. A new community study-center will soon rise, funded by the State and Federal governments and run by the Virginia Polytechnic Institute. The center is intended to serve as a focal point for research, and programs concerned with planning, development, management and operation of new communities. It will also have a school for new personnel, which is in short supply. Not surprising, coming from the Secretary of the Department of Housing and Urban Development, George Romney considers the center will help to satisfy "one of the most pressing needs of the nation."

IRVINE, CALIFORNIA

Irvine is planned for and likely to become a city of 400,000 by the year two thousand. By that time it will probably be largely self-contained. For a long time, however, in company with nearly all other so-called new cities, Irvine will be a satellite city dependent for employment on Los Angeles, 35 miles southeast. Among Irvine's distinctive features, and there are many, a few may be selected. Over one-half of the 85 square mile non-mountain area is prime agricultural land. Largest of the new cities, Irvine has an overall area of 130 square miles. It is thus three times the area of San Francisco and five times as large as Manhattan Island. Irvine is also in the fastest growing county in the United States—Orange County, California. Through a grant of land, Irvine is able to boast its own university—the University of California Irvine.

Villages vary greatly in size. Some are and will remain small—population of about 1,000; others may increase to 15,000. Irvine planners are giving considerable thought to the kind of government that should be developed before incorporation. In conjunction with the University of California Irvine, a series of seminars is being held: a dialogue toward developing "innovative forms of government more responsive to residents."

Irvine is, above all, a planned city—as balanced as the new science of urban planing can make it. "A city of villages," to quote the planners, "Irvine will differ from much of suburbia, which suffer a crisis of the spirit." If the planners' dreams are realized, it will offer residents extensive opportunities for meaningful involvement in their environment. It is even hoped that new forms of municipal government will evolve.

The city of Irvine will certainly succeed—it is a true expression of American private enterprise. As its vice president, Raymond L. Watson, unblushingly admits, "I would hate very much for it to go down in history as a successful social experiment, but unprofitable. For then who would follow it. I am interested in that delicate balance between serving the needs and the wants of mankind."

In Irvine, as throughout California, population density is a primary issue. Equally vital is avoidance of another Los Angeles or San Jose—examples of the evil of unplanned sprawl. To this end close cooperation continues between the City of Irvine and Orange County through their planning departments on many other elements of mutual interest such as health, transportation, etc. Of the first importance is a decrease in density from 10 units per acre to 8 units per acre in the enlarged city.

SOME CONTRIBUTIONS OF NEW CITIES

Under existing economic trends, it is logical that the great majority of new communities are occurring in urban regions or near the greatest metropolitan areas. It is in these areas of urban concentration that new communities are critically needed. It is hoped that they will combat urban sprawl, protect land, water, and air resources, and provide in a more orderly way for large scale population growth. Perhaps the greatest justification for, and potential reward from the creation of new communities may be the opportunity to establish compatibility between the urban development and the natural environment—to make our new cities less destructive of the quality of life. If Americans are to have a "second chance," they must be given an opportunity of making more wholesome use of our national resources. They may ultimately become what the writer believes to be an "optimum city;" page 14.

THE OPTIMUM CITY

Very large cities are reaching the point of being ungovernable. They suffer from—extreme pollution of air and water, accelerating crime, deterioration, ugliness, decline of community, and loss of individuality.

New cities have the possibility of attaining many of the requisites for what the writer conceives of as an *optimum city*:

People—Variety of races, creeds, colors, age groups, and different economic status acting together toward the achievement of a better community.

Population—Size providing a quality environment with the variety of occupations and amenities desired. 100,000 to 1,000,000 probably most desirable.

Core area—Public buildings, shopping mall, theatres, concert hall, university. Transportation by electric powered mini-bus; private cars only in large parking area under mall, or in public garages or parking areas on periphery. Streets are for pedestrians.[11]

Residences—Villages incorporating homes, town-houses, high-rise apartments, grade schools, park and garden area.

Education—Ample and free, at all levels—nursery through university, and including extensive adult education courses.

Industries—A variety of jobs is provided by business located in industrial parks. So far as possible city strives for self-containment.

Utilities—All underground.

Beauty and recreation—Fullest use of natural attractions: mountains, hills, river, lake. If no natural features, built-in lakes. Abundant parks and a wide variety of recreation. Bicycle and footpaths abound.

Architecture—Of quality and design consistence, such as the new city of Valencia.

Communication—Newest electronic equipment for participatory democracy both in the city and, by 2-way cable television, nationally.

Justice—Citizens bring complaints through an Ombudsman to government officials (confrontations are aimed to avoid conflicts and violence).

Action by the States

The crisis of the cities is primarily a state problem. Though significant assistance, principally urban finance and planning must come from the Federal government; though important involvement by private enterprise is mandatory; though aroused citizenry, prepared for a higher tax-load, is imperative; with it all, the accomplishment—constructive city-building activity—is a task for the States. As succinctly expressed by the Advisory Commission on Intergovernmental Relations—"If we are to avoid chaos, states must also provide massive financial assistance to urban areas, revise discriminatory aid formulas and archaic tax structures."

Footnotes at end of article.

Minimal indeed, up to this point, has been State activity. Although twenty States have created Departments of Urban Affairs, most of them lack power to deal with the infinitude of problems. Two states, New York and Colorado, have embarked on far-reaching, imaginative programs. These pioneering efforts are worth surveying both for themselves and for the lessons they provide for the entire nation.

New York State. During the past 30 years New York's population has increased from 13.5 million to 18.8 million, a rise of 39 per cent. Between now and the end of the century the total is likely to swell by an additional 7.3 million—two more New Yorkers for every five there. And despite the desperate conditions in New York City a considerable proportion of the increase is destined to enlarge the metropolitan area even more. In an effort to develop a better distribution and, hopefully, a better life, Governor Nelson A. Rockefeller, in 1968, by a determined and most strenuous effort, created the New York State Urban Development Corporation (UDC). Projects are outlined in Exhibit IV, page 18. UDC is governed by nine directors, five of whom are private citizens appointed by the Governor; four are State officials.

WHAT THE URBAN DEVELOPMENT CORPORATION MAY DO

UDC may acquire land by purchase or condemnation, build any type of facility, sell or lease projects to private investors, sell bonds up to $1 billion to finance projects.

To date 65 projects have been undertaken, with at least a dozen more under scrutiny. These range from relatively small housing developments to such exciting undertakings as the quarter billion dollar new town on Welfare Island, a New York City-owned property in the East River. For this mammoth UDC task Governor Rockefeller chose perhaps the most experienced urban builder in the nation, Edward J. Logue.

The Urban Development Corporation conceives as its basic mission improvement of the physical and economic environment of low and moderate income families. Many middle income families are also involved in what has become known as the 70–20–10 formula for housing. This mix, though it may vary according to local needs, is in the direction of 70 per cent of housing for moderate and middle income families, 20 per cent for low income families and 10 per cent for the elderly.

It is the view of Edward J. Logue, President of the New York State Urban Development Corporation, that developments which cater exclusively to low income or minority families are undesirable. They tend to produce large-scale, institutionalized, apartheid projects of questionable value either to society as a whole or to the low income families so housed. It is impossible to develop incentives and a new image for poor people which will enable them to fight their way out of poverty, Mr. Logue believes, if they only potential residential locations are among other poor people.[12]

Private sector participation is paramount to the success of this comprehensive statewide endeavor. This is achieved by the creation of local Urban Development Corporations which will have full responsibility. UDC's role will be catalytic. Plans call for turning the projects over to private enterprise for fees sufficient to keep the Corporation self-liquidating, giving private enterprize the major role.

VARIED TYPES OF UDC DEVELOPMENTS

UDC undertakings, which involve a total of 45,000 housing units, include only three new communities; the remaining 63 projects are expansions of existing urban communities. In the view of UDC, existing cities,

which have a ready-made infrastructure of utilities and other public services, are capable of accommodating a larger proportion than they presently serve. In New York, as in a large proportion of our states, far too many are crowded in the principal city. The New York State Urban Development Corporation is hoping to prove that wiser planning can reshape the environment and provide opportunities for a pleasanter, healthier life for its people.

In essence UDC will provide the markets, coordinate the activities and, by giving guarantees, eliminate or at least reduce frustrations. Private enterprize is expected, in addition to all of the production, to do research and, hopefully, develop valuable innovations. Profit incentives will be provided for both prime and sub-contractors.

Two UDC activities are selected to give some conception of the character and scope of the enterprize:

Amherst. This suburban community immediately northeast of Buffalo is the site of a new campus for the State University of New York. UDC's first order of business was to hire a planning firm to provide expert advice and analysis of the project. The American subsidiary of Llewelyn-Davies Associates, London-based planners, was retained to do this job. In the short period of 15 years it is expected that Amherst will grow from a population of 90,000 to 240,000.

Welfare Island. This is the largest and most exciting of the New York City undertakings—a completely new community for the 2-mile-long island in the East River, adjacent to Manhattan, it calls for the creation of a new Island Town of 20,000 from all income groups. The plan, scale, and layout of the buildings, the mixture of income groups, the exclusion of cars—in these and many other ways UDC is taking advantage of the opportunity offered to do urban development differently. Resulting, it is hoped, will be a new community, a new neighborhood, a new asset for New York City—and a delightful place to live; the first completely pedestrian city proposed for the United States.

Every other state in the nation is paying the closest of attention to the efforts of the New York State Urban Development Corporation. It provides a golden opportunity for New York to prove that new directions for cities are achievable.

Leadership from a mountain state. A truly dramatic urban development is being undertaken by the State of Colorado. Under the forceful leadership of its Governor, John A. Love, comprehensive plans for the urbanization of Colorado's Front Range Corridor are in process. Just as in most other states, previous lack of forethought has resulted in a multiplicity of incorporated communities and special districts, inadequate and uncoordinated transportation, and a conglomeration of land uses.

In Colorado again, as in most other states, tax and zoning policies encourage land speculation and urban sprawl often resulting in a semi-permanent scar. This is perhaps the most agonizing feature of bad cities: they are ever present to the inhabitants.

The 1970 Land-Use Act established a Land-Use Commission. Premised on the concept: the use to which land is put has a critical effect on the environment, the Act outlines definite procedures:

Technical and financial aid to local governments for the most effective development of utilities, transportation, communication, etc.

Means by which local governments may deal with one another, with the state, and with Federal agencies.

A modern data-analysis technique which will make possible realistic prediction as to the possible consequence of a given decision about land use.

The State of Colorado plans to purchase and sell land to encourage new towns, control development by use of utilities and transportation, and utilize educational facilities and tax controls to stimulate desirable development. No state, however well governed, can achieve significant results without intelligent and enthusiastic backing by its citizens. Here Colorado is perhaps singularly fortunate. An appropriate illustration is the one per cent additional sales tax passed by the cities of Aspen and Boulder for the express purpose of arresting sprawl and creating a green-belt. The city of Denver is considering similar action. James Reston, reporting from Aspen, September 4, 1970, observed: "The tragedy is that so little is known in the nation as a whole about the success of these individual and community efforts. The community sales tax to preserve greenbelts around villages, towns and cities obviously has large possibilities, but outside of Boulder and Aspen in Colorado, the technique is not known."

ACCELERATING GROWTH OF SMALL CITIES

Where all of us live: most of the places are small—according to the 1960 Census of population, 17 million people, less than 10 per cent, lived in 5 cities of one million population or more; 11 million lived in 16 cities between 500,000 and 1,000,000, 10 million lived in 30 cities between 250,000 and 500,000—total in cities over 250,000, 39.3 million or 22 per cent.

But, the Census figures show, 62 million lived in cities and towns between 2,500 and 250,000, or 35 per cent. Nation's Cities—July 1969.

It is time to correct a frequent misconception that everyone would prefer to live in a big city. In 28 states more than half the people don't live in metropolitan areas at all. A recent Gallup poll counted 60 percent of residents of metropolitan centers hankering for a less urbanized life. For many in the United States, smaller cities—50,000 to 500,000, or thereabouts—ranging up to the size of Denver or Minneapolis, Phoenix or Atlanta, may seem the solution.

Confirming the accelerating growth of small cities, Chase Manhattan Bank, in a publication, "Developing a Rural Strategy," calls attention to the fact that so many factories are being built in the towns and small cities of the countryside that a remarkable statement can be made: "non-farm job opportunities have grown faster in rural counties than in metropolitan areas during the Sixties . . . Three out of ten new jobs created since 1962 were outside the 193 largest labor market areas . . . Building jobs increased 5.0% a year—well above the 2.9% rate of metropolitan expansion . . . In 1962, 27% of the factory jobs were outside the metropolitan areas."

There has been an astonishing growth of light industry which depends on trucks rather than ships or rails, and most small cities are close to a major super highway.

A great many U.S. small towns are being abandoned: they are no longer viable communities. Many others, however, are being revitalized and provide real hope in the battle against big city sprawl. There is a distinct advantage in keeping people where they are. Not surprising an increasing number of families in the United States consider smaller cities more human places in which to live.[13] Important also is the fact that many small cities house colleges or universities which are expanding enormously.

As in England and elsewhere abroad, small cities and small towns prove ideal nuclei for new cities. One new technique is the creation of modern new cities out of a group of small towns. Fremont, California is an example.

THE EXCEPTIONAL NEW CITY—FREMONT, CALIF.

On January 10, 1956, 65 percent of the population of five small towns voted to create a new city, 96 miles in area. At that time the population, 22,400. By 1970 there were over 100,000 residents in Fremont. By 1980, 200,000 are anticipated. The city of Fremont, located 36 miles southwest of San Francisco, has a master plan that is both imaginative and adhered to. In 1962 this plan was selected for the American Institute of Planners Merit Award, a coveted recognition for comprehensive planning. The plan has been continuously updated to assure progressive and orderly development.

Some of Fremont's distinctiveness as a new city are worthy of note. It was created by its own residents with no government aid. It is a young city with young government officials; the average age of City Council and Planning Commission members, chosen for four years in non-partisan elections, is in the early forties. The first of the area's Rapid Transit (BART) stations will open in Fremont in 1971; Fremont will be 33 minutes away from San Francisco via air-conditioned train. With ample space and vigorous promotion Fremont is expected to be semi-self-contained within a decade.

CONCLUSION

The condition of our cities is desperate. It is not too much to say that a satisfying development of American civilization depends on solving city problems. Providing a more humane environment for ten or twenty millions, though far from meeting our full needs, is at least an achievable goal.[14] Of the highest importance it is politically feasible. The Administration and both Houses of Congress finally realize that something meaningful must be done not only because of the dreadful condition of our cities but in the realization that the problem will become far more difficult with increasing population concentration in urban areas.

The United States has a second chance. As is happening in nearly every European country, new forces are arising in the United States, both governments and private enterprize, actively engaged in building new cities and expanding small towns and cities. No other country in the world has equal facilities—ample space, wealth, know-how. We spend more on research and development than all the remainder of the world combined. We have the means of creating many attractive, healthy communities, people—rather than machine-oriented, for the sixty to seventy-five million persons who will be added to our population by the turn of the century, or we may haphazardly add them to our present megalopoli—Boston to Washington (Boswash), Chicago to Detroit (Chidet) and San Diego to Santa Barbara (Sansan).

AND HOUSING, TOO

A vital part of this program is housing. For two decades—since the Housing Act of 1948—our government has made promises that adequate housing would be built. But the promises have not been kept. We are ten million housing units short of the goal. A decent place to live for everyone ought to be a primary national objective. No one who has no stake in our system and has no apparent opportunity to acquire one can hardly care whether the system survives.

What may prove the greatest achievement of the 91st Congress was the passage of the Urban Growth and New Community Act of 1970. It was one of the few bills commanding high leadership in both Congress and the Administration. The bill provides three quarters of a billion dollars of developers' obligations guaranteed by the Federal government for the building of new cities. Further, grants are provided to States for the implementation of the new pattern of growth. This action by the government, particularly if it includes people in lower income brackets, is surely a new turn in policy. Provided the bill is adequately funded—and this is a big proviso—it is possible to envisage a larger part of the American land-

Footnotes at end of article.

scape without pollution of air, land, and water.

A really comprehensive program for building new cities and expanding smaller cities requires vast changes of which some of the most important follow:

Action program

Federal government—establishment of a national land-use policy including: (a) grants for Land Banks, enabling states to develop land acquisition programs, and (b) low interest loans and loan-guarantees to states and Regional Development Corporations for promotion of new cities, tax incentives to corporations participating in programs of decentralization and creation of new cities.

State government—significant income tax programs, state-wide plans for land use and population movement including: (a) reassessment of land use, (b) advance land acquisition, and (c) creation of an Urban Development Corporation for creation of new cities and expansion of small cities. The New York State Urban Development Corporation offers a pattern.

City government—expanded income taxes for the establishment of greenbelts, cooperation with Federal and state governments in new city programs, and expansion of small cities, efforts toward combining governmental activities with counties.

Corporations—active cooperation with Federal and state governments in creating new cities and satellite cities.

Citizens—political activity to promote reordering of national priorities, active participation in Community Development Corporations.

A reassessment of goals and a reordering of priorities are in the same order of magnitude as the creation of our nation. Improving the quality of life of our children will be determined by recognition of the changes required and by compelling the necessary action.

FOOTNOTES

[1] Ewald, William R., Jr. (1969) Regional Conference Resources Paper "Building the Future Environment," Waldorf Astoria, New York, January 30–31. (See page 1).

[2] Victor Gruen Associates (1966) *New Cities, U.S.A.* Statement prepared for Department of Housing and Urban Development, Summer. (See page 2).

[3] Cover page editorial (1970) "An open letter to the President," *House and Home*, February. (See page 2).

[4] Jacoby, Neill (1970) "Policies for American Economic Progress in the seventies," *Report of the President's Task Force on Economic Growth*, May. (See page 4).

[5] Report No. 91–1784 (1970) "The Housing and Urban Development Act of 1970," *House of Representatives*, December 17. (See page 5).

[6] Stolk, William C. (1968) "Beyond Profitability—Defining Corporate Goals" (Speech before the National Association of Business Economists) September 26. (See page 8).

[7] Pickard, Jerome P. (1970) "Is Dispersal the Answer to Urban Overgrowth," *Urban Land*, January. (See page 8).

[8] Hazelbush, Willard (1969) "Denver Technological Center Continuing Rapid Expansion," *The Denver Post*, March 9. (See page 8).

[9] Simon, Robert E. (1967) "Modern Zoning For Reston" *American County Government*, May. (See page 10).

[10] Eckhardt, Wolf Von (1970 "Reston Adds Low-Income Units to the Mix," *Washington Post*, April 6. (See page 10).

[11] Rudofsky, Bernard (1969) *Streets For People*, Doubleday & Co., Inc., Garden City, New York. (See page 15).

[12] Campbell, Alan K. (1969) Speech, "Political and Governmental Responsibility." (See page 16).

[13] "Does the Smaller City Have a Future?" (1970) *Changing Times*, The Kiplinger Magazine. June (See page 20).

[14] National Committee on Urban Growth Policy (1969) *The New City*, Frederick A. Praeger, New York, page 172. (See page 22).

HEW'S INVASION OF PRIVACY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. CRANE. Mr. Speaker, few rights excite the attention of Americans today as much as the right to privacy. In recent days we have heard criticisms of the FBI, the Justice Department, and other agencies of Government which have been accused of invading the privacy of individuals, either through wiretapping or other forms of surveillance.

In most instances, the individuals under surveillance by such agencies were involved in some sort of behavior deemed to be a threat to the national security. It must be made clear that all citizens, those who are under suspicion of misdeeds and those who are not, possess the same constitutional rights. If the right to privacy has been violated, it should be rapidly restored and the violations should be brought to task.

Yet, there is much more concern with the violation of the right of privacy of individuals such as those involved in the May Day protest activities, than there is with individual citizens who have neither been charged nor are under suspicion of wrongdoing of any kind. In fact, many of the same legislators who condemn the Justice Department and the FBI over the privacy issue seem totally unconcerned with the invasion of privacy of average American citizens by agencies such as the Department of Health, Education, and Welfare.

In a shocking and disturbing article, Allan C. Brownfeld, Washington editor of Private Practice magazine, the journal of the Congress of County Medical Societies, shows the manner in which HEW has intruded in the doctor-patient relationship and has compelled hospitals to forward to Washington private, confidential records of patients who are to receive medicare and medicaid benefits.

The story Mr. Brownfeld tells us is of St. Joseph Hospital in Thibodaux, La. This hospital refused to send to Government bureaucrats what is considered to be the private and confidential records of patients who applied for medicare benefits. As a result, the general counsel of the Department of Health, Education, and Welfare in Baltimore ruled that unless the "entire" record was sent, funds would be cut off.

Mr. Brownfeld notes that—

When government initially entered the medical field there were many who cautioned that government control would inevitably follow government financial support. Those who sought additional government money rejected it, just as the farmers once rejected it, and just as those in the educational field did. But we have seen government come to control both agriculture and education, and if we are not careful medicine will be next in line.

Those who now advocate further governmental involvement in the medical field should read this article carefully.

I share this material with my colleagues, and insert this article in the RECORD at this time:

THE FIGHT FOR THE PATIENT'S PRIVACY

(By Allan Brownfeld)

Today in America there is probably more concern with the right to privacy than with any other alleged infringement by government upon the rights of individual citizens.

Leading members of Congress have expressed concern over the wire-tapping practices of the FBI, and others have vigorously opposed the personal questions which citizens, under compulsion of law, have been forced to answer on census questionnaires. There has, in addition, been concern over the practices of credit bureaus and of the internal revenue services, both of which maintain extensive dossiers on citizens.

The introduction of computers has furnished additional possibilities for the use and misuse of personal information. Arthur R. Miller, in his new book, "The Assault on Privacy", reports that MIT students in Project MAC (Machine Aided Cognition) were able to tap into computers handling classified Strategic Air Command data. If they can do this, any timesharing user can tap into a computer data bank. Despite claims of confidentiality, there is presently no way in which computer personnel can guarantee their control over access. They cannot even guarantee that they can prevent rewriting of the information in the computer by outsiders.

Given all of this, the story of St. Joseph Hospital in Thibodaux, La., should come as a shock to all who consider privacy an important aspect of a free society, and all who consider the confidentiality of the doctor-patient relationship on a par with the relationship between a priest and his congregants or between a lawyer and his clients.

St. Joseph Hospital refused to provide Louisiana Blue Cross with what the hospital considered to be private and confidential medical records of patients who applied for Medicare benefits. As a result, the General Counsel of the Department of Health, Education and Welfare, in Baltimore, has ruled that unless "any records required are examined personally and firsthand by authorized personnel . . . whatever services are involved will be treated as unverified and refunds will be obtained." The HEW official stated that "This includes the *entire* medical record . . ."

St. Joseph Hospital had provided the Louisiana Blue Cross and the Department of Health, Education and Welfare with completed HEW admission and billing forms. Yet, the government agency demanded more than this. It demanded that its own personnel, or those it assigns, be permitted to review the hospital records themselves. Applying what it considered to be proper medical ethics, the hospital refused to provide the additional material.

There is good precedent for this refusal. The Health Insurance Council, which represents 89 percent of all private health insurers in the country, has stated that "As a general rule, certain information is not available from the hospital record for release to third parties. This includes such data as detailed psychiatric examination information, personal history of patient or family, etc." The Council declared that "The information acquired in a doctor-patient relationship is generally considered to be confidential or privileged communication."

The government demand conflicts with the code of ethics adopted by the American Hos-

pital Association and the American College of Hospital Administrators in 1957. This code recognizes the principle of the confidential nature of medical information: "The hospital organization and its individual employees jointly share the responsibility for the best possible care of the patient. To fulfill this obligation, the hospital and employees are both charged with certain reciprocal ethical obligations. . . . Employees are obligated . . . *to safeguard confidential information regarding patients and the hospital*. . . ." The Health Insurance Council does not hesitate to declare that "Clinical data obtained professionally and usually found in the medical section of the record is considered confidential."

St. Joseph Hospital would have been violating its own ethical code and the code set down for doctors and hospitals by the Joint Commission of Accreditation of Hospitals if it had yielded to the demands of the Department of Health, Education and Welfare.

The Standards for the Accreditation of Hospitals state that "Medical records shall be confidential, current and accurate" (Standard III). The Joint Commission's interpretation of Standard III, as published in October, 1969, is as follows:

"The medical record is the property of the hospital and is maintained for the benefit of the patient, the medical staff and the hospital. *It is the responsibility of the hospital to safeguard the information* in the record against loss, defacement, tampering or *use by unauthorized persons*. Written consent of the patient is required for release of medical information to persons not otherwise authorized to receive this information. *Records may be removed from the hospital's jurisdiction only in response to a court order.* It is recognized that in some instances, such as in the treatment of mental disorders, *certain portions of the medical record are so confidential that extraordinary means may be taken to preserve their privacy*."

What would be included in the information called for by the Department of Health, Education and Welfare? One sample case history, with which I was provided, includes the following information. (Needless to say, the patient's name remains anonymous to me as well as to those who read this):

"Crying, pessimism, bleak future, tension, headaches, nervousness—indefinite period actually, but inclined to date everything from accident—lied to me at first, saying she hadn't been told a psychiatrist was called in, then inadvertently admitting it. Psychomotor retardation apparent. Unable to discuss more personal and intimate problems at this interview. I suggested she see me after discharge, but she said she'd snap out of it, which I doubt since the syndrome seems to be growing "*worse* rather than better with passage of time. She has taken an overdose of pills on one occasion and I think she needs psychiatric assitance, but she is not psychotic at this time and I know of no way to force her into treatment . . ."

Does the government, in order to fulfill the Medicare payment involved in the case of this patient, who was hospitalized for fainting at work, need to know the most intimate details of this individual's life, details obtained by a doctor in a confidential doctor-patient relationship?

How many patients would tell their doctors any personal and intimate details if they suspected that such information would one day find its way into the hands of government bureaucrats intent upon keeping in government files complete dossiers on the lives of all participants in government programs? The practice of medicine would surely suffer once the trust a patient places in his doctor is eliminated. This seems to be what government today is demanding of those patients who are participants in the Medicare program.

As in other areas of what has come to be known as Administrative Law, the written word of the law is often subjected to broad interpretations by government bureaucrats, often in direct violation of the intent of the Congress. Congress, it must be remembered, is elected by the people and must return to the people periodically for their judgment. Bureaucrats, protected by the civil service laws, are often responsible to no one.

Let us look, for example, at the statement which hospitals are asked to sign when they agree to participate in the Medicare program. Section 405.612, entitled "Compliance with procedural and other requirements; individual's refusal to execute request for payment" stipulates that the provider of services "Has *in its files* the required certification and recertification by a physician relating to the services furnished to the individual" and that it "Has furnished to the Secretary such information as the Secretary has found *necessary* . . ."

On the one hand, the Department of Health, Education and Welfare is not content that information be in the hospital's own files—it seeks to have them in government files as well. But, much more important, the HEW officials are given total leverage in coming to their own determination about what is "necessary" to determine the Medicare payment involved. Thus, government employees who are not doctors at all are in a position to demand of doctors information which has previously been considered confidential in order to determine whether a patient's claim is justified. By this standard neither the patient nor the hospital nor the doctor is trusted to tell the truth, while all three are expected to trust HEW officials to keep records confidential, even in the face of Arthur Miller's recent book on privacy which declares that real confidentiality in our computer age is all but impossible.

What has happened in the St. Joseph Hospital case is that HEW has interpreted the term "necessary information" in Section 405.612 of the Conditions of Hospital Participation to mean "all" information. St. Joseph Hospital, respecting the privacy of its patients, has provided only that information requested on Form SSA-1452 (In-patient Hospital and Extended Care Admission and Billing). The result: it will not be reimbursed and has been cut off from participation in the Medicare program.

When Dr. Jose L. Garcia Oller, president of the Council of Medical Staffs, wrote to the Department of Health, Education and Welfare on behalf of the hospital, he was told that ". . . information in the provider's own medical records of a patient is not subject to the confidentiality rules and regulations of the Department of Health, Education and Welfare, and, therefore, can be disclosed by the provider when it chooses to do so." This letter came from Irwin Wolkstein, assistant director of HEW's Bureau of Health Insurance in Baltimore. According to this broad view, what still *does* remain confidential is difficult to understand. Dr. Garcia Oller declares that this rule represents "a clear invasion of the confidentiality of the doctor-patient relationship" and declares that such governmental intervention into this private relationship can only negatively affect the quality of medical care.

In another letter, this one directly to St. Joseph's Hospital, Mrs. Martha A. McSteen, HEW's regional representative in Dallas, declared that in order to obtain previously confidential information, HEW needs nothing more than the signature each Medicare patient places on the information release form signed in conjunction with requests for the Title 18 payment. Mrs. McSteen writes: "Each Medicare patient who is admitted to a hospital, authorizes over his signature, any holder of medical or other information to release any needed information to the Social Security Administration or its intermediaries or carriers. We are not aware that any additonal authority is required to then obtain the needed information."

Is this what Congress intended when it passed the Medicare legislation? Members of Congress who have no idea of HEW's invasion of privacy in this regard must be made aware of the fact that Congressional intent with regard to the confidentiality of the doctor-patient relationship has been overridden by over-zealous HEW officials.

The Louisiana State Medical Society has joined St. Joseph Hospital in opposing this new interpretation of HEW policy. In a telegram to Senator Allen Ellender and Representative Patrick Caffery of Louisiana, Dr. Charles Miller, President of the Medical Society, states: "The Louisiana State Medical Society strongly protests threatened action by Baton Rouge Blue Cross to terminate payments for all Medicare and Medicaid patients in St. Joseph Hospital . . . because of hospital's refusal to disclose entire contents of confidential medical records. Such an unreasonable demand is in violation of the policy of the Louisiana State Medical Society, American Hospital Association and the Joint Commission on Accreditation of Hospitals. It is also in violation of P.L. 89-97 (Medicare) . . ."

Most doctors and most patients never felt that the Medicare law required anything different from what St. Joseph Hospital was willing to provide. The very concept that government investigators have a right to peruse and file away for future reference the confidential information about a patient's life is contradictory to everything we have always believed about a free society. It sounds, unfortunately, much like the dossiers kept on each citizen in totalitarian states.

When government initially entered the medical field there were many who cautioned that government control would inevitably follow government financial support. Those who sought additional government money rejected that idea, just as the farmers once rejected it, and just as those in the educational field did. But we have seen government come to control both agriculture and education, and if we are not careful medicine will be next in line.

Those who believe that the confidentiality of the doctor-patient relationship is an element of both good medical practice and of a free society should make their voices known today, while the confidential relationship still exists. If officials at HEW have their way, confidentiality will not only be eliminated in Thibodaux, La.—but also throughout the rest of the country.

CALENDAR OF EVENTS IN THE LIBRARY OF CONGRESS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, into the CONGRESSIONAL RECORD, I am pleased to place the fine calendar of events in the Library of Congress for July 1971. This calendar follows:

CALENDAR OF EVENTS IN THE LIBRARY OF CONGRESS, JULY 1971

NEW EXHIBITS

1 Prints and photographs division recent acquisitions. Works by such photographers as Mathew Brady, Alexander Rodchenko, and Jerry Uelsmann, plus works by such contemporary printmakers as Milton Avery, Les-

ter Johnson, Alexander Lieberman, and Peter Milton. In the southeast corridors, Ground Floor, Main Building, through September 30.

6 People's Republic of China law materials. A rare Communist Chinese legal document on justice and the law in pre-1949 China, and basic statutory materials and law journals from post-1949 China. In the foyer of the Law Library, Second Floor, Main Building, through September 30.

8 Fifty books of the year 1970. Books selected by a jury of the American Institute of Graphic Arts for their design quality. In the Rare Book Room, Second Floor, Main Building, through August 31.

MANUSCRIPT DIVISION

The holdings of the Library's Manuscript Division number approximately 30 million items and contain a comprehensive history of the Nation's life in all its diverse aspects—political, military, cultural, and scientific. The personal papers of American Presidents, from George Washington through Calvin Coolidge, are supplemented by those of many cabinet members and members of Congress. Developments in the field of science may be traced in the papers of Sigmund Freud, Jacques Loeb, J. Robert Oppenheimer, and many others. The manuscripts of major literary figures of the past, such as Maxwell Anderson, Edna St. Vincent Millay, Edwin Arlington Robinson, and Walt Whitman are augmented by authors who have enriched our contemporary literary life including John Barth, Vladimir Nabokov, William Styron, and John Updike.

The Division's Preparation Section organizes newly acquired collections of papers and describes them in published and unpublished registers. In the Manuscript Reading Room an average of 2,500 scholars make a total of 11,000 visits each year to consult papers while working on dissertations and other historical studies. The manuscript collections are increasingly being used by editors of historical publication projects such as The Papers of Woodrow Wilson.

The Division has a professional staff of historians who are available for consultation. Most manuscripts written more than 50 years ago may be reproduced by the Libary's Photoduplication Service. Readers may ask to use typewriters, tape recorders, and cameras in the Division.

CONTINUING EXHIBITS

Library showcase exhibit: 200th anniversary of the birth of Robert Owen, founder of the utopian community of New Harmony, Indiana. In the west foyer, Ground Floor, Main Building, through August 31.

White House News Photographers Association 28th annual exhibit. Prizewinning photographs of 1970. In the central corridors, Ground Floor, Main Building, through August 31.

Note: A catalog of the above exhibition is available upon request at the Information Counter, Ground Floor Entrance, Main Building. Mail orders are not accepted.

Trains in music: Railroads as depicted in the collections of the music division. Colorful sheet music covers ranging from 19th-century European and American prints to recent publications. In the foyer of the Coolidge Auditorium and in the northwest corridor, Ground Floor, Main Building, for an indefinite period.

Original cartoons and cover drawings by artists of the New Yorker magazine. Drawings made during the war years of the 1940's and the intervening years up to the recent past, including works by Peter Arno, Gluyas Williams, George Price, Saul Steinberg, Charles Saxon, and Micha Richter. In the north and northeast corridors, Ground Floor, Main Building, through July 31.

Sesquicentennial of Maine's statehood. Approximately 200 rare books, pamphlets, broadsides, manuscripts, engraved and lithographic prints, photographs, maps, drawings, and newspapers. On view in the north and south galleries. First Floor, Main Building, through September 6.

22nd national exhibition of prints. A selection of original prints, chosen by a jury of a curator and two artists, from current works submitted by contemporary printmakers. In the west gallery, First Floor, Main Building, through September 7.

Note: A catalog of the above exhibition is available upon request at the Information Counter, Ground Floor Entrance, Main Building. Mail orders are not accepted.

Gabriela Mistral: Life and works of Latin America's first Nobel Prize winner. Works depicting her life (1889–1957) as poet, essayist, teacher, and diplomat. In the Hispanic Foundation, Second Floor, Main Building, through August 31.

Ephraim George Squier, 1721–1788. Papers of America's pioneer archaeologist who explored and described prehistoric Indian relics in North and South America. Included are holograph sheets and original drawings for his *Ancient Monuments of the Mississippi Valley*. In the Manuscript Reading Room, Third Floor, Annex Building, through July 31.

Religions in Japan. Bibliographies, books, and illustrations depicting the history and influence of Shintoism, Buddhism, Christianity, and "New Religions." On the Fifth Floor, Annex Building, through August 31.

RECENT ACQUISITIONS

Toni Frissell, a noted photographer, has presented her entire collection of more than 40,000 color transparencies and over 270,000 black and white negatives to the Prints and Photographs Division of the Library of Congress. Miss Frissell has been published in *Life* and *Vogue*, as well as in books. Included are photographs of the national political campaigns, four U.S. Presidents, international dignitaries, fashions, and the Second World War.

EXHIBTS OF HISTORIC RARE BOOKS AND MANUSCRIPTS

Treasures of early printing. The Gutenberg Bible (the St. Blasius-St. Paul copy), one of three perfect copies on vellum now extant; the Giant Bible of Mainz, a 500-year-old illuminated manuscript, and other books from the Rosenwald Collection. Great Hall Area, First Floor.

The Magna Carta. Facsimile of the Lacock Abbey Version, gift of the trustees of the British Museum.

Declaration of Independence. The so-called "Rough Draft" written by Thomas Jefferson in June 1776; with emendations by Benjamin Franklin and John Adams.

Bill of rights. Engrossed copy of the proposed amendments to the U.S. Constitution, which later became known as the Bill of Rights.

George Washington. Memorandum on commission to effect exchange of prisoners with the British (earliest known document on which the U.S. Seal was impressed, 1782); letter to Colonel Lewis Nicola indignantly rejecting the suggestion that Washington be made king.

Thomas Jefferson. *The Catalogue of the Library of the United States;* Jefferson's *Manual of Parliamentary Practice for the Use of the Senate of the United States,* the basis for current parliamentary procedure in the U.S. Senate.

Abraham Lincoln. The 1st and 2nd drafts of the Gettysburg Address; papers from the Lincoln-Douglas Debates; the Inaugural Bible; the famous "With Malice Towards None" 2nd Inaugural Address.

Theodore Roosevelt. The Peacemaker Memorandum which helped restore peace between Japan and Russia in 1905; *The Ranchman and the Hunter,* one of his books on the West; letters to his children.

Woodrow Wilson. Nobel Peace Prize telegram and medallion; pages from early draft of Covenant of League of Nations; request to Congress for a declaration of war, 1917; draft of message to Germany, 1918.

The above exhibits (except Treasures of Early Printing) may be seen in the Exhibit Area, Second Floor, Main Building. Other papers of the aforementioned Presidents are also on view.

FROM THE ARCHIVES OF RECORDED SOUND

Long-playing records sold by the Library of Congress Recording Laboratory contain a wide assortment of musical performances, readings, and lectures from the Library's recorded sound archivists. From the Archive of Recorded Poetry and Literature come the voices of Robert Frost, Stephen Vincent Benét, Archibald MacLeish, T. S. Eliot, and many other distinguished poets of the English language, all reading their own works. The largest selection is offered in the three-disc set, *An Album of Modern Poetry*, devoted to 46 American and British poets. From the Archive of Hispanic Literature comes a similar series concentrating on writers in Spanish and Portuguese, both in the Americas and in the parent Iberian countries.

From the Archive of Folk Song come traditional performances of ancient ballads brought from the old world by the earliest settlers to the new. There are also early American hymns and spirituals, shanties and work songs of sailors and lumberjacks, American Indian chants and ceremonial dance songs, fiddle and banjo tunes, and Latin American songs and dances. All the performances are by the folk who have shaped and passed along the repertoire, and most were recorded "on the spot," in the fields and on the prairies, in the bunkhouses and cabins of the people.

Not all the literary recordings are of poetry, nor are all the folklore recordings of music. In the former series are lectures by such noted scholars and critics as Mark Van Doren and David Daiches, as well as a two-record set devoted to a stimulating interview with the late H. L. Mencken. The folklore series, in addition to music, includes some of the ancient repertoire of *Jack Tales,* recounted by an Appalachian woman who had heard and told them throughout her long life. A three-disc set of *Animal Tales* revitalizes the adventures of Brer Rabbit, Brer Fox, and company, in the fascinating Gullah dialect of the Georgia and Carolina coastal region. John Lomax, one-time Honorary Consultant to the Archive of Folk Song, relates some of his experiences as a *Ballad Hunter* in a lecture series.

A list of records for sale may be obtained free from the Recording Laboratory, Library of Congress, Washington, D.C. 20540. *Folk Music,* a detailed catalog is sold by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at 40 cents a copy.

LIBRARY HOURS

The Main Reading Room, Thomas Jefferson Room, National Union Catalog, Anglo-American Law Library, Science Reading Room, Slavic Room, and study facilities are open 8:30 a.m. to 9:30 p.m. Monday through Friday, 8:30 a.m. to 5 p.m. Saturday, and 1 to 5 p.m. Sunday.

The Local History and Genealogy Room is open 8:30 a.m. to 5 p.m. Monday through Saturday, 1 to 5 p.m. Sunday. The Manuscript Reading Room is open 8:30 a.m. to 5 p.m. Monday through Saturday. The Music Division is open 8:30 a.m. to 5 p.m. Monday, Wednesday, Friday, and Saturday, and 8:30 a.m. to 9:30 p.m. Tuesday and Thursday. The Microfilm Reading Room and the Orientalia Division are open 8:30 a.m. to 5 p.m. Monday through Friday, 8:30 a.m. to 12:30 p.m. Saturday.

The Newspaper and Current Periodical Room is open 8:30 a.m. to 5 p.m. Monday through Saturday, 1 to 5 p.m. Sunday. The Rare Book Room and the Prints and Photographs Reading Room are open Monday through Friday 8:30 a.m. to 5 p.m. The Photo-

duplication Service is open 8:30 a.m. to 4:30 p.m. Monday through Friday, 8:30 a.m. to 4 p.m. Saturday.

Exhibition Halls in the Main Building are open 8:30 a.m. to 9:30 p.m. Monday through Saturday, 11 a.m. to 9:30 p.m. Sunday. In the Annex, the exhibit hours are 8:30 a.m. to 9:30 p.m. Monday through Friday, 8:30 a.m. to 5 p.m. Saturday, 1 to 5 p.m. Sunday.

The Information Counter in the Main Building is open 8:30 a.m. to 4:45 p.m. Monday through Saturday, 1 to 5 p.m. Sunday.

All Library buildings are closed on Christmas Day. Library readings rooms are closed the Fourth of July, Memorial Day, Labor Day, and Thanksgiving Day.

TOURS

Free guided tours of approximately 45 minutes duration leave the Ground Floor Entrance to the Main Building on the hour from 9 a.m. through 4 p.m. Monday through Friday (except holidays).

OTHER LIBRARY LOCATIONS

The Division for the Blind and Physically Handicapped, 1291 Taylor St., N.W. Washington, D.C., *Hours:* 8 a.m. to 4:30 p.m. Monday through Friday, 9 a.m. to 1 p.m. Saturday, *Telephone:* 202-882-5500.

The Copyright Office, Building No. 2, Crystal City Mall, 1921 Jefferson Davis Highway, Arlington, Va., *Hours:* 8 a.m. to 4 p.m. Monday through Friday, *Telephone:* 703-557-8700.

The Geography and Map Division, 845 South Pickett Street, Alexandria, Va., *Hours:* 8:30 a.m. to 5 p.m. Monday through Friday 8:30 a.m. to 12:30 p.m. Saturday *Telephone:* 703-370-1335.

The Calendar of Events is free upon request to the Library of Congress, Central Services Division, Publications Distribution Sub-Unit, Washington, D.C. 20540.

THE POWER OF THE PRESS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. EILBERG. Mr. Speaker, all of us, at one time or another in our careers here, have done battle with the Department of Defense on behalf of our constituents.

Recently, the Army Materiel Command decided to consolidate the functions of the Army class manager activity. This required a transfer of the ACMA at the Frankford Arsenal in my home city of Philadelphia.

Many of the affected employees had more than 20 years of service in the Government or with the activity. The manner of their notification raised serious questions about the equity with which the Government treats veteran employees caught in an agency consolidation.

Columnist John Cramer, of the Washington Daily News, discovered that the Army Materiel Command was in fact functioning within the letter of Civil Service Commission regulations, but that the regulations themselves permitted inequitable and unjust treatment.

Mr. Cramer has brought this gap in its regulations to the attention of the Civil Service Commission and it has acted responsibly in tightening these rules.

I congratulate Mr. Cramer for his initiative and with the unanimous consent of my colleagues, I place the pertinent part of his column of Wednesday, June 30, in the RECORD.

NEW CIVIL SERVICE COMMISSION RULE ON TRANSFER OF EMPLOYEES

(By John Cramer)

Every now and then, not too often, someone catches religion off the sermons from this pulpit.

This time it's Civil Service Commission officials who have harkened.

In Mid-April, I reported the atrocious manner in which the big Army Material Command handled the transfer of 80 high-level supply specialists from Philadelphia to Harrisburg, Pa. I pointed out that the AMC was able to get away with it only because of a huge gap in CSC rules controlling the rights of federal employees who are transferred from one city to another.

Now CSC has moved to partially close the gap.

SUPPLY SPECIALISTS

What AMC did was to give the supply specialists only 10 days in which to decide whether to accept pig-in-poke job offers in Harrisburg. It wouldn't even guarantee them the same pay grades and pay in Harrisburg that they had in Philadelphia.

Result was that 68 refused to transfer. In the process, AMC required them to affirm in writing that they had forfeited all right to change their minds and transfer later.

Of the 12 who did accept, 8 were still wet-behind-the-ears management interns.

The National Association of Government Employes protested, AMC extended the original 10 days by an additional 10. When Rep. Josh Eilberg (D., Pa.) went to bat for his constituents, AMC first told him the employes would have 60 days to decide . . . then arrogantly thumbed its nose and retreated to its original ground.

REVISED RULES

The suggestion here at the time was that if CSC rules let AMC get away with a 10-day notice, some other agency inevitably would try 10 minutes. Milicrats—and bureaucrats—are like that.

Anyway, CSC has revised its rules so that they now say:

"When the agency asks the employee for his decision on whether he will transfer with the function, it should allow him sufficient time to consider everything that is involved and to give a responsible answer.

"The agency should not demand an answer in less time than it can reasonably allow and still have adequate time to plan and prepare for the transfer. For example, when it is possible to announce the transfer of function 60 days in advance, it would appear to be unreasonable to ask for a decision from the employee in less than 30 days. . . ."

WHAT IS INVOLVED

The new rule also tells agencies they should explain to employes "what is involved in accepting or declining" a transfer offer. Thus:

If the employe is honestly uncertain about transferring, he should be advised to accept the offer, reserving to himself the right to change his mind later.

If he has no intention of transferring, he should be advised not to accept. Then he will be eligible for immediate agency and CSC "priority assistance" in finding a new job.

Thank you, CSC. It was a pleasure to lead you to the light.

THE MONK AND THE BLACKSMITH

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. MAZZOLI. Mr. Speaker, one of my constituents, Arbra Strong, better known as "A. Strong," has toiled as a blacksmith for the past 38 years. Although his trade may seem outmoded to many, Mr. Strong is a valued employee at the DuPont plant where he makes such things as pipe clamps and brackets. Mr. Strong demonstrates his smithing to tourists on weekends.

Recently two Trappist monks from the Gethsemane Monastery near Bardstown, Ky., were instructed by Mr. Strong in the ancient, but still important, art of blacksmithing. As compensation the monks presented him with a supply of their famous cheese and bread.

So that we may always remember, as Mr. Strong says in his letter to me, "there are people who still work for cheese and bread, " I include an article by Ed Ryan, entitled "The Monk and the Blacksmith," which appeared in the June 13 issue of the Louisville Courier-Journal and Times at this point in the RECORD:

THE MONK AND THE BLACKSMITH

(By Ed Ryan)

Even his name—Strong—fits into the mind's image of blacksmith.

Arbra Strong ("just call me A. Strong, blacksmith") has the brawny arms and the sinewy hands of Longfellow's archetypal village smithy.

Disheveled swirls of thick gray hair fall just short of his brows, miniature wire-rimmed glasses sit securely near the end of his nose. The half-opened shirt reveals a manly white-haired chest, and a buckskin apron protects his legs when sparks fly from the red-hot steel being beaten into shape on the anvil.

For 38 years now, A. Strong has not only looked the part of a smithy, he has toiled from morn till night many a day becoming a master of his trade.

Yesterday, the 59-year-old craftsman who lives at 4717 S. 3rd, turned teacher for a day.

His student was a 21-year-old Trappist monk from the Gethsemani monastery near Bardstown in Nelson County.

A. Strong and Brother Jeremy Guare got together at the historic Farmington layout on Bardstown Road where Strong demonstrates his trade for tourists on weekends. During the week, Strong does his smithing at the DuPont plant, making such things as pipe clamps and brackets.

Brother Jeremy, a quiet friendly young man from Montpelier, Vt., has been at Gethsemani for three years and has taken an interest in metal crafts, especially silversmithing and ornamental iron works.

He and Brother Lavrans Nielsen, an artist at the monastery who came along to observe yesterday, have been curious about blacksmithing for some time.

Brother Lavrans explained that, despite assumptions by the public, the monks do receive permission occasionally to leave the Gethsemani monastery grounds "for study and instruction" and are allowed to converse with others.

"But we were a little surprised to see a reporter here today," he added.

Brother Jeremy, dressed in denims and blue work shirt, found that learning blacksmithing isn't easy, but he was encouraged by repeated fatherly assurances from Strong that "it takes experience."

"You're getting an advance course here in eight hours," Strong told the monk at one point. "You need to be a blacksmith's helper for six months to learn all this."

For starters, after building a hot, fan-blown (the old bellows are there for looks) fire in the forge, the blacksmith showed the monk how to make a nail.

"The first thing a blacksmith did when he came from England was to make nails to build his house," said Strong.

Deftly, the blacksmith used large tongs

to pick up a short piece of steel and placed the steel in the flaming forge. When it became searing hot, he put it on the anvil and expertly beat it with a small hammer until it was a nail.

Jeremy tried it and wasn't so successful. He had special problems with the big set of tongs.

"It's like learning to eat with chopsticks," laughed Brother Lavrans while his fellow monk struggled in his first attempt at smithing.

When Jeremy's version of a nail turned out L-shaped, somewhat irregular, the blacksmith advised him not to throw it away—"Don't waste nails, you can use that one to hold a conduit pipe up against the wall."

The next lesson was how to make a pony horseshoe, even though there are no horses at the monastery. Strong again demonstrated how to heat the steel to a point where it becomes malleable and then how to form it into a horseshoe on the pointed horn end of the anvil.

"This is one of the hardest jobs there are to do," Strong said as he drove nail holes into the horseshoe with a punch.

Again, Jeremy had problems with the tongs and then frustrations trying to form the piece of hot steel into its horseshoe shape.

"That looks like me the first time I tried to milk a cow," Brother Lavrans said in another aside.

Strong punctuated his instructions with little tidbits of smithing knowledge that come secondhand to the blacksmith but can make a novice look like a novice.

Tidbits like "always put your hammer on the anvil, then you will never lose it," or "always cool the tongs in the water (bucket) or the heat will climb up the tongs and burn your hand" or "always put the tools back on the workbench then you'll know where they are" or "keep the emery cloth (sandpaper) in your other hand and you won't be taking time to look for it."

By the end of the morning session, Jeremy was beginning to learn some of these small tricks of the trade. But his mild-mannered surface reactions were beginning to be tinged with irritation.

"It isn't easy as it looks, I tell you that," he said while trying again to beat a horseshoe into shape.

"That hammer is getting heavy," he remarked at another point. Strong, accustomed to pounding away with a heavy sledgehammer, suggested that the monk use a lighter model.

It was obvious during the day that the swarthy blacksmith was enjoying teaching the monks what he knew.

"I'm just as interested in learning you this as you are learning, so I want to take a day of my vacation this year and come out there to the monastery to help you some more," he said.

Strong's instruction fee was reasonable.

"These fellows brought me some of their cheese and bread," he said with a big smile. "And they took me out to lunch."

W. W. HEATH—AMBASSADOR TO SWEDEN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. PICKLE. Mr. Speaker, recently Austin, Tex., and this country lost one of her great statesmen. William Womack "Bill" Heath has a record of public service beginning as county attorney for Grimes County, Tex., in 1925, and continuing on down to his appointment by President Johnson as U.S. Ambassador to Sweden in 1967.

The Reverend William Holmes of Austin said of Heath:

He was a man who was intensely loyal to his friends, realistic about facing problems with candor and forthrightness; and a private man whose generosity and gifts were given without pretentiousness or fanfare.

The minister said:

Our lives have been ennobled and enriched because Bill Heath lived and loved and gave of himself to others.

Reverend Holmes expressed well my own sentiments, for I have known and honored Bill Heath for many years. In addition to his many services in the field of Government, Ambassador Heath has had a strong hand in building higher education in Texas, both as a member of the Governor's statewide board of higher education and as a regent of the University of Texas, where he was chairman from 1962 to 1966. He had a hand in helping our hospitals and special schools as well. He was always a good man to work with—strong, to the point, and generous and understanding.

The 85 local, State, and national dignitaries, including former President Lyndon B. Johnson, who paid tribute to Bill Heath as honorary pallbearers, will miss him greatly, as will Austin, the State of Texas, and our Nation.

The student newspaper of the University of Texas joined the many others in paying tribute to this generous leader. I insert the article from that student paper, the Daily Texan, in the RECORD at this time:

LEADERS ATTEND HEATH BURIAL: "WHITE, BLACK AND BROWN" SHOW LAST RESPECTS

(Bob Plocheck)

W. W. Heath, chairman of the University Board of Regents from 1962–66, was buried Thursday in the Texas State Cemetery.

Among those attending the graveside services and funeral at University Methodist Church were former President and Mrs. Lyndon B. Johnson, Gov. Preston Smith and former U.S. Sen. Ralph Yarborough.

Rev. William Holmes, pastor of the church, noted the varied make-up of the group mourning Heath as "some of high station and some not; white, black and brown. But we all have in common the fact that we knew, loved and respected Bill Heath."

Others attending the funeral included former Gov. Price Daniel, Frank Erwin, who succeeded Heath as regents chairman; John Peace, present chairman; Dr. Charles LeMaistre, University chancellor; John Gronouski, dean of the LBJ School of Public Affairs; Walt Rostow and his wife, Elspeth; Mrs. Pat Nugent; Austin Mayor Roy Butler and City Councilman Jeff Friedman, Dick Nichols and Bud Dryden.

Rev. Mr. Holmes spoke of the symbolic representation of others Heath had served—patients of State hospitals he served while on the State Commission of Hospitals and Special Schools from 1957–59, the University community and the people of Sweden where Heath was U.S. ambassador during the Johnson Administration.

The LBJ School of Public Affairs was cited by Rev. Mr. Holmes as a long-lasting accomplishment of Heath that will always contribute to the democratic process.

Heath died of a heart attack at his Austin home Tuesday. He was 67.

Rev. Mr. Holmes called Heath a loyal friend, a realist of creativity and candor, a private man who helped others without fanfare, a good family man and a good church man.

Pallbearers were Raymond Vowell, Max Brooks, William Dillard, French Robertson, Pete Coffield, Fred Sharp, Paul Lindsey and James Duke.

Heath is survived by his wife and two daughters.

KEEPING THE RECORD STRAIGHT ON THE ILO

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. ROONEY of New York. Mr. Speaker, on last Thursday, June 24, 1971, when the House was considering in the Committee of the Whole House on the State of the Union the bill H.R. 9272 making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1972, I made the statement that the United States would not lose its vote in the International Labor Organization—ILO—until January 1, 1973.

Under the permission heretofore granted me by unanimous consent of the House I include the following letter addressed to me under date of June 25, 1971, by the Honorable William B. Macomber, Deputy Under Secretary of State for Administration:

DEPUTY UNDER SECRETARY OF STATE FOR ADMINISTRATION,
Washington, D.C., June 25, 1971.

Hon. JOHN J. ROONEY,
Chairman, Subcommittee on Appropriations, House of Representatives.

DEAR MR. CHAIRMAN: This is to confirm information provided orally on June 24, 1971 that the United States would lose its vote in the International Labor Organization (ILO) on January 1, 1973 if it made no further payments on its assessed contributions.

This is governed by Article 13, paragraph 4 of the ILO Constitution, as follows:

"4. A Member of the Organization which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the Conference, in the Governing Body, in any committee, or in the election of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided that the Conference may by a two-third majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member."

To illustrate the above as it affects the United States, the following is presented:

	Assessment	Payments	Arrears
1970	$7,458,875	$3,758,875	$3,700,000
1971	7,816,337		7,816,337
1972	8,709,250		8,709,250
Total	23,984,462	3,758,875	20,225,587

Thus, on January 1, 1973, the United States would have lost its vote, since the

arrears would have exceeded the contributions due for the preceding two full years (i.e., for 1971 and 1972) by some $3,700,000:

Total U.S. arrears	$20,225,587
Contributions due for 1971	−16,525,587
Excess of arrears over contributions due for 1971–72	3,700,000

Sincerely yours,

WILLIAM B. MACOMBER.

MAJOR CHANGES IN OUR PRESENT WELFARE SYSTEM

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. MITCHELL. Mr. Speaker, the Senate Finance Committee will shortly be considering H.R. 1, title IV of which institutes major changes in our present welfare system. This is surely the No. 1 piece of domestic legislation before this session of the Congress. We must insure that the legislation which we finally send to the President for his signature will be worthy of having the tag of reform attached to it.

I am today inserting into the RECORD two articles which provide significant insights into the struggle for welfare reform as it now stands. The excellent column by Tom Wicker, from the New York Times of July 4, points out some of the harmful provisions of H.R. 1 which many Members referred to during the debate on this bill 2 weeks ago. The second article, from the July newsletter of the American Civil Liberties Union, is by Sylvia Law, staff director of the health law project at the University of Pennsylvania. The article is concerned with the attempts of some States to deny welfare recipients the benefits that are rightfully theirs under the law.

If we are to deal knowledgeably with the welfare bill when it is returned to us from the conference committee, we must remain diligently aware of the consequences of the legislation on which we will be voting. I commend to my colleagues these two articles and insert them into the RECORD at this point:

[From the New York Times, July 4, 1971]

THE PRICE OF REFORM

(By Tom Wicker)

WASHINGTON.—The price of reform in America has always been high, frequently so high that it costs more than it is worth. Powerful interests, impregnable institutions, entrenched members of Congress—by the time all have exacted their concessions and protected their positions, the most powerful reform movements in the worthiest causes are likely to find themselves with less than half a loaf of stale bread.

That may not be precisely the case with H.R. 1, the welfare reform bill that has passed the House under the joint stewardship of the Nixon Administration and Representative Wilbur D. Mills. Still, this is a measure that yields so much in return for the reform it seeks that it has to be asked whether the price is not too high.

The basic reforms pursued by H.R. 1 are highly laudable. It would establish an income floor of $2,400 a year for dependent families of four, extend this aid to the "working poor" as well as the indigent, and provide some financial relief for hard-pressed states.

But aside from the fact that $2,400 is grossly inadequate in most areas, H.R. 1 has been pushed through the House Ways and Means Committee and the House itself only at considerable cost. For instance:

Forty-five states and the District of Columbia now provide more than $2,400 a year in cash and food stamps (which will not be available to recipients under H.R. 1) and 22 states pay more than $2,400 in cash. Yet, there is nothing in H.R. 1 that would require states to supplement the Federal payment so that no recipient would lose money or benefits, and no Federal incentive to lure states into such supplementation.

H.R. 1 also would impose more stringent work requirements on welfare recipients, including the mothers of fatherless children, without adequate provision for their day care. It would force these persons to accept work at $1.20 an hour instead of at the legal minimum wage, a provision that makes it all too likely that well-intended welfare reform might be some cases be warped into a source of cheap forced labor.

At the same time, where are the jobs for the adults among the 10.6 million current recipients of said for dependent children? Unemployment is already at about 6 percent, and Mr. Nixon has just vetoed a public works bill that was intended to provide emergency jobs. Are the 200,000 temporary public service jobs to be provided by H.R. 1 and the 200,000 more to be provided by a separate emergency employment act sufficient even for welfare recipients, let alone the other unemployed?

H.R. 1 also would stiffen eligibility requirements, notably by disqualifying any person who during the previous nine months had earned an amount of income that, if earned regularly, would make him ineligible for assistance. For many persons otherwise eligible, this will impose a nine-month waiting period for aid—in contrast to the "current need" standard of assistance that now prevails. Other persons—many seasonal and migrant workers, for instance—will be made permanently ineligible by this provision.

H.R. 1 also would impose numerous harassing regulations—for instance, one that would discourage recipients from seeking a hearing before their grants could be terminated, even though in 1970 the Supreme Court ruled that recipients were entitled to such hearings. The bill also would rule out any system of certifying eligibility by the prospective recipient's affidavit of need and force an investigation of all applicants.

Such provisions as these tend to negate two of the major aims of most welfare reformers—to permit a higher degree of dignity and privacy to poor people who need help, and to reduce the vast, costly bureaucratic machinery now needed to administer and "police" the program.

There are those who argue resignedly that this is only the price that has to be paid for serious welfare reform. But the real question is whether there can be serious welfare reform when provisions such as these are imposed upon it; for "income maintenance" and "aid to the working poor" become only a different, perhaps marginally better, means of doing what we are already doing if welfare continues to be demeaning to its recipients, inadequate to their needs, bogged down in red tape and suspicion, punitive in spirit and insufficient to break the cycle of dependency.

Those are qualities that will have to be eliminated by any welfare reform worthy of the name, and worthy of the supposed generosity of the American people. Unfortunately, the Senate Finance Committee, to which H.R. 1 now has been delivered, turns a meaner eye and a flintier heart on the poor than does the Ways and Means Committee, if that is possible; so the likelihood is that an even higher price will yet be exacted for the sad remnants of reform.

OPERATION NEVADA: CRISIS IN WELFARE

(By Sylvia A. Law)

This past winter witnessed the beginning of a new phase in the struggle of the very poor to obtain public subsistence with a modicum of justice and dignity.

The five years from 1965 to 1970 produced an enormous growth in the welfare rolls and modest increases in grants. Welfare recipients numbering 125,000 organized themselves into the National Welfare Rights Organization (NWRO) and some 700 local constituent chapters. Thousands of needy people were induced by organizational efforts to apply for the aid to which they were entitled.

Millions more joined the rolls on their own initiative—perhaps as a result of a growing recognition that public assistance is a right of those in need rather than a demeaning charity.

The efforts of poverty lawyers established the eligibility of thousands of others, and perhaps more significantly, eliminated many devices which states were using to reduce grants or to limit eligibility. For example, when the Supreme Court struck down the man-in-the-house rule in 1968, 200,000 to 400,000 needy mothers and children immediately became eligible for assistance worth an estimated total of $250 million annually. For another example, when the Court held residency requirements unconstitutional in 1969, 100,000 to 200,000 new recipients joined the rolls, at a cost of $125 million to $175 million per year.

UNEMPLOYMENT

Wholly apart from the efforts of organized recipients and their lawyers, the war in Viet Nam produced inflation and unemployment, which added more people to the ranks of the poor and to the welfare rolls.

Though states can always save welfare costs by reducing the size of grants, welfare grant levels have always been grossly (and concededly) inadequate, and continuing inflation makes cutbacks even more brutal.

Even back in 1967, anti-welfare sentiment was high. Congress that year imposed a "freeze" on the level of federal payments to families with dependent children and for the first time required that AFDC mothers leave their children and go to work. The "freeze" was unworkable and finally rescinded. (The on-going Work Incentive Program does not prune the rolls—it brings in more applications than there are jobs available.)

State officials facing the "welfare crisis" find that their options are severely proscribed. They cannot refuse aid to the "immoral" or to strangers. They cannot establish waiting lists or discriminate against the politically vulnerable. They can enforce work requirements, but the expense of providing training and day care centers is far greater than the costs of minimal subsistence, and jobs are simply not available in quantity.

REAGAN RHETORIC

In December, 1970, George Miller, director of the Nevada Department of Welfare, thought he had found an answer to the crisis. He turned the rhetoric of Ronald Reagan into concrete action: He launched a major campaign against welfare "cheaters."

On Jan. 1, 1971, 3,000 Nevada mothers and children did not receive their monthly checks. Miller claimed that 21 per cent of the people receiving aid had been terminated for cheating. Checks to 4,200 more

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individuals, an additional 28 per cent of the recipients, were reduced. Miller had engineered an "audit," consisting of mobilizing virtually the entire workforce of the welfare department to contact employers and neighbors of the poor and to study the records of the social security and unemployment compensation agencies for any evidence of unreported income in the past five or more years.

For most recipients, the first notice of the "audit" was the failure of their monthly checks to arrive or the arrival of smaller checks. In the first weeks of January they received formal notices, most dated Dec. 31, 1970, stating that the welfare department proposed to reduce or terminate aid. The typical reason given was simply "overpayment."

The "audit" was legally deficient on a variety of procedural grounds. First, federal law requires that the department seek the specific consent of the recipient whenever it contacts collateral sources for information about the recipient. Violation of this state and federal rule was structured into the "audit."

RIGHT TO CHALLENGE

Second, the Supreme Court, in 1970, said due process requires that prior to the termination of an assistance grant, the department must inform the recipient, with clear notice of the reasons; and it must continue aid until there is an opportunity for a hearing before an impartial official with the right to confrontation, a chance to present evidence and arguments, etc. Federal regulations have now extended this rule to cases where the department proposes to *reduce* a grant.

Apart from the illegality of the investigative and termination procedures, the terminations and reductions were, on the overwhelmingly whole, substantively illegal.

The only evidence produced by the "audit" was that at some point in the past five years the recipient had received income from working or from unemployment compensation. Under federal law, prior overpayment is *never* grounds for termination. It is grounds for reduction only where: (a) the recipient still has some of the excess money, or (b) the department establishes, by clear evidence, that the recipient willfully failed to report income.

In a not atypical Nevada case, aid to a mother of five children was terminated because she had earned $400 working as a maid in 1969. Obviously no money was left. The department just as obviously had sought no evidence of "willfulness."

CASEWORKERS

The work most commonly available to poor people in Nevada is temporary service work in the hotel industry (often at wages well below minimum standards, tendered with the promise that the payments would be made out of petty cash or unrecorded). Theoretically, if a recipient goes to work for a few days in the month, the welfare worker is required to recalculate the monthly grant to include the income. In some cases the department's own records reveal a scribbled note where the caseworker acknowledged that the recipient reported the earnings, but the caseworker was just not up to the hassle of a budget recomputation.

Nevada's effort to purge welfare rolls of cheaters seemed so obviously successful that George Miller dispatched a letter to the welfare commissioners of the other 49 states describing the methods used so effectively in Nevada and urging the other commissioners to follow suit. In addition, he contacted many members of Congress. He stated, "Forget about the legal structure in which these programs are administered; all states should be conducting their own investigations."

A purge of welfare "cheaters," even if done legally, is not likely to be a fruitful device for saving on welfare costs. Welfare recipients are remarkably honest. In 1969, a comprehensive study by the U.S. Department of Health, Education and Welfare revealed that 0.4 per cent of all welfare cases were fraudulent. By contrast, figures on national tax fraud and evasion show that 28 per cent of farmers, businessmen and professionals fail to report income, along with 34 per cent of those who receive interest and 29 per cent of those who receive pensions and annuities.

OPERATION NEVADA

There were meager indigenous resources available to aid the 7,000 people in Nevada who had been illegally deprived of their checks. There are small legal services programs in Reno and Las Vegas, staffed by lawyers who are dedicated but young and inexperienced in welfare. The local welfare rights organization was led by a few able and committed people, but it was small and relatively inactive. HEW, never the most vigorous defender of the people's rights under the federal law, could certainly not be counted on to act decisively in a crisis situation.

In response to local pleas for aid, NWRO, and particularly their general counsel, Edward V. Sparer of the University of Pennsylvania School of Law, mobilized "Operation Nevada." By the second week of February dozens of welfare recipient leaders from around the country, some 40 lawyers, more than 70 law students, and organizers from the NWRO staff began to work for periods ranging from a few days to a few weeks. NWRO made so substantial a commitment in Nevada on the assumption that a successful challenge there might deter other states from following the same course. And if other states could not be deterred, then the Nevada experience would at least produce a cadre of organizers, recipients and lawyers who could move to assist beleaguered recipients in other states.

ORGANIZING

The work of Operation Nevada proceeded on several fronts. Organizers went to the streets and neighborhoods to find the people who had been terminated and were afraid to come forward—or those who had tried to challenge the welfare action and had been intimidated. Many who requested appeals were told that it was "impossible" or warned that if they appealed and lost they would be sent to jail or fined. Others were coerced into signing repayment schedules which would have left them without any means to feed their families.

Organizers sought also to teach people their rights and to build on-going neighborhood groups. Additionally, they mounted a series of demonstrations at the welfare offices and, later, on the Strip. The rallies were modest by Eastern standards but were massive for Las Vegas.

One group of lawyers, led by Ron Pollack from the Columbia Center on Social Welfare Law, worked on a suit in the Federal District Court to vacate all of the terminations and reductions, on grounds that the constitutionally required notice and hearing provisions had been violated. ACLU filed a supporting brief.

Another group of lawyers and law students emersed themselves in the intricacies of Nevada and federal law and the facts of particular cases. They obtained and conducted a large number of hearings for individual recipients.

Other lawyers represented recipients in their group efforts to negotiate at the local welfare offices.

LOCAL REACTION

From early February until March 20, momentum grew in all of these areas. The reaction of the local police and welfare officials grew in proportion. Operation Nevada personnel included many veterans of the 1960's summers in Mississippi, and they saw similarities everywhere. The Nevada police, though less aggressively brutal than the Mississippi forces, ostentatiously displayed rifles, arbitrarily picked up workers and held them on suspicion, checked whether there were felony warrants out for them in other states, pumped them for information, warned them to get out of town, or, in the case of one first-year law student from California, refused to release him until he bought three boxes of Police Benevolent chocolates.

Welfare officials behaved similarly. They refused to talk with recipients. They were abysmally ignorant and disrespectful of federal requirements. They perceived conspiracy among the reformers. They kept changing their minds about what they would permit and under what circumstances. And they showed real fear when confronted by a handful of women who had not even raised a voice or stopped smiling.

Also similar was the wonderful sense of camaraderie in working with local people for goals which were concrete, probably attainable and clearly right.

Another important aspect of the "Operation" was the involvement of the left/liberal leadership, which had not previously participated actively in the struggles of welfare recipients. Dr. Ralph Abernathy, David Dellinger, Jane Fonda, Sammy Davis, Jr. and many others supported the struggle in Nevada and joined in the demonstrations on the Strip. This broadening of the community of concern was evident also in the April 24 March on Washington. NWRO banners and buttons were everywhere—often displayed by people who didn't really know what the sign meant but supported the struggle of poor folks on general principle. And from the podium the call for a $6500 guaranteed income for a family of four was added to the litany of "end the draft" and "bring the boys home."

COURT VICTORY

On March 20, the Federal District Court issued an order reinstating everyone who had been terminated or reduced in the "audit." Retroactive payments were required to those who had been terminated. The Court found that "as a result of the precipitous action described, the Administrator and his staff ran roughshod over the constitutional rights of eligible and ineligible recipients alike."

Although this was an obvious total victory for Operation Nevada, it hinged entirely on the particular circumstances in that state. Legal services attorneys had, in October, 1970, obtained a temporary restraining order implementing in Nevada the U.S. Supreme Court's ruling on hearings prior to terminations. The March ruling was simply an enforcement of the District Court's earlier order. Under other circumstances it would have been very difficult to construct a legal theory that would have reinstated, with a single court order, all of those purged by the "audit." Also, the almost total dependency of Las Vegas on tourist trade made Nevada especially vulnerable to adverse publicity, in ways to which other states may be immune, although the silence of the Eastern liberal press lessened the effectiveness of political actions.

In sum, the nature of the victory makes it difficult to know whether the experience of Operation Nevada will be transferable to other states instituting similar campaigns against welfare recipients. (There was some evidence that other states were beginning to follow the example of Nevada. NWRO had received information that similar "audits" were being conducted in Nebraska, New Mexico, Rhode Island and else-

where. One Rhode Island recipient received a termination notice which stated that since her son no longer participated in the Work Incentive Program, she was no longer eligible for aid. The letter read, ". . . You are not eligible for AFDC payments. You will have to accept this. I know you will be upset, but please don't write anyone, because this is a basic rule of welfare eligibility and no one can change it for you . . .")

LITTLE ATTENTION

It may be that the spectacular failure of the Nevada "audit" has deterred other states for the time being. This is difficult to judge. Even though Operation Nevada produced daily banner headlines in the local press, national coverage was practically non-existent, except for network television reports of the star-studded demonstrations on the Strip.

HEW sent a report about Nevada to all of the state welfare commissioners. On April 14, after all those reduced or terminated during the "audit" had been reinstated, HEW released the findings of an "intensive" study which showed that Nevada did not follow the federal requirements for adequate and timely notice of intent to reduce or terminate. It critized the Nevada report for deeming all errors the fault of the recipients. HEW found that "the State agency itself was either wholly or partially responsible for one-third of the errors."

Apart from the procedural bolix, HEW found that three per cent of the recipients were ineligible for aid, as opposed to the 51 per cent against whom the State had acted. Unfortunately HEW's evaluation was that "the State review served a constructive purpose" in ferreting out this three per cent of ineligibles.

Perhaps the most effective deterrent was the cost to Nevada of defending their action. NWRO showed an ability to fight back and involve the State in a lengthy, expensive federal suit and endless, expensive fair hearings as mandated by the Constitution.

OTHER STATES

Optimism, however, must be strictly qualified. Other states have taken different approaches which are harder to attack. California has legislated reductions in grants and has instituted mandatory work requirements. In Massachusetts, the legislature approved only half of the appropriation needed. In New York, the legislature reduced grants, imposed a residency requirement and limited both eligibility and services covered in Medicaid.

Perhaps even more detrimental than the action of the New York Legislature are the de facto policies that assure that needy people will not receive the aid to which they are entitled. For example, although waiting lists are prohibited by federal law, those familiar with daily operations report that New York has effectively implemented a waiting list policy by taking only a quota of clients each day. This is done by giving welfare applicants appointments for some future date rather than the money they need. The anti-welfare attitudes of public officials are well reported in the press, and welfare workers know in which direction the wind blows.

Although the details are different from state to state, it is fairly plain that many states are desperately determined to reduce the levels of benefits and the numbers of people who receive them. Despite the Nevada judicial success, it does not seem realistic to expect that selected test cases are going to stop the repression. From 1970 to 1971, the Supreme Court's characterization of welfare changed from "a statutory entitlement, guaranteed to all those entitled to receive it," to "purely private charity." There is little reason to expect that lower courts will buck the obvious change in Supreme Court attitude.

SUPPORT NEEDED

There may be modes of resistance to anti-welfare measures other than test case litigation and the Operation Nevada strategy. But whatever the method, it seems plain that a massive effort is needed to maintain even the current minimal levels of subsistence and the minimal standards of fair treatment now guaranteed on paper. To mount such a massive effort will require not only the effort of all those who have traditionally supported the welfare rights movement, but also broad-based involvement of other left/liberal organizations and individuals.

It is a very difficult task. Organization is inadequate. People cannot "join" the campaign—they must still work to create one.

Perhaps more significantly, anti-welfare measures are frequently not seen as political repression of gravity similar to the harassment and repression of political dissidents. It is difficult for people with social vision to get excited about a struggle where the immediate objective is no more than to work with the poor to seek out subsistence within a structurally obsolete and humanly degrading system. But both bread and justice are political issues.

In a society that does not provide opportunities for full employment, adequate state subsidies for those excluded from or unable to work must be a subject of fundamental political concern. The needs of the very poor are so brutal and immediate that a response that is any less immediate is largely beside the point.

The states are in a difficult situation. Caught between rising welfare costs and inadequate state resources, it is hardly surprising that they should move against the vulnerable poor. This year's panacea for the problem is the federalization of welfare through Nixon's Family Assistance Plan (FAP), which has now passed the House. Except in the South, Nixon's version of guaranteed annual income means less money for fewer people. Everywhere FAP provides fewer procedural safeguards and more stringent requirements to find jobs that simply don't exist. It also reinstitutes exclusions for "immorality" which are currently prohibited. The passage of FAP is hence not a solution but rather the federalization of repression of the poor.

A RHODESIAN CORRECTS THE RECORD

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. RARICK. Mr. Speaker, on June 28, 1971, I testified before the International Organizations and Movements Subcommittee of the House Committee on Foreign Affairs in support of the abolition of sanctions presently in effect against Rhodesia—CONGRESSIONAL RECORD, pages 22551–22554.

At that time, I was informed that the Department of State had recommended the committee only give favorable consideration to House Resolution 45—the sole bill under consideration that would continue these sanctions and have the effect of congressional approval of an action of the United Nations organization.

The State Department bases its argument on the current state of the internal affairs of Rhodesia. Yet, the State Department does not see fit to maintain diplomatic relations with Rhodesia and must, therefore, rely on secondhand information as the basis for judgment.

Speaking from the vantage point of one who has been there, I am satisfied that the internal affairs of Rhodesia have been grossly misrepresented and deserve to be given as they actually are. Secondhand information can only lead to secondhand decisions.

The following letter from Mr. Kenneth H. Towsey, a Rhodesian citizen and a member of the Rhodesian Information Office here in Washington, speaks for itself and should be drawn to the attention of my colleagues.

I ask that Mr. Towsey's letter be inserted at this point:

RHODESIAN INFORMATION OFFICE,
Washington, D.C., June 25, 1971.

Hon. DONALD M. FRASER,
U.S. Congress,
Washington, D.C.

DEAR MR. FRASER: I am Kenneth H. Towsey, a deputy secretary in the Rhodesian Ministry of Foreign Affairs at present acting as Director of the Rhodesian Information Office in Washington, D.C.

I attended the meetings of the International Organizations and Movements Subcommittee of the House Foreign Affairs Committee held on June 17 and June 22, and heard the testimony given on the subject of Rhodesian sanctions.

It would be my contention that for a variety of reasons (including Article 2, paragraph 7 of the United Nations Charter, the spirit of S. Res. 205 adopted September 25, 1969, and numerous statements of United States policy concerning relationships with foreign governments) Rhodesia's internal policies have no relevance to the imposition of sanctions under Chapter VII of the U.N. Charter—Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression. These are considerations relating to a country's foreign policy or actions, not its internal policies.

Rhodesia's internal policies nevertheless came under scrutiny in the course of the Subcommittee's hearings, and certain testimony regarding them was offered, primarily by Mr. Oliver Crosby of the Department of State.

There are many inaccuracies and distortions in this testimony. This is perhaps understandable. To the best of my knowledge Mr. Crosby has never visited Rhodesia. The Department of State does not maintain any diplomatic or consular representation in Rhodesia. For reasons of its own it declines to have any relationship with the Rhodesian Information Office. Its sources of reliable information about Rhodesia are therefore severely circumscribed.

During the hearings Congressman Gross aptly remarked that the general tone of Mr. Crosby's animadversions on Rhodesia could apply to almost any situation, including the United States. Since I do not believe that the trading of recriminations about domestic policy is a proper part of the intercourse of civilised nations I do not propose to engage in any reciprocity. Since, on the other hand, various erroneous, misleading and incomplete statements about Rhodesia's internal affairs have been placed on the public record I have thought it proper to offer you certain corrections as follows.

Mr. Crosby informed the Subcommittee that 'since 1965, the economy (of Rhodesia) has grown a total of just about 5 percent, something under one percent a year in terms of real production.' Mr. Crosby's figure is not reconcilable with any of the known and available facts. Rhodesia's 1971 Economic Survey reveals that the Gross National Product at market prices has advanced from R$727 million in 1965 to R$1026.9 in 1970—an increase of 41%. The following table details the advances made in major sectors of the economy:

R$ million (R$1=US$1.40)

	1965	1970	Increase (percent)
Agriculture	129.6	162.1	25
Mining	48.1	59.0	22
Manufacturing	127.7	199.7	57
Construction	34.5	60.7	76

In response to a question about African political representatives in the Rhodesian legislature, Mr. Crosby said that there were eight elected African representatives "and there are another seven who are appointed by the tribal chiefs who are essentially employees of the government."

The facts are somewhat different. Rhodesia has a bicameral legislature. The Senate has 23 members. Ten are white; ten are African chiefs elected by an electoral college of chiefs; three are persons of undefined race appointed by the President (currently two white and one of mixed race). The House of Assembly has 66 members. Fifty are white and sixteen are black. Eight of the blacks are elected from urban constituencies. Eight are from rural constituencies and are elected by electoral colleges consisting of chiefs, headmen and elected councillors in the African tribal system.

At the level of 27 there are more non-white representatives in the Rhodesian parliament under the country's republican constitution than at any previous time in Rhodesia's history. The constitution ensures that the number will increase.

Mr. Crosby's characterisation of African chiefs as "essentially employees of the government" calls for brief comment because it reflects ignorance of and insensitivity to the cultural traditions of Rhodesia's African people. African tribal chiefs assume their offices through a process of selection by their tribesmen. This may differ from one tribe to another according to custom. Once the government is satisfied that a tribe's selection represents the true consensus of the people, it accords official recognition to the new chief. The chief is essentially the spiritual leader of his people and the guardian of its traditions. Additionally he exercises certain judicial and administrative functions for which he is paid a stipend from the national treasury. Chiefs are not removable from office except in circumstances comparable to impeachment in the American system. Chiefs are not "bought" by government salaries any more than members of the United States Congress.

Mr. Crosby informed the Subcommittee that "in the past year a racial tribunal has been established along the lines of the similar tribunal in South Africa which investigates an individual person and designates him as a colored person or African or Indian or white person." He also stated that Rhodesia is considering a law "which is designed to move coloreds out of white residential areas."

Mr. Crosby is confused in regard to fact and intention. There is no such tribunal as that to which he refers. Some lengthy consideration has been given to a legislative proposal designed to protect property owners from "block-busting" techniques—a problem that I understand is not unknown in certain residential areas of the United States. Draft versions of this legislation provide for elaborate processes of judicial enquiry to establish proof of injury to the property owner before any dispossession (under full compensation) can take place, thus belying any suggestion that the Bill is designed to oust coloreds from white areas. The Bill has not been presented to Parliament.

Mr. Crosby informed the Subcommittee that the Rhodesian government is trying to enforce regulations which would exclude Africans from entering premises operated by American Missionaries; also that church schools are seriously threatened by this. This is not the position. Under the provisions of the Land Tenure Act certain registration requirements are laid upon voluntary associations (including churches) which operate multi-racial institutions. There has been no intereference with multi-racial worship and African enrollment at private schools in the white area continues.

Mr. Crosby informed the Subcommittee that Rhodesia's Land Tenure Act "divided the land essentially between the races with fifty percent going to the four percent whites and fifty percent to the 96 percent that are black." Mr. Crosby did not inform the Subcommittee that the African area is reserved with rigid constitutional safeguards for the exclusive use of the African people, that about three-fifths of Rhodesia's blacks reside there more or less permanently and that the remaining two-fifths reside and earn their livelihoods in the white area.

The reservation of an extensive area in perpetuity for tribal use is designed to protect peasant tribesmen from superior economic forces which would otherwise inevitably result in their quickly becoming landless—a situation which has caused much distress in other parts of the world.

Mr. Crosby characterized the tribal lands as "interior." The division is largely a historical product. The Africans preferred to work the lighter soils, leaving the heavier soils for agricultural exploitation by the whites. A land use survey conducted several years ago revealed that high fertility soils in Rhodesia constitute 16.8 percent of the total and that 8.5 percent of these soils are in the African area. The African area has 10.4 percent out of a total 16.2 percent of medium fertility soils. Thirty-seven percent of Rhodesia's land area has a rainfall over 28 inches. Half of the African area falls within this zone.

"Intellectual unrest is not a disease or a problem but a virtue, and no University can have too much of it. The problem and the threat is not intellectual unrest but academic disruption and violence which flow from substituting for the academic goals of learning the political goals of action. On the subject of violence, obstruction, destruction and disruption I have made my position abundantly clear—they have no place in the community of any University and will not be tolerated in this one so long as I preside over it."

The Rhodesian Government's position in regard to the preservation of public order is not dissimilar and it does not discriminate between university students and other citizens. Political dissent is tolerated; subversion is not. I make no apology on behalf of Rhodesia for the fact that in 1966 a University lecturer was sentenced to a period of imprisonment after pleading guilty to six counts of conspiring to commit terrorist activities.

I have every confidence that there is more freedom of political expression in Rhodesia's university than in most universities in Africa. It might be illuminating to ask the Department of State to document the treatment of university dissenters in other parts of the world and to indicate what punitive action has been taken by the United States Government where aberrations from American practice are found.

Twice in the course of the Subcommittee's hearings questions were asked about Rhodesia's provision for African education. I hope the attached booklet is helpful.

Please regard this letter as available for inclusion in the record of your hearings if you consider that it is appropriate to balance the Department of State's account of Rhodesia's internal affairs.

I have sent a copy of this letter to each member of the Subcommittee.

Yours sincerely,

K. H. TOWSEY.

UGLY TRUTHS ABOUT TODAY'S BEAUTY AIDS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mrs. SULLIVAN. Mr. Speaker, I am deeply gratified by the increasing attention being paid by the press to the need for passing legislation to require that cosmetics be proved safe to use. The need for this legislation has been apparent ever since the Food, Drug, and Cosmetic Act of 1938 first brought cosmetics under any form of Federal regulation. The 1938 act permits any person to make and distribute any cosmetic item without any Government interference unless and until the Food and Drug Administration can amass sufficient data to prove that the article is dangerous, in which case the agency can then move to take the product off the market. The burden of proof is on the FDA to show that the product is not safe, rather than being on the manufacturer to prove that it is safe.

This was the law also as it applied to unsafe food additives under the 1938 act, prior to the passage of the 1958 Food Additives Act. The Delaney-Sullivan food additives bill to require pretesting of food chemicals was bitterly fought by the food manufacturers for several years until the food industry itself finally became worried over the proliferation of untested chemicals then being added without hindrance to a multitude of food products, and eventually the industry acceded to reasonable regulation. In subsequent years, spokesmen for the food industry, who at first had opposed the bill, have pointed to the existence of the 1958 Food Additives Act as proving that the United States had the safest food technology in the world.

COLOR ADDITIVES ACT A "BAIL-OUT" FOR COSMETICS INDUSTRY

The cosmetics industry however, has successfully defeated all efforts to subject it to similar pretesting requirements. The only legislation we have passed since 1938 which deals in any way with the safety of cosmetics was the Color Additives Act passed in 1960, primarily for the purpose of rescuing the cosmetics industry from a trade dilemma growing out of a provision of the 1938 act which by 1960 was suddenly hurting it. The 1938 act, recognizing the inherent dangers in the use of coal tar coloring matter in foods, drugs, and cosmetics, had flatly prohibited the use of any coal tar color which was not harmless. By 1960, it had become evident through increasingly sophisticated testing methods used by FDA on coal tar colors that some of the most popular coal tar colors used in lipsticks—as well as some used in margarine and other foods—could cause injuries to the test animals when fed in very large quantities, and were, therefore, no longer considered harmless.

At that point, the cosmetics industry came in and pleaded for a change in the 1938 act to permit it to use any coloring matter proved to be safe for the purposes intended—an approach similar to that

used in the Food Additives Act of 1958 for food chemicals. And so the Color Additives Act of 1960 was enacted not to protect consumers but primarily as a favor to the cosmetics industry. I believe I was the only Member of Congress to vote against it—not because it was a bad bill as far as it went but because it did not go far enough; it did nothing about requiring proof of the safety of ingredients other than coloring matter in cosmetics, and it also retained the big loophole in the 1938 act for coal tar hair dyes—which can be as virulent as anyone wants to make them as long as the label on the product carries a warning of potential danger.

INTERFERENCE WITH WOMEN'S "RIGHT TO BE BEAUTIFUL"?

During hearings by the House Committee on Interstate and Foreign Commerce on cosmetics legislation—the last such hearing was in 1962—the cosmetics industry was able to convince that all-male House committee that the women of this country would rise up in revolution if Congress interferred in any way with their "right to be beautiful". The industry witnesses insisted also that the listing of ingredients on cosmetics labels, which my bill would require, would reveal precious "trade secrets". They also maintained that pretesting of cosmetics for safety would stifle innovation and product improvement in this highly imaginative field of American marketing. And, of course, the spokesmen for the cosmetics industry kept assuring the committee that reputable manufacturers all test their products anyway before marketing them and have no desire to put out an unsafe product.

It would not be proper for me to say that the cosmetics industry, which is a most persuasive and resourceful seller of dreams and hopes and aspirations, "bamboozled" the men on the House committee, but it certainly succeeded in blocking any effective action by Congress on safe-cosmetics legislation in 1962, or any time before or since.

GETTING OUT THE FACTS ON COSMETIC SAFETY

Recently, the Wall Street Journal printed an excellent article by Ronald G. Shafer analyzing the pros and cons on cosmetics safety, which I placed in the CONGRESSIONAL RECORD on June 10 at page 19407. The syndicated consumer columnist, Peter Weaver, of the Los Angeles Times syndicate, reported ways in which allergic consumers could learn about the ingredients of some products, and I placed that in the RECORD the same day at page 19394.

Over the last 17 years, since I first introduced a safe-cosmetics bill, I have been interviewed in great depth on many occasions by writers for just about all of the major women's magazines, and by writers and producers for most of the television networks, on the big gaps in our cosmetics safety law. Many hours were spent on these interviews for what were to be comprehensive articles or documentaries, but they never seemed to have gotten into print or on the air. The National Educational Television network, which carries no advertising for cosmetics or anything else, has aired some useful and interesting programs on cosmetics, and the commercial networks have included in their news broadcasts some critical references to safety problems with cosmetics. Consumer reporters for daily newspapers and the news magazines have been far more alert to this problem than the rest of the media. However, I have yet to see a really critical piece about cosmetics safety during the last 17 years in any mass circulation magazine aimed primarily at women readers who are the principal customers for cosmetics products.

Last month, a major magazine piece on this issue was finally printed in a mass circulation magazine, "Today's Health," a publication of the American Medical Association, and it is an excellent article. It was written by Edwin Kiester, Jr., who has done extensive research on the cosmetics story, and I commend it to my colleagues in the Congress who may be wondering what all the controversy is about in regard to the $10 billion of products sold each year to make us all more attractive.

IF IT'S FOR SALE IT MUST BE ALL RIGHT TO USE

Most people—including, I am sure, most Members of Congress—seem to assume that if a product is for sale in the stores to apply to the face, or teeth, or body, or hair, it is certainly all right to use or the Government would not let them sell it. But in this instance, what the Government does not know can hurt you. And the FDA does not know whether a cosmetics product is safe or not until consumers write in and complain about it in which case the agency, of course, will investigate. But first it has to find out what is in the product—and the industry does not have to tell.

Most cosmetics are generally safe—there is no question about that. But sometimes they are not, and many of them cause allergic reactions—painful ones—to innumerable individuals. The consumer should be able to protect himself or herself against any cosmetic containing an ingredient the consumer knows will cause a reaction. This means, there must be informative labeling on the container describing the contents.

Since most cosmetics are made from fairly standard formulations, there would be little problem in clearing most of them for continued public sale under a preclearance testing system, unless they also contain some esoteric ingredients about which little is known of their effect upon the tissues or organs of the body. But I am sure that some of the popular cosmetics would have to change formulations once the law required proof of their safety.

"TODAY'S HEALTH" ARTICLE CITES PROBLEM INGREDIENTS

Mr. Kiester's article in "Today's Health" points up some of the problem ingredients, such as hexachlorophene, now being used in many cosmetics and indicates the degree of uncertainty about their continued use. As this article emphasizes, the Government cannot prove at present these ingredients are dangerous, so products containing them can freely be sold. Since the manufacturers generally decline to reveal to dermatologists and allergists the contents of their products—other than those cosmetic-type products which are technically and legally considered drugs and which must therefore list all ingredients on the labels—the specialist treating a cosmetic user for skin or other problems has an extremely difficult time advising the individual what products can safely be used. The so-called "hypoallergenic" products are claimed to contain lower quantities of ingredients commonly associated with well-known allergies but this is no assurance that such a product will not cause a reaction in some individuals. The point is that the individual or his doctor just does not know what they do contain.

Many people will be surprised to learn from this article that facial and other creams, which are described by Mr. Kiester as hospitable breeding grounds for bacteria, should be refrigerated.

Mr. Speaker, this article urgently points up the need for passage of safe-cosmetics legislation, such as in section 11 of H.R. 1235, my omnibus bill to rewrite the Food, Drug, and Cosmetic Act of 1938. I hope the Members will read this article in full; it is well written and carefully documented. I hope enough people throughout the country who have read this article have written to their Representatives to alert them to the fact that all is not well in the dreamland of beauty preparations, or in the vastly expanding market of cosmetic-type products used by men.

The National Commission on Product Safety disclosed last year that more than 60,000 injuries occur each year from the use of cosmetics, injuries serious enough to restrict activity for at least a day or to require medical attention. Furthermore, a survey made by the same Commission of insurance claims for personal injuries from household products showed beauty aids ranking second among all of the products surveyed. So this is by no means a problem of small dimensions or consequences.

Mr. Speaker, the "Today's Health" article referred to is as follows:

[From "Today's Health," June 1971]

UGLY TRUTHS ABOUT TODAY'S BEAUTY AIDS

(By Edwin Kiester, Jr.)

"I know most cosmetics sold today are not dangerous," says Congresswoman Sullivan. "What worries me are the ones not known to be safe."

"Childbirth is a snap," comments one mother, "compared to the agony I went through after using this cuticle cream."

The cosmetics industry promises it can help you look good. Promises. Promises.

When Amy Wilcox paid out $7.50 for new foundation makeup that was supposed to give her a smooth complexion and even tone, she got more than she bargained for. Ugly red blotches appeared on her cheeks and forehead; her eyes became swollen and bloodshot; her lips grew puffy and thick.

The cosmetics industry promises that some of its compounds will even make you feel good. Promises. Promises.

One 58-year-old woman who used a certain nail hardening product experienced severe pain, nail discoloration, and skin dryness. The hardener contained formaldehyde, a highly irritating chemical.

The cosmetics industry promises that some of its products are "safe for a baby's skin." Promises. Promises.

Recently, two brands of bubblebath had to be removed from the market and reformu-

lated because they were linked to urinary tract irritations in young girls. Of course, the cosmetics industry lives on promises, that is what its customers want to hear. And if its products don't make a woman look as beautiful as she had hoped, well, she can try another. But there's no "second-chancing" if the industry doesn't deliver on the promise of safety. Often, there is suffering. Often, there are medical bills.

And while the safety record of the cosmetics industry isn't bad, there are enough problems like those above to demand more careful policing of beauty aids. The public assumes that all cosmetics have been thoroughly tested. They have not. The public assumes that ingredients are known by the Food and Drug Administration and by allergists. They are not.

Cosmetics manufacturers are not compelled to print the ingredients of products on labels, file the formulas with the FDA, or conduct any sort of safety tests before offering items to the public. If an allergist seeks information that would help him in treatment, the firm is not *required* to furnish it. Vigorously protesting that such revelations would give away jealously guarded trade secrets, the 2500 manufacturers have fought off every attempt at consumer protection.

Unfortunately, according to the National Commission on Product Safety, more than 60,000 women a year suffer adverse effects from cosmetics severe enough for them to seek medical attention. Cases range from mild discomfort to temporary damage to serious disfigurement and permanent injury. This figure also includes accidents involving cosmetics, such as cut hands from broken bottles.

Women have suffered underarm and skin irritations from deodorants and lotions, visual damage from shampoo, scalp burns and loss of hair from hair dye, eye infection from contaminated mascara, systemic reactions from creams and powders. Evidence is growing that lifetime use of certain cosmetics may contribute to long-range damage as well.

Yet virtually all of this could be prevented—if some simple system of consumer safeguards could be established.

One difficulty is that the cosmetics industry operates from a position of strength. Beauty is a $10-billion-a-year industry, growing at 10 percent annually in prosperity or recession. Three cosmetics companies are on the *Fortune* magazine list of the 500 largest U.S. corporations, and cosmetics stock is the darling of Wall Street. Beauty commercials make up the single largest category of television advertising, occupying about 20 percent of commercial time, and they are the chief prop of women's magazines, in whose pages seldom is heard a discouraging word about beauty aids.

When any threat is raised to the industry's privileged status, a vociferous outcry goes up. Congressmen are readily persuaded that their women constituents are unalterably opposed to any attempt to take away their beauty aids.

This is not to say that the majority of cosmetics sold today are unsafe. Most are harmless.

One notable exception, however, is nail hardeners. A few years ago, women began complaining of adverse reactions to them. These reports became so common that the FDA forced several brands off the market.

But many nail hardeners still on cosmetics shelves are formaldehyde-based. This chemical is both an irritant and a sensitizer. Products containing formaldehyde have caused reactions, including pain, discoloration and bleeding under the nails, and loosening or even loss of nails.

Problems like these are among the chief concerns of Rep. Leonor K. Sullivan, Missouri Democrat, a leading consumer advocate in the cosmetics field.

Since 1954 she has been trying to get even a modest regulatory bill through Congress. "I know that most cosmetics sold today are not dangerous," she says. "What worries me are the ones not known to be safe."

Esther Peterson, Lyndon B. Johnson's consumer adviser, recently addressed the cosmetics trade group—the Cosmetic, Toiletry, and Fragrance Association—at a Boca Raton, Florida, convention. Mrs. Peterson acknowledged, "Most cosmetics cause no harm to anyone, and if they make women feel better, that's wonderful."

"But," she added, "if there is any cosmetic item which contains anything which can hurt you or me, then I say the manufacturer shouldn't be allowed to sell it without at least a clear warning."

Under pressure, the cosmetics industry recently agreed to take a few small steps toward self-regulation. In a letter to Mrs. Virginia Knauer, President Nixon's consumer adviser, the trade group offered to register all manufacturers with the FDA and to file formulas of all products—provided the agency kept them secret.

Some cosmetic-ingredient information is now available to dermatologists from poison control centers and from the new reference book titled *Clinical Toxicology of Commercial Products*.

Food and Drug Commissioner Charles D. Edwards, M.D., told manufacturers at the Florida meeting, "The consumer's voice is being heard in our land as never before and in an ever-growing chorus . . . Time is running short for this association to reach some decisions."

Amelia Bassin, former vice president of Faberge, pleaded with her colleagues to set up a self-policing agency (like Underwriters' Laboratories in the electrical field).

Most women think cosmetics are relatively harmless because they are simply applied to the skin and washed off (or allowed to wear off) without entering the body.

Yet Leo Friedman, Ph.D., chief of the FDA's Division of Toxicology, declares, "The skin is not an altogether impermeable barrier." Cosmetic ingredients can penetrate intact skin. They can move into the body through cuts or abrasions. Or they may enter through the eyes, mouth, or lungs.

One potentially hazardous element which is absorbed into the body in small amounts is mercury. Ever since the disclosure that this heavy metal, in the form of methyl mercury, was present in alarming quantities in certain species of fish and other foods, attention has focused on other sources which might contribute to a poisonous buildup in the body. Mercury accumulates in the tissues and bloodstream and can cause neurological damage, kidney failure, and ultimately death.

FDA has set an upper limit of 0.5 part per million for mercury in fish. This form of mercury is not found in cosmetics. But about 10 parts per million (ppm) of phenyl mercuric salts are used in many cosmetics, principally eye preparations. Ammoniated mercury is the basis of so-called "bleach creams," which claim to erase brown "liver spots" on the skin. Deposits may build up if the creams are used for many years.

Mercury compounds are used as preservatives in cosmetic creams. Microorganisms multiply in unrefrigerated cream products, causing virulent infections if introduced into the body.

These quantities of mercury compounds are not considered a threat in themselves, since very little actually is absorbed into the body. But in combination with mercury from other sources, a hazard may exist. Cosmetics manufacturers are attempting to develop substitute preservatives, particularly for cosmetics used in the area of the eyes.

Another substance widely used in cosmetics is hexachlorophene. This popular bactericide—used in many skin cleansers, lotions, pediatric preparations, mouthwashes, and deodorant soap—has been known to attack the white matter of the brain if introduced into the body in large quantities.

Physicians at Shriner Burn Institute, Galveston, Texas, found that severely burned children went into convulsions, and some died, when their serious burns were disinfected by bathing them in hexachlorophene.

Until recently this finding seemed to have little application to cosmetic users, whose exposure to the chemical was quite small. But at a recent meeting of the American Chemical Society, two chemists from the federal Environmental Protection Agency reported brain damage to rats which were fed hexachlorophene. Those given five ppm suffered cerebral swelling, and those receiving 25 ppm developed brain lesions and paralysis.

The scientists said they took 14 human blood samples from persons who used hexachlorophene cosmetics and found amounts of the chemical ranging from one to 89 parts per *billion*.

The finding set off a flurry of new investigations both at FDA and in industry. Francis J. Marzulli, Ph.D., an FDA toxicologist, reported that a three-week study of persons who used extremely large amounts of cosmetics containing hexachlorophene developed accumulations in the bloodstream "which we considered uncomfortable."

Although Marzulli and other toxicologists agreed that massive amounts of hexachlorophene could poison the system, the danger level could not be fixed. Most scientists feel it is much more than even the heaviest user of cosmetics could be expected to amass if the substance is used properly and washed off promplty.

Animals given large doses of hexachlorophene quickly flushed it through their system, and those who developed paralysis recovered when the intake was stopped.

The moral for cosmetics users lay in the fact that large amounts of the chemical might be absorbed without the person's being aware of it.

The FDA's Doctor Friedman notes that hexacholrophene, in wide use for about 20 years, is an extremely valuable antibacterial agent, but adds:

"The chief problem is in misuse and abuse of hexachlorophene. People operate on the theory that if a little of it is good, a lot is better."

Of course, few women would use the chemical in huge quantities. But with no warning from manufacturers, Friedman says, many users of hexachlorophene leave it on the skin so that it is absorbed into the system.

Another potential cosmetic hazard arises from a chemical called 2,4TDA. This compound is used in some permanent and semi-permanent hair dyes (not rinses). In laboratory tests on animals, injections of 2,4TDA produced cancerous tumors. Of course this does not necessarily mean that it will cause tumors in humans.

The first suspicions about 2,4TDA go back about five years. A group of nurses at an Eastern hospital reported to a physician that they were passing black urine. The physician found that all the women had been using a hair dye containing 2,4TDA.

He reported this to FDA, which contacted the manufacturer. The firm opened its complaint files, which showed no other such reports from users. The agency surmised that some combination of the dye and a chemical to which the nurses were regularly exposed had caused the condition. Attempts to isolate the cause further proved fruitless; the nurses were told to stop using the dye, and the problem cleared up.

Further tests of 2,4TDA products are now being conducted, and the industry is attempting to develop substitutes, although 2,4TDA is still being used in some colors within 43 brands of dye.

When a cosmetic is proved dangerous, the manufacturer usually moves quickly to withdraw it from sale. No firm wishes to be sued for damages, to be stuck with a large inventory of unsalable merchandise, or to cause a tragedy which might bring down the wrath of Congress.

Spokesmen for the manufacturers maintain that in self-protection the industry always tests its products for safety before marketing, although some government sources consider these tests inadequate.

The consumer does have some protection under federal laws. Any cosmetic which alters the normal function of the body—or which the manufacturer claims does so—is classified as a drug, and therefore is subject to the new drug laws. The product must be shown to actually perform the action it is said to perform, and be proved safe for human use.

Cosmetics which are considered drugs within this definition include antiperspirants (but not deodorants), wrinkle removers, hormonal creams, acne preparations, and disinfectant soaps.

FDA also may take court action to ban any cosmetic proved to cause injury to users. Such actions are rare, for they require an ironclad case.

As Doctor Friedman says, "It's like speeding on the highway. You've got to catch them in the act, and if you're not there, they get away." The emphasis on injury hampers the agency in enforcing the few powers of policing that it does have.

Unlike the drug manufacturers, the cosmetics industry is not required to open its complaint files of adverse reactions to FDA. It then uses the lack of public complaints as justification for its argument that no restrictions are needed.

Few women report damages traceable to cosmetics, and damage suits seldom surface. One case that did crop up several years ago, however, did prompt widespread attention. A Colorado woman maintained that she had been permanently disfigured by the single use of a permanent hair dye.

Although a patch test had indicated that she was not reactive to the dye, three days after use her hair began to fall out. A rash broke out on her neck, ears, and forehead. Within three months, she lost all her hair, eyebrows, and lashes. Within six months, her right kidney had been removed, which she also attributed to use of the dye.

Filing suit for $600,000, her attorneys maintained that many other women had suffered similar damage but were too embarrassed to come forward and sue. Eventually the woman, who was forced to wear a wig and false eyelashes for life, settled out of court for $23,500.

The FDA does keep continual surveillance on cream cosmetics, which are subject to bacterial contamination. When contamination can be shown, the products are subject to a recall order.

Over the past three years, 42 recall orders were issued for batches of cosmetics. Three recent recalls involved contaminated batches of a popular makeup base, an eye cream, and a cream mascara.

Microbiological contamination of cosmetics is a continuing and stubborn threat. As most women know, any cream product—a facial cleanser or custard pie or mayonnaise—is a natural culture medium for bacteria, particularly in hot weather. Eyeliner and eye makeup are especially vulnerable. Most cosmetics contain a preservative to inhibit bacterial growth. But often bacteria are introduced by the woman herself, who fails to wash her hands before dipping into the jar.

A few years ago, a rash of bacterial infections spread through a girls' dormitory of a Midwestern university. Physicians at first were at a loss to explain the epidemic, which caused rashes and irritation as well as system upsets. The first clue was that many of the coeds' infections seemed to center in the eye areas. The investigators finally realized that the girls had been using each other's cosmetics, and that one container of eye preparation had been contaminated.

Among infections which may be spread in this way are staphylococcus, molds, and certain fungi. One particularly virulent infection is *Pseudomonas aerugionsa*, which can cause loss of sight within 48 hours if it invades the eye. The common salmonella infection, generally associated with food poisoning, also can be contracted through use of cosmetics: The bacteria may be introduced through cuts or breaks in the skin.

Yet no warning of the possibility of such contamination is included on the labels of vulnerable products, nor is the user told how to guard against contamination.

Most complaints deal with individual allergic reactions to cosmetics. Face powders, liquid makeups, foundation creams, eye preparations, deodorants, and shampoos may cause such reactions as swelling around the eyes; rash; loss of hair, eyebrows, or lashes; irritation of the face. Underarm rashes from deodorants are frequently reported.

The letters that come to Congresswoman Sullivan are often pathetic. "I have had five children, and I can say that childbirth is a snap compared to the agony I went through after using this product," one woman wrote, complaining about a "cuticle massage cream" which she said caused her fingertips to swell, blister, and drain.

A foundation cream caused another to suffer "big blisters" on her face and left scars around her mouth and eyes.

One woman told of her search to find an eye makeup that would not cause severe reaction. One product, she said, had brought on swelling and discoloration of the face; another, itching and watering of her eyes; still a third caused her lashes to fall out. "These manufacturers just feel free to use anything they want," she wrote Mrs. Sullivan. "Is there no way to control the ingredients?"

The manufacturers acknowledge the allergy problem, marketing so-called "hypo-allergenic" products—low in ingredients commonly known to cause allergic reactions in many users.

The industry maintains—perhaps rightly—that half the female population is allergic to *something*, so it cannot possibly guard against all sensitivities.

But the major problem is that because the ingredients are not disclosed, no woman (nor her allergist or dermatologist) can discover the cause of her reaction except by trial and error. Indeed, according to Mrs. Peterson, because manufacturers constantly change cosmetic formulas, a woman may believe herself free of reaction to a certain product only to have an outbreak at a later date.

The FDA's Doctor Friedman points out that a person may build up a sensitivity to an ingredient after prolonged use, and this sensitivity may carry over into a whole array of other compounds, including some prescription drugs.

According to Congresswoman Sullivan, coal-tar hair dyes may build up this kind of sensitivity. A woman may not react to a patch test the first time it is given, but as she continues to use dyes, she may become sensitized to the compounds without being aware of it. Ultimately, she may lose clumps of hair or suffer scalp irritations.

The coal-tar hair-dye hazard, says Mrs. Sullivan, is a particular problem in beauty salons, where if a patch test is given at all, it is usually done only on the customers first visit. In many cases, the customer does not even see the warning on the dye bottle.

Another potential hazard in the cosmetics area is with hair spray products. Damage to the eyes or respiratory tract may result from careless spraying of contents. And inhaling of the aerosol propellant has taken more than 50 lives in the past four years.

Aerosol products should always be used in a well-ventilated room, and spray should never be directed toward the eyes.

The most-used cosmetic of all—lipstick—appears the safest. Even though it is constantly chewed off the lips and swallowed, lipstick consists of such harmless substances as ordinary grease (about 50 percent of lipsticks are basically castor oil), perfume, and artificial coloring agents. Under a color additives act passed by Congress in 1960. FDA keeps constant vigilance on these colors; they must comply to safety standards before they are introduced, and batches are tested during production.

No one can measure whether the "magic formulas" and "miracle" ingredients actually enhance attractiveness or bring about romance.

Not even the industrys "psychological pricing," under which high charges are considered part of the sales appeal, is really questioned.

To change the pricing system, Mrs. Sullivan says, would "take a lot of fun out of womens lives. We buy cosmetics knowing full well that the glittering advertisements are a lot of bunk, but we can dream, can't we? Most of us know that the $5 jar of cream will do no more for us than the 50-cent jar. . . . Those who can afford the $5 jar, and some who cannot, buy it on the outside chance that perhaps it might be a bit more effective. At least they feel better about it.

Most women concede, that mink oil, turtle oil, oxblood skin stiffener, and other exotic products probably don't do much good. They know that these "secrets" have been tried before and found wanting.

Currently there is a rush toward "natural" products—lotions with balsam and lemon, creams and foundations billed as "peach blush" and "strawberry freshner." These come on the heels of synthetics which were the miracles of yesterday. With each new wave come new dreams.

The former executive director of a cosmetics trade association, Steve Mayhem, once said: "What we sell is hope." Another spokesman for the manufacturers put it more eloquently: "The business is one of moonbeams."

But along with her hopes, dreams, and moonbeams, a woman ought to be buying safety.

As the industry moves toward at least token policing of itself, more restrictive regulation may be in the offing. Mrs. Knauer plans to ask for voluntary registration of manufacturers, the filing of complete formulas with FDA, and opening of the industry's complaint files to the government.

Mrs. Sullivan's bill has once more been introduced in the House; it calls for labeling of cosmetics with all ingredients, full clearance and pretesting for safety.

Miss Bassin, the former cosmetics executive, has urged the industry to stop resisting regulation and comply. "Most consumers of cosmetics couldn't care less what's in that lipstick or face cream or deodorant spray," she says. "They want the government and manufacturers to care. Consumers are barely able to pronounce aluminum chlorohydrate . . . how can they be expected to know what it is? [They] would like merely to feel confident that any cosmetic they buy is safe, without having to make judgements for which they are inadequately qualified."

Mrs. Peterson told cosmetics makers, "The question is whether you are going to wait for some disaster to strike which forces you to come clean with your customers, or whether you will solve the competitive problem of individual company disclosure by requiring all manufacturers to disclose the same information in the same manner."

Most cosmetics are safe. But no woman knows which few might not be safe for her. To protect herself, she should minimize use

of those which contain suspected substances. Eye preparations which might contain mercury preservatives should be discarded. Use of hexachlorophene products should be cut back, and when applied, they should be rinsed off according to directions. Cleansing creams and other breeding grounds for bacteria should be kept refrigerated. She should stop use of any product which causes an allergic reaction.

Cosmetics are psychologically important to most women. But no woman can feel uplifted by cosmetics if she simultaneously feels fearful about their dangers.

SMALL OPERATORS AGAIN CHALLENGE 1969 MINE SAFETY LAW

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. HECHLER of West Virginia. Mr. Speaker, once again we find the Bureau of Mines faced with a lawsuit filed by a group of small mine operators seeking to challenge the constitutionality of the 1969 Federal Coal Mine Health and Safety Act. About 14 months ago, small mine operators sought the same objective. For a period of nearly 9 months thereafter they successfully impeded enforcement of the law, thereby resulting in a mounting toll of deaths and injuries among coal miners. During this period, Bureau and Interior Department lawyers stumbled and bungled their way through this lawsuit. In the end, the suit was settled "without prejudice" by the Government. Thus, the small mine operators were free to try again, because the Government refused to insist that settlement be with prejudice And, indeed they are trying again in court.

In addition, I would like to call my colleagues' attention to one section of the brief filed by Henry D. Stratton and Francis D. Burke, attorneys for the operators. I quote:

> Offers have been made in the form of amended proposed assessments that negligible amounts could be paid to buy peace for alleged violations of the Act.

I think this passage speaks for itself. Enforcement efforts on the part of the Bureau of Mines have far too often been concerned with maintaining peace in the coal industry rather than with insuring the safety of coal miners. I would like to include in the RECORD the full text of the brief:

[In the U.S. District Court, Eastern District of Kentucky, at Pikeville, Ky., June 29, 1971]

COMPLAINT

Bill McKinney, d/b/a B & M Coal Co.; McKinley Bartley, d/b/a Bartley & Ratliff Coal Co.; Jack R. Belcher d/b/a Belcher Coal Co.; Big Hill Coal Corp.; Big Sandy Coal, Inc.; James Spriggs, d/b/a Brushy Fork Coal Co.; Canada Coal Co., Inc.; Caney Branch Coal Co., Inc.; Earl Ward, d/b/a Cantrell Coal Co.; James R. Rice, d/b/a Carol Coal Co.; Coleman Mining Co., Inc.; Compton & Compton Coal Co., Inc.; Theodore Parker, d/b/a Conn & Parker Coal Co.; Cecil Dotson, d/b/a D & D Coal Co.; Bill Fouch, d/b/a D. F. Preece Coal Co.; Jack Roberts, d/b/a D.R.T. Coal Co.; Earl Compton, Jr., d/b/a Deluxe Coal Co.; Victor Owens, d/b/a Double "O" Coal Co.; Duncan Coal Co., Inc.; Easton Construction Co., Inc.; Edward Potter, d/b/a Ed Potter Coal Co.; Elkhorn Fuel, Inc.; Francis & Sons Coal Co., Inc.; Joe Ray Gambrel, d/b/a Gambrel No. 2 Mine; James L. Griffith, d/b/a Griffith Coal Co.; Hamil Coals, Inc.; Harold Witten, d/b/a Harold Witten Coal Co.; Branson Coleman, d/b/a Highland Coal Co.; Hilmar Coal Co., Inc.; Bruce Huffman, d/b/a Huffman Mining Co.; Jack C. Rice, d/b/a J. & H. Coal Co.; Walter Mullins, d/b/a Jill Mining Co., Kermit France, d/b/a K. F. Coal Co.; Kermit Meade Coal Co., Inc.; Lee Davis, d/b/a L. Coal Co.; Earl Ward, d/b/a L & W Coal Co.; Thomas B. Ratliff, d/b/a Landmark Mining Co.; Kennis Justus, d/b/a Lane Hollow Coal Co.; Bill Burgett, d/b/a Lick Fork Coal Co.; Lick Fork Mining Co., Inc.; Paul Fletcher, d/b/a Little Rock Coal Co.; M. L. Coal Corp.; Mars Mining Corp.; Mary Jean Coal Co., Inc.; Victor May, d/b/a May & Bevins Coal Co.; Mill Branch Coal Co., Inc.; Ronald D. Murphy, d/b/a Miller & Murphy Coal Co.; C. E. Tackett, d/b/a Mohawk Coal Co.; N & W Coal Co., Inc.; Newsom Bros., Inc.; Sam Pecco, d/b/a Pecco Coal Co.; Custer C. Picklesimer, d/b/a Picklesimer Coal Co.; Frank Milliter, d/b/a Pike Elkhorn Coal Co.; Alvie Greene, d/b/a Pond Creek Coal Co.; Potter Bros. Mining Co., Inc.; Pounding Mill Coal Co., Inc.; Rail Dotson, d/b/a R & D Coal Co.; R. M. Mining Co., Inc.; Asa Wright, d/b/a A & E Coal Co.; Alma Coal Corp.; Hoover Bartley, d/b/a Ann Coal Co.; Blake Blevins, d/b/a Art Coal Co.; Bartley Fuel Corp.; Foster Bentley, d/b/a Bentley & Holcomb Coal Co.; Frank Salyers, Jr., d/b/a Camp Fork Fuel Co.; Victor Fields, d/b/a Childers & Fields Coal Co.; Jimmy Coleman, d/b/a Coleman & Tabor Coal Co.; Leonard Younce, d/b/a Debbie Mining Co.; Robert Holcomb, d/b/a Dixie Mining Co.; Goffery Salyer, d/b/a Eddie Coal Co.; Elk Branch Mining Corp.; Harold D. Hawkins, d/b/a H. H. & B. Coal Co.; Hall Coal Co., Inc.; Harvey Hodge, d/b/a Harvey Hodge Coal Co.; Hawkins Coal Co., Inc., Roy Hawkins, d/b/a Hawkins & Swiney Coal Co.; Charlie Tester, d/b/a Horseshoe Coal Co.; Frank Fields, d/b/a Howell & Fields Coal Co.; Johns Creek Elkhorn Coal Corp.; Leigh Coal Co., Inc.; Dennis Bartley, d/b/a Low Gap Coal Co.; Jimmie Ratliff, d/b/a Mary Ann Coal Co.; Ralph May, d/b/a May & Johnson Coal Co.; ME-AW Coal Co., Inc.; Fonso Mullins, d/b/a Mullins & Mullins Coal Co.; Jimmie Mullins, d/b/a Mullins & Ratliff Coal Co.; Pike Island Coal Co., Inc.; Potter Mining Co., Inc.; C. D. Roberts, d/b/a R. G. Mining Co.; Raccoon-Elkhorn Coal Co., Inc.; Race Fork Coal Corp., Inc.; Kerry Hamilton, d/b/a Richard Coal Co.; Arnold Salisbury, d/b/a E. M. Coal Co.; Jimmy Hawkins, d/b/a Sloan & Hawkins Coal Co.; Mrs. Jeannene Smith, d/b/a Smith Bros. Coal Co.; Standard Sign & Signal Co., Inc.; Arnold Thacker, d/b/a Thacker Bros. Coal Co.; Daniel Childers, d/b/a Two Rose Coal Co.; Guy Browning, d/b/a UAC Industries; Atlas Potter, d/b/a Wolfhead Coal Co.; Dowzell Ramey, d/b/a Ramey Coal Co.; Ralph Skeens, d/b/a Ramey & Skeens Coal Co.; Shelby Valley Enterprises, Inc.; James A. Smallwood, d/b/a Smallwood Coal Co.; Southern Coal Co., Inc.; Bennie F. Sloane, d/b/a Spring Branch Coal Co.; Stanley Osborne, d/b/a Trace Fork Coal Co.; Gilbert Leonard, d/b/a Tripple "L" Coal Co.; Goebel Stalker, Jr., d/b/a Trojan Coal Co.; Asne Varney, Jr., d/b/a V & T Coal Co.; Clell Vance, d/b/a Vanco Coal Co.; Willie Dotson, d/b/a Willie Dotson Coal Co.; Larry Hunt, d/b/a Flint Rock Coal Co.; Don Roger Lawson, d/b/a Lawson & Coleman Coal Co.; Cecil Chaney, d/b/a Little Hackney Coal Col.; Cecil Chaney, d/b/a Thorte-Farley Coal Co.; Douglas Daniels, d/b/a M & D Coal Co.; Hobert Witten, d/b/a L. B. Coal Co.; Paul Daniels, d/b/a Big Three Coal Co.; Burbage Casey, d/b/a Casey Coal Co.; Kentucky Elkhorn Coals, Inc.; W. K. Loftis, d/b/a Loftis Coal Co.; Mont Fields, d/b/a Fields Coal Co.; Winfred Salyer, d/b/a Win's Coal Co.; Elzy Mullins, d/b/a Bartley & Mullins Coal Co.; Lewis Howard, d/b/a Leslie County Mining Co.; Plantiffs, vs. Rogers C. B. Morton, Secretary of the Interior, and Elburt Osborn, Director of the Bureau of Mines, Defendants.

I

The plaintiffs state that they are, or have been, the owners and operators of coal mines as defined by the provisions of § 3(h), Public Law 91-173, "Federal Coal Mine Health and Safety Act of 1969", Tit. 30 USC § 802 (h), and that they have each engaged in the work of preparing coal as defined by § 3(i), Public Law 91-173, Tit. 30 USC § 802 (i), and that they are each, or have been, subject to the provisions of said Public Law 91-173 pursuant to the provisions of § 4 thereof, Tit. 30 USC § 803 of such Act.

II

The defendants are respectively the Secretary of the Interior as specified in § 3(a) of said Act, and the Director of the Bureau of Mines, Department of the Interior, which are charged with the enforcement of said Act.

III

The coal mines of the plaintiffs and their places of operation are located in various places within the Eastern District of Kentucky, the Southern area of West Virginia, and the Western area of Virginia.

IV

This action concerns the constitutionality of a congressional act and involves potential liabilities to each of the plaintiffs for fines up to $50,000.00 and is cognizable under the provisions of Tit. 28, USC § 1331 and Tit. 28 USC § 1391.

V

The "Coal Mine Health & Safety Act of 1969" is administered by the Department of Interior and the Department of Health, Education & Welfare. The primary administrative responsibility of enforcing said Act is vested in the Bureau of Mines within the Department of the Interior. The Secretary of Interior and the Director of said Bureau are named as parties hereto by reason of the fact that they are superior officers of agents, servants, and employees of the Department of the Interior charged with the investigation of possible violations of said Act.

The commencement and institution of proceedings for the imposition of penalties against the plaintiffs in this action, the trial of such charges, and their ultimate enforcement by collection and other remedies by said Act are vested in these officers. They are necessary and proper parties to this action by virtue of such facts.

VI

The defendants, or their predecessors in office, on November 20, 1970, published in the Federal Register, Volume 35, No. 226, mandatory health and safety standards for underground mining in such a manner as not being in accordance with Title I of Public Law 91-173, in that in the development of said mandatory safety standards, the Secretary did not consult with appropriate representatives of state agencies, appropriate representatives of the coal mine operator and miners as provided in § 101, Title I, of said Act. Subsequently, regulations have been promulgated from time to time by the Secretary without compliance with the foregoing § 101(e) of said Act.

VII

Public Law 91-173, entitled the "Federal Coal Mine Health and Safety Act of 1969", is unconstitutional in that it permits and requires the imposition of penalties, both civil and criminal, and of fines up to $50,000.00 or imprisonment for five years, or both, without setting out or establishing any objective standards by which the conduct of the

operator can be tested, and accordingly, denies due process of law to these plaintiffs and persons of like situation.

VIII

The plaintiffs are, for the most part, small mine operators, and enforcement of Public Law 91–173 and the regulations adopted illegally pursuant thereto, and the defendants, through their agents, have discriminatorily proposed fines and are undertaking to impose fines in a different proportion and ratio in these small mines than they have been in large mines, and have undertaken to enforce this Act in a discriminatory fashion which denies these plaintiffs equal protection of the law as required by the Constitution of the United States of America and should be enjoined from such conduct.

IX

Section 109(a)(3) of Public Law 91–173 provides as follows:

"(3) A civil penalty shall be assessed by the Secretary only after the person charged with a violation under this Act has been given an opportunity for a public hearing and the Secretary has determined by decision incorporating his findings of fact therein, that a violation did occur, and the amount of the penalty which is warranted, and incorporating, when appropriate, an order therein requiring that the penalty be paid. Where appropriate, the Secretary shall consolidate such hearings with other proceedings under section 105 of this title. Any hearing under this section shall be of record and shall be subject to section 554 of title 5 of the United States Code."

In spite of this provision, the defendants, or their predecessors in office, promulgated on January 14, 1971, regulation, Part 100 "Civil Penalties for Violation of the Federal Coal Mine Health and Safety Act of 1969", a patently, coercive, and illegal regulation which, among other things, sets out a schedule of penalty ranges which were not adopted as provided by law, and which deprive these plaintiffs and persons of like situation of equal protection of law and due process of law.

These plaintiffs, and others similarly situated, are being denied equal protection of the law in that defendants, their agents, servants, and employees are enforcing some of the requirements of said Public Law 91–173 in an illegal and discriminatory manner in that the requirements with respect to ventilation and dust control standards as set out in § 303 of said Act are not being enforced in the anthracite coal fields of Pennsylvania but are being enforced in the bituminous coal fields of those areas in which plaintiffs operate coal mines.

X

The plaintiffs state that during the calendar year 1970, the operation of their businesses, the number of men employed by them, and their total productions for the year were:

Name	Number of men employed	Tonnage production
Bill McKinney, d/b/a, B. & M. Coal Co.	22	46,680
McKinley Bartley, d/b/a, Bartley & Ratliff Coal Co.	7	6,679
Jack R Belcher, d/b/a, Belcher Coal Co.	7	3,954
Big Sandy Coal Co, Inc.	5	9,764
Clell Vance, d/b/a Vanco Coal Co.	14	30,957
Cecil Chaney, d/b/a Little Hackney Coal Co.	76	178,887
Cecil Chaney, d/b/a Thorte-Farley Coal Co.	17	35,132
Douglas Daniels, d/b/a M. & D. Coal Co.	9	11,366
Hobert Witten, d/b/a L. B. Coal Co.	4	1,705
Winfred Salyer, d/b/a Win's Coal Co.	5	6,781
Elzy Mullins, d/b/a Bartley & Mullins Coal Co.	9	3,989
Harold D. Hawkins, d/b/a H. H. & B. Coal Co. (Hawkins & Co. No. 14 in 1970)	12	83,091
Arnold Salisbury, d/b/a E. M. Coal Co. (Roberts & Salisbury in 1970)	4	2,108
Larry Hunt, d/b/a Flint Rock Coal Co. (Abundant Life Corp. in 1970)	8	6,426
Don Roger Lawson, d/b/a Lawson & Coleman Coal Co. (Whicker & Coleman in 1970)	12	6,948
Custer C. Picklesimer, d/b/a Picklesimer Coal Co.	3	3,000
Jack C. Rice, d/b/a J. & H. Coal Co.	6	16,050
Paul Daniels, d/b/a Big Three Coal Co. (Blueribbon Coal Co. in 1970)	6	39,500
James Spriggs, d/b/a Brushy Fork Coal Co.	4	15,288
Potter Mining Co., Inc.	53	126,474
C. D. Roberts, d/b/a R. G. Mining Co.	5	10,376
Raccoon-Elkhorn Coal Co., Inc.	21	54,644
Kerry Hamilton, d/b/a Richard Coal Co.	7	1,376
Jimmy Hawkins, d/b/a Sloan & Hawkins Coal Co.	10	30,362
Mrs. Jeannene Smith, d/b/a Smith Bros. Coal Co.	8	3,918
Standard Sign & Signal Co., Inc.	14	44,261
Arnold Thacker, d/b/a Thacker Bros. Coal Co.	6	13,670
Daniel Childers, d/b/a Two Rose Coal Co.	10	57,498
Guy Browning, d/b/a, UAC Industries	28	60,982
Atlas Potter, d/b/a, Wolfhead Coal Co.	6	14,215
Dowzell Ramey, d/b/a, Ramey Coal Co.	11	23,996
Shelby Valley Enterprises, Inc.	17	5,198
James A. Smallwood, d/b/a, Smallwood Coal Co.	7	23,407
Southern Coal Co., Inc.	13	11,842
Bennie F. Slone, d/b/a, Spring Branch Coal Co.	12	79,389
Stanley Osborne, d/b/a, Trace Fork Fork Coal Co.	4	2,500
Bill Burgett, d/b/a, Lick Fork Coal Co.	15	41,785
Lick Fork Mining Co., Inc.	9	35,067
M. L. Coal Corp.	16	42,114
Mars Mining Corp.	47	117,810
Mary Jean Coal Co., Inc.	7	16,761
Victor May, d/b/a May & Bevins Coal Co.	14	20,405
Mill Branch Coal Co., Inc.	16	73,064
Ronald D. Murphy, d/b/a, Miller & Murphy Coal Co.	5	7,547
C. E. Tackett, d/b/a, Mohawk Coal Co.	8	7,906
N. & W. Coal Co., Inc.	15	30,037
Newsom Bros., Inc.	5	26,125
Sam Pecco, d/b/a, Pecco Coal Co.	13	16,361
Victor Owens, d/b/a, Double "O" Coal Co.	18	43,002
Duncan Coal Co., Inc.	14	30,723
Easton Construction Co., Inc.	25	70,000
Elkhorn Fuel, Inc.	19	12,129
Francis & Sons Coal Co., Inc.	7	37,550
James L. Griffith, d/b/a, Griffith Coal Co.	6	15,466
Harold Witten, d/b/a, Harold Witten Coal Co.	12	13,133
Branson Coleman, d/b/a, Highland Coal Co.	22	14,169
Hilmar Coal Co., Inc.	9	9,870
Bruce Huffman, d/b/a, Huffman Mining Co.	15	28,230
Walter Mullins, d/b/a, Jill Mining Co.	34	82,661
Kermit France, d/b/a, K. F. Coal Co.	16	37,543
Kermit Meade Coal Co., Inc.	16	35,031
Lee Davis, d/b/a, L. Coal Co.	5	10,724
Earl Ward, d/b/a, L. & W. Coal Co.	7	4,485
Alvie Greene, d/b/a, Pond Creek Coal Co.	10	5,750
Potter Bros. Mining Co., Inc.	7	55,295
Hoover Bartley, d/b/a, Ann Coal Co.	10	32,455
Blake Blevins, d/b/a, Art Coal Co.	8	40,541
Foster Bentley, d/b/a, Bentley & Holcomb Coal Co.	19	5,625
Frank Salyers, Jr., d/b/a, Camp Fork Fuel Co.	8	74,272
Victor Fields, d/b/a, Childers & Fields Coal Co.	7	30,388
Jimmie Coleman, d/b/a, Coleman & Tabor Coal Co.	5	5,076
Leonard Younce, d/b/a, Debbie Mining Co.	20	80,378
Goffery Salyer, d/b/a, Eddie Coal Co.	14	65,429
Elk Branch Mining Corp.	14	101,873
Goebel Stalker, Jr., d/b/a, Trojan Coal Co.	13	24,912
Asne Varney, Jr., d/b/a, V. & T. Coal Co.	11	27,721
Theodore Parker, d/b/a, Conn & Parker Coal Co.	8	24,810
Cecil Dotson, d/b/a, D. & D. Coal Co.	4	1,860
Bill Fouch, d/b/a, D. F. Preece Coal Co.	6	4,836
Jack Roberts, d/b/a, D.R.T. Coal Co.	26	153,383
Earl Compton, Jr., d/b/a, Deluxe Coal Co.	12	65,308
Hall Coal Co., Inc.	10	44,253
Harvey Hodge, d/b/a, Harvey Hodge Coal Co.	10	20,355
Roy Hawkins, d/b/a, Hawkins & Swiney Coal Co.	14	12,752
Frank Fields, d/b/a, Howell & Fields Coal Co.	8	14,997
Johns Creek Elkhorn Coal Corp.	81	556,423
Leigh Coal Co., Inc.	64	121,091
Dennis Bartley, d/b/a, Low Gap Coal Co.	6	45,596
Jimmie Ratliff, d/b/a, Mary Ann Coal Co.	7	10,275
Ralph May, d/b/a, May & Johnson Coal Co.	6	13,734
ME-AW Coal Co., Inc.	5	4,554
Fonso Mullins, d/b/a, Mullins & Mullins Coal Co.	35	33,713
Jimmie Mullins, d/b/a, Mullins & Ratliff Coal Co.	16	63,049
Pike Island Coal Co., Inc.	7	29,509
Canada Coal Co., Inc.	12	36,214
Caney Branch Coal Co., Inc.	86	285,753
Earl Ward, d/b/a, Cantrell Coal Co.	7	27,131
James R. Rice, d/b/a Carol Coal Co.	22	23,075
Coleman Mining Co., Inc.	9	3,825
Compton & Compton Coal Co., Inc.	33	82,026
Edward Potter, d/b/a Ed Potter Coal Co.	28	140,000
Rail Dotson, d/b/a, R. & D. Coal Co.	20	73,611
R. M. Mining Co., Inc.	75	300,000
Asa Wright, d/b/a, A. & E. Coal Co.	6	16,717
Ralph Skeens, d/b/a, Ramey & Skeens Coal Co.	16	42,303
W. K. Loftis, d/b/a, Loftis Coal Co.	60	225,000
Kentucky Elkhorn Coals, Inc.	55	250,000
Lewis Howard, d/b/a, Leslie County Mining Co.	78	84,162
Total	1,835	5,312,141

XI

The plaintiffs, acting on legal advice, believed that there were serious constitutional questions with respect to said Act, and that there were questions of constitutional import in the administration of said Act, they each determined to and have filed protests to all proposed assessments to civil penalties and protested proposed amended orders of assessment. That at each step of the administrative process adopted in violation of the Act, they have been warned by the agents, servants, and employees of defendants that they were subject to penalties substantially higher than those proposed; that after the defendants, acting through the trial solicitor of the Department of Interior, commenced administrative proceedings for the determination and infliction of civil penalties, the plaintiffs, and members of their class, have been warned of liabilities ranging up to 1,000 percent of proposed assessments.

Offers have been made in the form of amended proposed assessments that negligible amounts could be paid to buy peace for alleged violations of the Act.

In truth and in fact, the defendant Secretary of the Interior has not conducted any hearings to determine if there had been violations such as to warrant the imposition of civil penalties permitted by the Act according to the standards provided in the Act.

The Act does not mandatorily require a civil penalty for each violation, but determination with respect to civil penalties is to be made as a matter of sound discretion shaped by relevant factors recited in the Act and the circumstances of the alleged violation for which a penalty is sought.

XII

The plantiffs are being denied equal protection of the law and due process of law in that the defendants are not undertaking to enforce certain sections of the "Federal Coal Mine Health and Safety Act of 1969" as against certain coal mining operators while vigorously attempting, to the disadvantage of these plaintiffs, to enforce the Act against these plaintiffs, thereby denying them their constitutional rights.

XIII

The discriminatory enforcement of the Act is posing a serious threat to the national security of the United States by causing, involuntary and voluntary, closures of coal mines at a time when the energy requirements of the United States require the expansion of the production of fossil fuels rather than a reduction of production; that such attempt is being made in the guise of health and safety when in truth and in fact, the enforcement of the Act is counterproductive of that end.

XIV

The discriminatory enforcement of this unconstitutional Act has caused the closing of mines, the loss of jobs by employees of these and other employers, and the loss of employment opportunity to thousands of workers in an otherwise economically distressed area.

XV

The measurement of dust as provided in said Act requiring the measurement of mine dust by the use of the M.R.E. dust sampling device is arbitrary and capricious in that said instrument is demonstrably inaccurate, and requiring closure of mines, imposition of fines, based on an inaccurate measuring device and standard constitutes a taking of property without due process of law.

XVI

The plaintiffs state that they are entitled to an injunction enjoining and restraining the defendants, or their delegates, from the enforcement of the "Coal Mine Health and Safety Act of 1969" in the following particulars: (a) the provisions of the Act with respect to ventilation; (b) the requirements of the Act with respect to the amount of respirable dust in coal mines; (c) the provisions permitting the closure of mines and withdrawal of men from sections of mines where no objective standards authorizing such action are provided in said Act. The enforcement of the provisions of the Act as aforesaid is causing the plaintiffs irreparable injury in that they are being subject to the taking of their property and the threatened denial of their liberties by enforcement of an unconstitutional act or by discriminatory enforcement of the Act if it be adjudged constitutional; for such injury, they have no adequate or any remedy at law; that a temporary injunction issue restraining such actions and that on final hearing, the same be made permanent and perpetual.

XVII

Plaintiffs state that a three-judge court should be convened for the disposition of this case on the merits.

WHEREFORE, these plaintiffs demand judgment as follows:

1. That the defendants be enjoined in the enforcement of the "Coal Mine Health and Safety Act of 1969" in whole and in more particularly as follows: (a) that said Act is unconstitutional and confiscatory and denies these plaintiffs equal protection of the law and due process of law, and applies standards of conduct and behavior as to these Plaintiffs and persons similarly situated which are not applied to industries of like or similar nature to Plaintiffs' business; (b) that it deprives these Plaintiffs and others persons similarly situated of due process of law and that it operates to take their property without just compensation.

2. That the Defendants be temporarily enjoined and restrained from enforcing the "Coal Mine Health and Safety Act of 1969" if it be found constitutional in whole or in part in at least the following particulars:

(a) The provisions of the Act with respect to ventilation; (b) The requirements of the Act with respect to the amount of respirable dust in coal mines; (c) the provisions permitting the closure of mines and withdrawal of men from sections of mines where no objective standards authorizing such action are provided in said Act; (d) That on final hearing said injunction be made permanent and perpetual.

3. That Plaintiffs demand a three judge court be convened for the disposition of this case on the merits.

4. That on final hearing said injunction be made permanent and petual.

5. That Plaintiffs demand all proper relief.

HORTON DISCUSSES H.R. 1: WELFARE, SOCIAL SECURITY, MEDICARE, AND MEDICAID REFORM

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. HORTON. Mr. Speaker, one of the most complicated, yet one of the most comprehensive, bills to come before the Congress is H.R. 1, which provides for major changes in welfare, social security, medicare, and medicaid programs.

I believe my colleagues in the House deserve a great deal of credit for approving this legislation. If enacted by the Senate, it will have far-reaching effects on almost every American and on the relationships between governments at all levels.

While I believe that the bill as passed by the House can be improved, especially in the area of welfare reform, it contains vast improvements over the present system of benefits. I am hopeful that when the bill is considered by the Senate amendments will be adopted to correct its present limitations.

I feel its enactment by both Houses—with the necessary amendments and revisions—can mark an improved way of life for millions of Americans.

Because of the importance of H.R. 1, I wrote a series of five articles for newspapers in my congressional district, discussing general and specific provisions of H.R. 1 and congressional action on this bill.

I would like to share these articles with my colleagues in the House, because I think they will find them both interesting and useful.

The articles follow:

THE FACTS ABOUT H.R. 1: WELFARE, SOCIAL SECURITY, MEDICARE AND MEDICAID REFORM

On May 26, the House Ways and Means Committee reported for favorable consideration a complex bill, 687 pages long, known as H.R. 1. This bill contains the most comprehensive and basic reforms in the welfare system, the social security system, and medicare and medicaid, of any bill that has been before Congress in recent memory.

The bill, as described in a 385 page-long Committee report, contains five major program reforms in the welfare and old age assistance laws, as well as a greater number of reforms in the social security, medicare and medicaid laws. There are provisions in this bill affecting nearly every American citizen, and forging basic changes in the relationship between the Federal government and State and local governments in the area of welfare and public assistance for the aged, blind and disabled.

WELFARE REFORM PROVISIONS

The following are the five major welfare reforms provided under H.R. 1:

First: The bill reforms present programs of welfare assistance to needy families by separating applicants who are employable and assigning them a separate program called Opportunities for Families, to be administered by the Department of Labor. This program, for families with an employable adult, includes training and work incentives and work requirement programs, as well as day care and other services.

Second: For families with children which do not include an employable adult, the bill establishes a Family Assistance Plan, to be administered by the Federal Department of Health, Education and Welfare. Once a family under this plan includes an employable adult, the family would be referred to the Opportunity for Families program in the Labor Department.

Third: The bill provides greater equity in welfare payments throughout the country under both the Family Assistance Plan and Opportunities for Families) and would greatly improve the administration of welfare payments. Payment provisions include a federal minimum benefit of $2,400 per year for a family of four, uniform national payment eligibility standards, payments to families where the father is working full time and is still within eligible limits—thus affording incentive to work and to continue working, rather than to slip into a cycle of dependence on welfare. Federal administration of payments procedure is also provided.

Fourth: The bill replaces the three State administered programs for assistance to aged, blind and disabled citizens with one federally-administered program under the Social Security Administration, including national eligibility standards, and including federal payment of basic benefit levels to aged, blind and disabled recipients.

Fifth: The bill provides for federal administration of not only the federal payment levels, but also of optional supplemental payments which may be made by states or localities. Federal pick-up of all administration costs would save states and localities over $1.5 billion in the first year, and would save New York State about $188 million.

SOCIAL SECURITY, MEDICARE AND MEDICAID REFORMS

H.R. 1 contains several extensive Social Security reforms, including an across the board increase in benefits of 5% as of June, 1972. This would be on top of the 10% increases enacted in March, 1971.

The bill includes a provision for automatic cost-of-living increases in benefits, similar to a provision passed by the House but rejected by the Senate last year. There are also substantial reforms in the earned income limitation (retirement test), in benefits for widows, widowers and dependents, and in disability benefit payments.

The Medicare program is broadened to include disabled social security and railroad retirement recipients, and guarantee is added that no increase in premium payments will be required unless there is a general increase in benefits.

To pay for Social Security and Medicare reforms, the bill seeks an increase in the Social Security tax earnings base to $10,200 beginning in January, 1972.

Finally, the bill provides minor income tax law reforms to permit deduction for child care expenses of working mothers, and to expand and simplify the existing retirement income credit provisions.

Further articles in this series will discuss each of these reforms in greater detail. In the meantime, Members of Congress will be considering each of these provisions, and will undoubtedly hear from constituents with arguments both for and against this complex bill.

THE FACTS ABOUT WELFARE REFORM—PART I

Legislation providing for welfare reform has been the subject of intensive debate since the last Congress, but no agreement has been reached. The welfare situation has reached a state of crisis during the past 10 years.

The present aid to families with dependent children program (AFDC) is one example of why welfare reform is needed. Operated by 54 separate jurisdictions, the AFDC program is characterized by a growing lack of confidence on the part of the taxpaying public, coupled with increasing bitterness from welfare recipients about a system which extracts self-respect as the price of its benefits. AFDC programs inspire hopelessness from those who have been trapped in a life on the dole from which the possibility of escape seems remote. They foster more and more welfare and less and less work.

The effects of these factors can be measured by the geometrically increasing costs and caseloads in the 1960's—during the last decade, the AFDC rolls grew by 4.4 million people and the cost to taxpayers increased to $2.5 billion per year. If the situation in welfare was alarming at the beginning of 1970, the program is now completely out of control. The number of AFDC recipients rose from 7,501,000 in January, 1970 to 9,773,000 in January, 1971—2.25 million more people in one year!

Immediate and far-reaching action is needed. Attempts to patch up the present system simply will not work and would lead to nothing but disillusionment and recrimination. H.R. 1 is designed to prevent the collapse of a basic function of government—assisting its citizens to a better life.

H.R. 1 provides a partial Federal takeover of the welfare system which would lift from state and local governments the terrific financial burden of employees and installations needed for the effective implementation of welfare. If H.R. 1 is enacted, New York State would save a total of $188.4 million is the first year.

Each family of four earning a total of $4,140 or less would be eligible for assistance. The amount of Federal benefits would vary from a maximum of $2,400 for a four-person family with no income to a minimum of $120 if the family is earning $4,140. State and local governments, at their own discretion, could supplement these Federal payments.

One of the major thrusts of the bill is that the receipt of welfare benefits should be a temporary status and not a way of life. Two basic difficulties have appeared in past legislative efforts to return welfare recipients to self-sufficiency: 1) all recipients have been lumped together without any realistic assessment of their ability to enter the labor force and 2) authority for employment and training programs have been diffused at both the Federal and State levels.

The proposed bill meets both of these problems by creating an entirely separate program for those who are defined under the bill as available for employment and by assigning exclusive responsibility for this program to the Department of Labor.

About 2.6 million families, having an employable adult, would enter this Opportunities for Families program and about 1.4 million families with no employable adult, would enter the Family Assistance program. While allowing a family of four earning $4,140 or less to receive benefits would increase the number of families on the welfare rolls during the first years of operation, it is this provision which offers work incentive and a start on the road to self-sufficiency for the needy. Since working poor families would be added to the rolls, they would not receive the maximum benefits payable to unemployable recipients. In other words, a short-run increase in costs will lead to a long-run decrease in both costs and numbers of people who require Federal assistance.

The bill would require that all employable adults register with the Secretary of Labor unless they are exempted by the law itself. The bill provides specific categories of exemptions. Only those individuals who are so ill, incapacitated or of advanced age that they are unable to work, or are mothers of children under 3 years of age (6 years of age for the first 2 years), or are under the age of 16 or under the age of 22 and regularly attending school would be exempt from registration for employment or training. Individuals in these categories would have the privilege of registering if they wish.

Any eligible person who did not register or take work or training as required would subject his family to a penalty of an $800 per year reduction in benefits. Every person receiving training would receive about $30 a month as an additional incentive to stay in training. As an incentive for work, the first $720 earned, plus one-third of the remainder of annual earnings, would not be used to reduce family benefits.

In other words, up to the maximum income level for eligibility, every $3 earned above $720 would reduce the welfare benefits by $1.

The American people have traditionally been sympathetic and willing to help those who are in need. But I believe that the American people do not want a system which results in promoting welfare as a way of life. The provisions of H.R. 1 are aimed at providing adequate assistance to those who cannot help themselves, while at the same time creating a system of assistance which will maximize the incentive and the obligation of those who are able to work to help themselves.

THE FACTS ABOUT WELFARE REFORM—PART II

In addition to establishing the Family Assistance Plan and the Opportunities for Families Program, H.R. 1 contains important provisions affecting assistance to the aged, blind and disabled recipients, the provision of child care for needy families, and the overall financial consequences of these changes for state and local taxpayers.

AGED, BLIND AND DISABLED

The existing Federal-State programs of aid to the aged, blind and permanently and totally disabled would be repealed, effective July 1, 1972, and a new, totally Federal program would be effective on that date. The new national program is designed to provide financial assistance to needy people who have reached age 65 or are blind or disabled and would be established in the Social Security Act. The program would be administered by the Social Security Administration through its present administrative framework and facilities.

Individuals or couples could be eligible for assistance when their monthly income is less than the amount of the full monthly payment.

Full monthly benefits for a single individual would be $130 for fiscal year 1973; $140 for fiscal year 1974, and $150 thereafter. Full monthly benefits for an individual with an eligible spouse would be $195 for fiscal year 1973, and $200 for fiscal year 1974 and thereafter.

Disabled and blind beneficiaries would be referred to State agencies for vocational rehabilitation services. A beneficiary who refused without good cause any vocational rehabilitation services offered would not be eligible for benefits.

DAY CARE

The Secretaries of Labor and Health, Education and Welfare are each given the authority and responsibility for arranging day care for their respective recipients under the Opportunities for Families program and the Family Assistance Plan who need such day care in order to participate in training, employment or vocational rehabilitation. Where such care can be obtained in facilities developed by the Secretary of HEW, these would be utilized.

Insofar as possible, arrangements would be made for after school care with local educational agencies. All day care would be subject to standards developed by the Secretary of HEW, with the concurrence of the Secretary of Labor. Both Secretaries would have authority to make grants and contracts for payment of up to 100 percent of the cost of care. The Secretary of HEW would have total responsibility for construction of facilities. $700 million would be authorized for the provision of child care services in the first fiscal year and such sums as Congress may appropriate in subsequent years. In addition, $50 million would be authorized for construction and renovation of child care facilities for each fiscal year.

FINANCIAL EFFECTS ON STATES

If a State decides to supplement the basic Federal payment, it would be required to provide benefit amounts that do not undermine the earnings disregard provision. A State could agree to have the Federal government make the supplementary payments on behalf of the State. If a State agrees to have the Federal government make its supplemental payments, the Federal government would pay the full administrative costs of making such payments, but if it makes its own payments the State would pay all of such costs.

States could but would not be required to cover under medicaid presons who are made newly eligible for cash benefits under the bill.

The Federal government, in administering supplemental benefits on behalf of a State, would be required to recognize a residency requirement if the State decided to impose such a requirement.

States would be guaranteed that, if they make payments supplemental to the Federal adult or family programs, it would cost them no more to do so than the amount of their total expenditures for cash public assistance payments during calendar year 1971.

This would be to the extent that the Federal payments and the State supplementary payments to recipients do not exceed the payment levels in effect under the public assistance programs in the State for January 1971. The food stamp values would be taken into account in computing whether the guarantee would go into effect if the State pays in cash the value of food stamps. Most States would save money under the provisions of the bill; this provision would guarantee that no State would lose money.

While these reforms may seem minor compared to the overhaul of the Aid to Families With Dependent Children program (AFDC) and the imposition of work and training requirements, they serve to round out the commitment which H.R. 1 makes to total reform of the present welfare system, and to improve that system from the standpoint of the recipient, the taxpayer, State and local governments and the overall ad-

ministrative priorities of the current welfare crisis.

H.R. 1—Social Security, Medicare, and Medicaid Provisions

H.R. 1 contains many needed reforms affecting the Social Security, Medicare and Medicaid programs. Under provisions of this bill, additional benefits would be available to millions of our nation's elderly, poor and disabled.

PROVISIONS RELATING TO THE SOCIAL SECURITY CASH BENEFITS PROGRAM

Social Security benefits would be increased by 5 percent. The minimum benefit would be increased from $70.40 to $74.00 a month. The average old-age insurance benefit would rise from an estimated $133 to $141 a month and the average benefit for aged couples would increase from an estimated $222 to $234 a month. Special benefits for persons age 72 and over who are not insured for regular benefits would be increased from $48.30 to $50.80 for individuals and from $72.50 to $76.20 for couples.

The effective date would be June 1972.

More than 27.4 million beneficiaries would become entitled for higher payments and 16,000 people would become newly eligible. About $2.1 billion in additional benefits would be paid in the first full year.

Social Security benefits would be automatically increased according to the rise in the cost of living. Increases could occur only once a year, provided that the Consumer Price Index increased by at least 3 percent and that legislation increasing benefits had neither been enacted nor become effective in the previous year.

In any year in which automatic benefit increase becomes effective, the Social Security contribution and benefit base would be automatically increased according to the rise in average wages covered under the Social Security program (if wage levels had gone up sufficiently).

In any year in which an automatic benefit increase becomes effective, the exempt amount under the retirement test would be automatically increased in the same manner as the contribution and benefit base is increased—according to the rise in average wages covered by the program.

The first possible automatic increase would be effective January 1974.

A special minimum benefit, effective January 1972, would be provided for people who worked for 15 or more years under Social Security. The benefit would be equal to $5 multiplied by the number of years of coverage the person has under the Social Security program, up to a maximum of 30 years. The highest minimum benefit under this provision would be $150 for a person who had 30 years of coverage. The special minimum would not be raised under the automatic benefit increase provisions.

Approximately 300,000 people would get increased benefits on the effective date and $30 million in additional benefits would be paid in the first full year, under this new minimum benefit formula.

A widow (or widower), including those already on the rolls, would be entitled to a benefit equal to 100 percent of the amount her deceased husband would be receiving if he were still living. Benefits, effective January 1972, applied for before age 65 would be reduced according to the widow's age at the time of application.

Under this reform, 3.4 million people would receive increased benefits on the effective date, and $764 million in additional benefits would be paid in the first full year.

A worker's old-age benefit would be increased by 1 percent for each year (1/12 of 1 percent for each month) in which the worker between ages 65 and 72 does not receive benefits because he is working after age 65. No increased benefit would be paid under the provision to worker's dependents or survivors.

Under this reform, 400,000 people would receive increased benefits and $11 million in additional benefits would be paid in the first full year.

PROVISIONS RELATING TO MEDICARE AND MEDICAID

Health insurance protection, under Title XVII, would be extended, effective July 1972, to persons entitled to monthly cash benefits under the Social Security and railroad retirement programs because they are disabled, after they have been entitled to disability benefits for at least two years.

About 1.5 million disabled Social Security and railroad beneficiaries would be newly eligible for both hospital benefits and physician coverage under Medicare. About $1.85 billion in benefits would be paid on behalf of disabled beneficiaries in the first full year of the program.

People reaching age 65 who are ineligible for hospital insurance benefits under Medicare would be able to enroll, on a voluntary basis, for hospital insurance coverage under the same conditions under which people can enroll under the supplementary medical insurance part of Medicare. Those who enroll would pay the full cost of protection—$31 a month at the beginning of the program—rising as hospital costs rise. States and other organizations, through agreements with the Secretary, would be permitted to purchase such protection on a group basis for their retired (or active) employees age 65 or over, effective January 1972.

Incentives would be created for States to contract with health maintenance organizations or similar facilities. At the same time "disincentives" would be provided to discourage prolonged stays in institutions.

Families eligible for cash assistance would have a deductible under medicaid equal to one-third of the family's earnings above $720 (after deducting the earnings of school children and any costs of required child care) less the difference between the Medicaid standard and the payment standard, if any, in that State. All States would be required to impose such a deductible. Any family with income below the State Medicaid standard would be eligible for Medicaid assistance.

Legislative Action on H.R. 1

On June 22, H.R. 1, which provides for comprehensive reforms in welfare, Social Security, Medicare and Medicaid programs, was approved by the House of Representatives by a vote of 288–132, with my support. With this vote, the House affirmed its commitment to bringing about long-needed changes in inadequate and outdated systems of benefits for the poor, elderly and disabled.

The House-passed version of H.R. 1 now goes to the Senate, where the Finance Committee will hold hearings on it. Finance Committee Chairman Russell Long has said that this legislation will be the Committee's "Number 1 order of business." He said hearings will begin this month and resume after the August recess. I am hopeful that a bill will reach the Senate floor by early fall.

Passage by the House marked the end of a legislative struggle which began when the bill was introduced earlier this year—the first piece of legislation introduced in the 92nd Congress.

I have discussed the provisions of H.R. 1 in four preceding columns. This column will review briefly the intricate steps the bill went through in the House and prospects for Senate action.

H.R. 1 was reported for favorable consideration by the House Ways and Means Committee on May 26. It was offered on the floor of the House under what is called a "closed rule," meaning that no amendment could be offered to H.R. 1. I voted against this rule because I feel that any legislation of such comprehensive magnitude should be fully discussed by the House.

However, the House voted 200–172 to consider H.R. 1 under a closed rule. The full House, therefore, was given no opportunity to make important changes and valid amendments and improvements in the bill as reported by the Committee.

However, when the bill is considered by the Senate, amendments may be offered to correct its shortcomings.

H.R. 1 was considered under a closed rule which was made in order to offer one amendment to strike one section of the bill. Another debate over H.R. 1, therefore, involved a move to strike Title IV, which would have eliminated all of the welfare reform provisions, leaving the present welfare system intact.

The move to strike Title IV from H.R. 1 was defeated by a vote of 234–187.

I voted against deletion of Title IV and to retain the welfare reform provisions of H.R. 1, despite some of its shortcomings, because I felt very strongly that if this compromise welfare reform proposal was killed by the House, it would mean the end of any possible welfare reform during this Congress. The work incentive, work training and day care provisions of Title IV promise to bring an end to the era where welfare is a way of life for millions of families and an uncontrollable expense for all levels of government. From the standpoint of the poor, the economy and state and local governments this bill contains vast improvements over the present welfare system.

There are changes that I know the Senate will consider when it takes up this legislation—changes that could not be made in the House because of the closed rule procedure.

Some senators have announced their support for a provision that recipients would not receive less than they are getting now in welfare as long as they remained in an eligible category. The House-passed version of the bill provides that each family of four earning a total of $4,140 or less would be eligible for assistance. The amount of Federal benefits would vary from a maximum of $2,400 for a four person family with no income to a minimum $120 if the family is earning $4,140. State and local governments, *at their discretion*, could supplement these Federal payments.

A provision guaranteeing that no recipient would receive less than he is receiving now would require some state supplemental payments, although in no case as much as the states are paying presently. The federal role would be expanded, while maintaining a smaller but definite role for state governments, without placing undue burdens on them.

A bill similar to H.R. 1 passed the House last year but was never reported out of the Senate Finance Committee. This year, H.R. 1 was given top priority by the House. I am hopeful the Senate will give it the same prompt consideration. We can then provide long needed reforms in benefits—and a more dignified and productive way of life—for our nation's poor, elderly and disabled.

FIVE MILLION IN U.S. SUPPORT FOR MARXIST CHILE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. RARICK. Mr. Speaker, when Salvador Allende, a self-proclaimed Communist, assumed power in Chile,

President Nixon's comments were as follows:

The new Government in Chile is a clear case in point. The 1970 election of a Socialist President may have profound implications not only for its people but for the inter-American system as well. The government's legitimacy is not in question, but its ideology is likely to influence its actions. Chile's decision to establish ties with Communist Cuba, contrary to the collective policy of the OAS, was a challenge to the inter-American system. We and our partners in the OAS will therefore observe closely the evolution of Chilean foreign policy.

Our bilateral policy is to keep open lines of communication. We will not be the ones to upset traditional relations. We assume that international rights and obligations will be observed. We also recognize that the Chilean Government's actions will be determined primarily by its own purposes, and that these will not be deflected simply by the tone of our policy. In short, we are prepared to have the kind of relationship with the Chilean Government that it is prepared to have with us.

Many Americans, even those who have been conditioned to believe we are helping so-called emerging nations, were flabbergasted when the Nixon administration announced the United States was extending to Chile $5 million in credits for the purchase of military equipment.

Since Dr. Allende's closest political ties are with Castro, many question the purpose as well as the need for our giving U.S. military assistance to Chile. Is this another balance-of-power formula designed by our State Department? Will the new U.S. arms be used in aggressive assaults against Chile's non-Communist neighbors? Does our State Department feel the military equipment is necessary to help Allende defend himself against his own people—to make sure that the Chilean people are overpowered and unable to regain control of their country?

While the Allende government has been in power for only 8 months, it has rapidly deteriorated into a first-class Castro-type socialist dictatorship. What excuses can be offered by the leaders of the U.S. Government for giving arms aid and World Bank financing except to bail out Alende's mistakes? And again we find U.S. taxpayers subsidizing a Communist regime.

I insert at this point an announcement on the U.S. arms credit to Chile, a report on unemployment and fiscal irresponsibility in Chile, and a letter from an American presently in Chile conveying his first-hand impressions.

[From the Washington Post, July 1, 1971]

U.S. GIVES $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 Manchester (N.H.) Union Leader, June 25, 1971]

MARXIST REGIME LEADS CHILE TO BANKRUPTCY—PRESIDENT ALLENDE IS GUIDING NATION ALONG CASTRO CUBA'S PATH

Contractor Magazine, in its current issue, tells what happened to Nibco Inc., a company in Elkhart, Ind., that wanted to do business with an "underdeveloped" country. Nibco is a manufacturer of valves and fittings; through the good offices of the Alliance for Progress, it launched a joint venture with a Chilean firm to build an ultra-modern brass foundry in Santiago. With half a million Nibco dollars behind it, Nibsa, as the subsidiary was called, was an immediate success.

However, last fall, after the election of Dr. Salvador Allende Gossens as president of Chile, orders began to plunge. David Hyams, general manager, reported to the home office that within a month the firm would be insolvent. Told to salvage what he could, Mr. Hyams sought to lay off some of the plant's 270 workers, but was refused permission by the union. The sole alternative offered was a loan from Corfo, a government corporation, which would have led to control of the firm. Instead, Mr. Hyams shut down the plant. Ten days later, the government forcibly seized it, ousted Mr. Hyams and filed criminal charges against him.

Most companies with holdings in Chile—U.S. investment there totals $850 million—these days have little or nothing to say. Not so Lee Martin, president of Nibco, who has appealed to the State Department for help in protecting his interests and keeping Mr. Hyams out of jail. "It is our firm conviction," writes Mr. Martin, "that this is an outright expropriation of our investment by the Chilean Government."

What really galls Mr. Martin, though, is the sympathetic attitude of official Washington toward the new Chilean regime. Noting that the U.S. Export-Import Bank is considering a loan to Santiago for the purchase of railroad equipment, Mr. Martin declares: "I am unable to understand how the United States can justify a subsidy to a government which, by its political philosophies and actions, by seizing and dissipating the local assets of foreign-based businessmen . . . proves so obviously that it abhors democratic processes."

Allende apologists in this country, of course, tend to shrug off such criticism. This the ranking foreign correspondent of a New York newspaper (which helped convince the U.S. that Fidel Castro was just an agrarian reformer) recently wrote from Santiago: "Allende's contribution is the ballot-box revolution, which so far has worked with surprising success." Secretary of State Rogers is attending a meeting of the Organization of American States in Costa Rica, along with Chilean Foreign Minister Clodomiro Almeyda; much is heard from delegates of the Andean countries, who have set a 15-year deadline for the nationalization of all U.S. interests within their borders. Washington, meanwhile, still seems under the influence of a Chilean mission which came through a few weeks ago to argue that any aid cutoff would constitute U.S. economic aggression.

OTHER LOANS

Besides possible Eximbank credits, the World Bank currently has a loan mission in Chile, appraising an agricultural project. Loans by the World Bank are not directly under the control of the U.S., but much of its capital comes from the U.S. Treasury, and Washington surely could influence the decision.

In addition, the U.S. currently is giving Chile some $6–$7 million under the Food for Peace program, while the Pentagon is making the new Socialist regime an outright gift of $803,000 for training young officers. Chile still enjoys most-favored-nation treatment.

Finally, there is the Inter-American Development Bank, which, under its former president, Sr. Felipe Herrera, funneled a disproportionate share of loans into Chile. When Sr. Allende became president, Sr. Herrera resigned to return to his homeland.

[From the Francisville Democrat, St. Francisville, La., June 1, 1971]

HOOKS AND SHELLS

(By Ben Garris)

My son-in-law, ——— ———, and family are living in the South American country of Chile. He was hired by some Dutch firm to help get a paper mill into operation and to train Chilean workers to take over the operation. I think you might be interested in parts of his last letter.

". . . The mill is progressing slowly and it is still six weeks to start up. Everything stays tied up in politics and paper work. The employees would have to be called intelligent by academic standards. Almost all of them, from our trainee counterparts down to the lowest laborers, have been in one university or another. Many of them have six-year educations, equivalent to a Masters Degree in the States. Most of them have either chemical or mechanical engineers' degrees. But for all their education, they are basically worthless. Maybe one in fifty has any ambition or initiative. I can understand the country's condition after dealing with it first hand.

"The uneducated are even worse.

"The government here is weird. It is the union for the workers. All Chileano workers belong to the union, from the manager down. The labor laws are completely beyond comprehension. The local industrial relations people do not understand them thoroughly, so it is impossible for us to. But things stay interesting anyway, what with the assassinations and what-not.

"Last month we were threatened with a plant takeover by the construction workers. I understand this to be quite common in Chile. As their jobs begin to play out (the construction workers) they start to organize enough people to just walk in and take over. Nothing violent as long as there is no resistance. Whoever is the strongest owns the property. The government does nothing to discourage this sort of thing. If anything they encourage it.

"This has happened to several large companies down here causing them to lose thousands of dollars. The takeovers are not an attempt to actually own and operate the business, but . . . just to control long enough to force the owner to hire those who take over. In the meantime they destroy or sell a lot of the equipment. They took over one building here, but relinquished after a week. I believe that they will take over the entire mill upon completion.

"The plants that have been taken over in the past end up with six or seven hundred employees in an operation requiring one hundred, making it impossible to operate at a profit.

"The people are also extremely class conscious. There are two types of employees . . . the kind that work with their hands and the kind that work with their heads. The latter don't care how much they are paid as long as they have a good title. (Because of this) . . . they have now entitled my job as "shift superintendent" rather than "foreman", since they could not get trainee counterparts to come to work here for the title of "foreman".

"Something that take one day to do in the States sometimes takes a month here.

"The government (seems) to strive to keep them backward as hell anyway. It discourages

transportation. Because of government-imposed costs a car smaller than a VW costs about $5,500. A VW would cost $10,000.

And so it goes in central Chile. I'll let you know later how he does on the trout, the patos and the ferdiz.

THE BUECHEL-FERN CREEK JAYCEES: "LOTS OF HARD WORK"

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. MAZZOLI. Mr. Speaker, I would like to give some well-deserved recognition to the 165 members of the Buechel-Fern Creek Jaycees of Jefferson County, Ky., who were recently designated the top chapter out of 6,400 Jaycees clubs across the Nation. Led by 1970–71 president Roger Thomas, the Buechel-Fern Creek Jaycees conducted over 230 civic projects of all kinds during the past year. I think we can expect more of the same kind of community spirit in this fine club in the weeks and months ahead under the leadership of current president H. Carleton Godsey.

Mr. Speaker, in these troubled times there is much attention in the press and on radio and television to the spectacular and the destructive aspects of life in America today. There is not enough attention to the kind of tireless effort and civic pride that the Buechel-Fern Creek Jaycees have shown us over this past year. As vice president Bob Oser said recently:

Lots of hard work is what it amounts to.

Those two simple words—"hard work"— are the key to the success of the Buechel-Fern Creek Jaycees.

Mr. Speaker, I insert in the RECORD at this point an article from a recent edition of the Louisville Courier-Journal and Times on the achievements of the Buechel-Fern Creek Jaycees:

"LOTS OF HARD WORK" MADE BUECHEL-FERN CREEK JAYCEE CHAPTER NATION'S BEST

(By Linda Stahl)

How does a Jaycee chapter become the best one out of 6,400 chapters throughout the United States?

"Lots of hard work is what it amounts to," Bob Oser, a vice president of the Buechel-Fern Creek Jaycees, said yesterday. The Buechel-Fern Creek Jaycees were designated the top Jaycees in the nation during the U.S. Jaycees' annual meeting this week in Portland, Ore.

The selection is the highest honor that can be attained by a Jaycee chapter, whose members are men from 21 to 35.

Commenting on the merits of his group, Oser said, "It's the most active, enthusiastic and community-minded group of people I've ever known. We go by the philosophy that says if you're not part of the answer, you're part of the problem."

Competing in Portland were chapters that won in recent state competitions.

They were judged in eight categories, including chapter management and individual development, public relations, inner-club relations, government involvement, international involvement, youth assistance, ways and means and community involvement.

During 1970–71, the Buechel-Fern Creek Jaycees conducted 230 civic projects, enough to keep at least some of its 165 members busy every weekend.

While the chapter won for the best overall program of activities, members are particularly proud of the "community involvement" and "youth assistance" projects they carried out.

They included a community survey to determine the needs of the Buechel and Fern Creek areas, the local organization of county government-sponsored cleanup campaigns, convincing the Southern Railway System to place crossing gates at a railroad crossing on Old Bardstown Road where several fatal accidents have occurred (the gates are not up yet, but an agreement has been reached), a drive to raise money for kidney dialysis machines, co-sponsorship of a special Olympics for handicapped children, and the donation of money for 20 scholarships for needy children to the Highland Branch YMCA.

Eight representatives of the club, including Roger Thomas, 1970–71 president, and H. Carleton Godsey, 1971–72 president, attended the national meeting in Oregon, where 35 judges picked the winning chapter.

They will return to Louisville tonight and attend a celebration at the Kentucky Jaycees' headquarters, 822 Phillips Lane.

Meanwhile, the Buechel-Fern Creek Jaycees have been keeping up their pace of activity. Yesterday members conducted a physical fitness program for about 500 Boy Scouts from their communities at the Highland Branch YMCA.

"Enthusiasm is contagious and once it gets going it seems to grow and grow," Oser said. "That's the way it's been in our club for the past three or four years."

WE DO NOT NEED THOSE DAMS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. WALDIE. Mr. Speaker, the time is clearly here for those of us in the Congress to put away the tired old beliefs regarding water development and to come to grips with the reality of the situation.

It should be quite apparent, Mr. Speaker, that the days of the giant dam are coming to an end.

A recent article in the Los Angeles Times stated that some 1,150 dams have been built on California rivers and streams, leaving only three river systems, the Eel, Klamath, and Trinity, remaining in the State that have enough stream flow to categorize them as "free-flowing."

Mr. Speaker, that is a shocking figure.

This past April, I introduced, for the second time, a bill which would protect those three remaining river systems from being dammed to destruction by some 20 more proposed high dams.

There is growing support for this legislation. A bill similar to my own was introduced in the State legislature earlier this year and was given favorable action by a committee of the State senate. That bill presently is being delayed by another committee, but the indications of support are most heartening.

In giving that endorsement, the Times hit upon the two key elements of my own campaign to provide protection to the Eel, Klamath, and Trinity Rivers. Those elements include: First, there is no real need to tap these vital river systems for the State's future water demands; and second, further damming of these rivers will result in severe environmental damage to the ecology of these river systems.

Mr. Speaker, the State of California's Department of Water Resources and the Metropolitan Water District of Southern California, principal advocates, along with Gov. Ronald Reagan, of holding these three rivers as a "water bank" for future withdrawals, have freely admitted that there is no real need for augmenting present water supplies.

The State and the U.S. Department of Interior have indicated that the State's vast geothermal resources should be developed—a source of water, Mr. Speaker, that if properly developed could provide enough good quality water and power, free of ecological damage, to meet any forseeable need.

The State of California has also chosen not to hide from the facts that the contemplated dams for construction in the north coastal rivers would in fact doom the fishery and river recreation values of the rivers beyond redemption.

Why then, Mr. Speaker, is the legislation designed to protect these rivers being fought with the typical ferocity mustered by water development advocates?

Let us look at the reasoning behind this opposition.

Proponents of dams, principally water developers and the Corps of Engineers, argue that only high dams can provide adequate flood protection for the Eel River Delta.

However, the fact is that flood control facilities have been authorized by the Congress which would protect the Eel Delta against all but the most calamitous of floods—a flood similar to the 1964 catastrophe which caused millions of dollars of damage and claimed more than a dozen lives.

The levees authorized for construction in 1965 at a cost of some $19 million would provide very real protection for the residents of the lower Eel area.

I have been informed by the Army Corps of Engineers that the authorized flood control project has been "shelved," because of the view of many in the Corps that optimum flood control can only be obtained by a combination of high dam and levee.

Mr. Speaker, the cost for such "optimum" flood control protection would be escalated into the hundreds of millions of dollars with such a proposal and additionally, with the additional cost of the destruction of the Eel River.

I believe that a combination of authorized levees, flood plain zoning that is realistic and workable, improved systems of storm forecasting and early warning system could provide an excellent flood control protection against damage to life and property.

Additionally, Mr. Speaker, I propose that low-cost insurance to protect residents against natural disasters such as floods should be provided by the Federal Government.

On another point, I do not believe that legislation protecting these river systems will seriously disrupt logging operations in the north coastal area.

In fact, there is every reason to suspect

that poor watershed planning, including logging operations that leave vast areas stripped bare, contribute to the flooding problems.

I would hope that the logging interests in the north coastal area would see that it is in their own best interest that this area remain as pristine as possible.

In summary, Mr. Speaker, I would like to touch again on the salient points in this matter: First, there is no real need for north coastal water; second, development of these rivers would do irreparable harm to the ecosystem of the rivers; third, there are alternatives to high dams for workable flood controls.

I would, at this time, submit three articles for inclusion in the RECORD which include an article from the Sacramento Bee on the effects of a high dam on a river; the article in the Los Angeles Times regarding the wild rivers of California; and the editorial in the Times endorsing the wild rivers bill:

[From the Sacramento Bee, June 16, 1971]

AFTERMATH OF DAM: OROVILLE OFFICIAL HITS AT STATE RIVER CONTROL

Conservationists in the Sacramento area, worried about future flows in the American River after diversions start down the Folsom-South Canal, are looking at what Oroville residents claim has happened to the Feather River near Oroville as something they do not wish repeated here.

What was once called "the beautiful Feather River" has become little more than a sluggish creek because of restrictive water flows imposed by the State Department of Water Resources following the completion of the Oroville Dam, according to City Councilman Don Miller.

Throughout practically all of the year the river flows past Oroville at a mere 400 cubic feet per second (cfs), far below the 1,200 to 1,400 feet and more that the stream bed contained up to a few years ago, he said. As a result, according to Miller, Oroville has lost not only its most scenic natural resource but its sewage disposal plant, built only 11 years ago, will have to be either replaced or substantially improved.

Only recently the Central Valley Regional Water Quality Control Board imposed a "cease and desist" order on the city thereby prohibiting the construction of any buildings of any description within the city limits.

EFFLUENT POLLUTION

The order was issued when the board declared the river was being polluted by effluent which was escaping from the plant. Many qualified engineers who have been questioned claim that the major reason for the problem is that the reduction of the river flow does not allow for sufficient water in the stream to properly dissolve the discharge.

When the river was flowing at its normal depth prior to the state's reducing it, periodic inspections by the control board indicated that the plant was functioning properly. Now, the board says, the plant is polluting the stream and the city must rectify the situation.

The voters recently approved a $1.2 million bond issue as its share of the cost of an area-wide disposal system. However, the construction of that system appears to be in doubt because of the inability of the agencies involved to arrive at an acceptable means of administering the new plant.

Not only the disposal plant has been affected by the destruction of the river, however. A beach at Bedrock Park, where several generations of Oroville residents swam during the summer, has all but disappeared. Recently the Feather River Recreation District, at the request of many citizens, scooped out a shallow pond at the park in order that children may swim. It is little more than a wading pool and the quality of the water that flows into it is in doubt.

Farther downstream a large basin provided an area for swimming, water skiing and motorboat racing. Now there are weeds growing in the middle of the streambed and the water is insufficient to float anything larger than a toy boat. Along the length of the stream as it passes the city, large blotches of algae dot the water in stagnant pools that develop behind islands of dredger tailings.

Where once the river flowed broadly from bank to bank, today there is a thin strip of fast-flowing water along the north bank but it is cut off from the other bank by islands of rock and weeds that appeared overnight when the stream level was dropped.

All of the water that flows past Oroville does not come from Lake Oroville behind the dam. More than 50 per cent of the 400 feet per day originates at the Kelly Ridge Powerhouse, a facility of the South Fork Project which was developed by the Oroville-Wyandotte Irrigation District. The powerhouse is located on the bank of the Feather downstream from the dam.

An average of more than 200 cfs flows through the generators and spills into the river where it flows to the Thermalito Diversion Dam upstream from the city. There all but the amount allotted for the main river is diverted into the Thermalito Forebay, from which point it passes through the Thermalito Powerhouse and thence into the afterbay. From there it is diverted back into the Feather, far downstream from Oroville.

Of the water that is allowed to by-pass the Thermalito Dam, an average of 66 cfs is diverted through the Feather River Fish Hatchery across the river from the town. After it is used in the breeding tanks there, it is released back into the river and flows toward the bedrock pool.

The loss of the river also has become a matter of concern for the Department of Fish and Game. A study is under way to determine whether the reduced flow has restricted annual runs of salmon and steelhead upstream. It also has become discouraging to shad fishermen who visited the stream every spring. The shad run has been all but eliminated and anglers say this is because there simply is not enough water in the river any more.

All in all, Miller said, the consensus in Oroville is that the construction of the dam, while providing excellent flood control and a firm source of irrigation water and power, was completed at a cost to the ecology and beauty of the city which will be felt for many generations to come.

Officials in the Oroville office of the Department of Water Resources said they had no comment on Miller's charges, explaining that would have to come from state offices in Sacramento.

[From the Los Angeles Times, June 20, 1971]

THREE WILD RIVERS: LIFE-AND-DEATH DECISIONS AHEAD; LEGISLATIVE FIGHT WAGED TO BLOCK DAMS ON EEL, TRINITY, AND KLAMATH

(By Philip Fradkin)

The water behind the dam is placid, waiting to be moved on at the flick of a switch for irrigation, power or drinking. It is the basic ingredient of progress and growth.

There are about 1,150 dams and reservoirs in California built at a cost of nearly $9 billion—the most massive water diversion scheme in the nation and near the top in the world.

The silver ribbon which outlines the thrashing waters of a river on its unobstructed way to the sea is a living, natural force. It nourishes its fish and riverbank vegetation and kills when in flood stage.

But only a small handful of streams remain to flow unobstructed to the ocean.

Of 38 major river systems in California, only three are free flowing—although dammed, the structures on these rivers are high enough up on the headwaters not to greatly affect downstream flows.

CONSERVATIONISTS SEEK ACTION

A strong legislative effort is being mounted by conservationists to save these three river systems—the Eel, Trinity and Klamath—from future dams.

Water planners have looked on these rivers in Northern California as the last source of untapped surface water in the state—a "water bank" for future export south.

Should legislation pass designating these three rivers as "wild and scenic," there conceivably would be no further surface water supplies for the state, since importing out-of-state water seems politically and economically unfeasible at present. Virtually all Colorado River water has been allocated.

The legislation is being offered at a time when conservationists and north Californians are launching another attack on the State Water Project and the proposed Peripheral Canal, principally through lawsuits.

These two projects will bring water from the northern part of the state to Southern California. Water from the three north coast rivers, with the Eel targeted as the first to be developed, would be the next step.

The timetable of water needs has been recently reduced, with future forecasts being drastically lowered because of a slowdown in population growth and development of alternate water supplies.

STATE SENATE MEASURE

The Wild Rivers Bill, State Senate Bill 107, is authored by Sen. Peter Behr (R-San Rafael) and Sen. Robert J. Lagomarsino (R-Ventura), Rep. Jerome R. Waldie (D-Antioch), an outspoken foe of the State Water Projects, has introduced a similar bill for the second year in Congress.

These questions have been raised: Does California have enough dams and would it not be nice to leave at least a few major rivers in their semi-wild state?

Federal and state water officials agree that dam projects are getting harder to justify because good sites are becoming more scarce and construction costs are rising.

Still, dam planning and building persists. About 20 dams have been proposed for the north coast area and already a second generation of dams is rising in the foothills of the Sierra Nevada.

The reservoir behind New Don Pedro Dam on the Tuolumne River has inundated an older dam and New Melones on the Stanislaus River will do the same.

The use and reuse of water in the state can be phenomenal.

The American River, which eventually flows through Sacramento, has almost 40 dams and power plants located on its main stem and tributaries as it flows from the Sierra.

Agriculture, the state's largest industry, accounts for 85% of the statewide water demands, according to State Department of Water Resource figures. The balance goes toward industrial purposes and to municipalities for drinking water.

MAJOR LOCAL CONSTRUCTION

While the $2.3 billion State Water Project—which taps the Feather River—is best known because of controversy around it, the amount has been almost doubled in the last 30 years by construction under local water agencies.

In the last four years local agencies—most of which serve agricultural users—have completed or begun construction on about 35 projects, while the federal government, through the Bureau of Reclamation and Corps of Engineers, has undertaken 15.

Local agencies are not represented on the California State-Federal Interagency Group which was formed to coordinate water development plans in the state.

On the lack of cooperation between agencies, a report on protected waterways by the State Resources Agency remarks:

"The principal problem is the vast array of competing uses and the fact that the regulation of those uses and demands on waterways (rivers) is presently defined in narrower sectors of government regulation or left entirely to private enterprises.

"As a result unilateral actions by various local, state and federal agencies can drastically affect waterways and negate 'protective' steps taken by another agency."

The two federal dam building agencies, which exist under separate departments, sometimes compete with each other to build dams.

Says a bureau official who participates in interagency meetings, "We can't deny that there is competition in the water resources field.

"Sometimes we are both involved in and competing for the same watershed. Sometimes different agencies explore the same dam site and this leads to costly exploratory drilling expenses.

"The trouble is that both agencies are ruled by different congressional committees and they are jealous of their prerogatives."

The corps, which is under the Defense Department, is dependent on the Interior and Insular Affairs Committee.

A corps official explained, "There is political infighting at the higher levels to see who plans, builds and runs these projects. Money accrues to an agency and there is the matter of agency pride.

"It is just a natural situation."

The planning of a project, which can be expensive, easily leads to actual construction. Once the ball starts rolling, there is little looking back.

PLANNING ODDITIES

The assured nature of the planning process sometimes has its oddities.

Construction of the State Water Project started in 1956, four years before voters approved the bond financing. Construction has already started on New Melones Dam, whose waters will feed the East Side Canal, which has not yet been authorized by Congress.

"Not very many dams fail to pan out after an authorized study," said a corps official.

Already the bureau has spent $1.6 million studying the English Ridge Dam on the Eel River. Other federal agencies have also spent money studying this project.

This dam, on which construction could start in 1976, is the closest to reality on the north coast, except for the Butler Valley Dam on the Mad River.

Two years ago Gov. Reagan directed the State Department of Water Resources to study alternatives for the Dos Rios Dam, which would have been built on another branch of the Eel and flooded bucolic Round Valley and an Indian reservation.

At this point, considered the first in-state rebuff for water planners, conservationists widened their battle to take in all major north coast rivers.

While the 1960 bond act for $1.7 billion, approved by voters, is generally assumed to be only for Feather River development, a little-noticed provision enables the state water department to spend what now amounts to $168 million for "additional facilities" on the north coast rivers.

This money was originally targeted as the state's share of the Dos Rios project. It could still be used for development of the Eel, Trinity, Klamath, Mad, Van Duzen or Sacramento Rivers without further approval of the Legislature or voters.

SEEN AS UNCONSTITUTIONAL

It is argued that the Wild Rivers Bill could be unconstitutional, since it would bar dams on three of these rivers and voters in 1960 approved their development.

Behr's response has been to point out that Reagan has already barred development at Dos Rios and that the Middle Fork of the Feather River above Oroville Dam has been set aside as the state's only wild river, with the help of the State Department of Water Resources.

The Committee of Two Million, an amalgam of conservation groups formed to save the rivers, charges that water resources Director William R. Gianelli has become a "czar" over development of all the state's rivers.

Gianelli does not like the word czar, but he does admit that he is a "water man."

He said in an interview, "The thing that bothers me is that they try to depict water developers as guys who are trying to destroy all the streams. This is not fair. We only respond to the public.

"I don't think we are oblivious to the needs of the conservationists. But in California we have to strike a balance. We should not set aside every stream on the north coast. The public needs will not go for that."

Gianelli added, "There is some feeling that agriculture could be cut back and this water could go for additional industrial and municipal purposes. I don't know. It is not for me to cut back the state's economy."

In the latest assessment of state water needs, Department of Water Resources planners have stated there is sufficient water for the next 20 years from already completed projects.

Greater emphasis now will be given to developing new supplies from ground water, desalination, reclaimed waste water, rainmaking and geothermal sources.

The state's reduced forecast has been matched by one by the Metropolitan Water District of Southern California, which now predicts that water to be furnished from the soon-to-be completed State Water Project will take care of demands 20 to 30 years beyond original estimates—to 2020.

Conservationists have seized on these two revised estimates to declare that water from the three north coast rivers is not needed. Gianelli emphasizes there is only a "breathing spell before new dams should be built.

DAM BENEFITS CITED

Gianelli and other water developers pointed out that the recreation benefits of a river can be improved by an upstream dam. Water releases can guarantee a year-round, although diminished, flow while the wild river would most probably dry up in summer and fall months.

But Glenn E. DeLisle, a State Department of Fish and Game official who headed the Resources Agency's protected waterways study, said, "This would be fine but it is not always borne out by hard facts."

"Sometimes they cannot let the water out for fish or recreation purposes because of other demands. The resource is at the whim of the utility.

"A free-flowing river and its surrounding natural environment are all hooked up together. They have evolved over thousands of years."

An example of what a dam can do to the natural environment is outlined in a Resources Agency task force report of the effects of sediment on fish below Lewiston Dam on the upper reaches of the Trinity River.

WATER FLOW LOWERED

When Lewiston and Trinity dams were constructed on the river, the water flow was greatly lowered.

The previous high flows washed out accumulated sediment, cleansed gravel beds and retarded growth of stream bed vegetation. With the dams, this was all changed.

The spawning habitat of up to 80% of the king salmon has been lost along a 15-mile stretch of river below the dams.

The Bureau of Reclamation, which built and operates the dams, investigated and laid the blame on logging operations. The bureau claimed that the dams were of benefit to the fish, since flood flows were kept to a minimum.

But the Resources Agency report places the blame primarily on reduced flows from the dams and secondarily on sediment produced from logging and road building operations.

When dams are proposed, the recreation benefits of their reservoirs are cited as a great boon for the public and a dollar value is apportioned for recreation in the ratio used to justify construction.

But state and federal authorities agree that outside of Southern California and the more easily accessible reservoirs near San Francisco and Sacramento, there is a surplus of this type of water for recreation.

A Sierra Club report on reservoir use states that at Corps of Engineer facilities there has been a zero growth in visitor days. Statewide there has been a net decrease at facilities where the State Department of Parks and Recreation tabulates usage.

The report drawn up by the club's California River Conservation Committee states that reservoirs may actually be a financial drain on nearby communities and the counties where they are located.

Police protection has to be provided and access roads built, along with the services demanded by recreational subdivisions which spring up around new reservoirs.

There is a forecast shortage for river recreation (versus the still waters of reservoirs). Such whitewater sports as canoeing, rafting and kayaking are growing at great rates. Stream fishing has always been popular.

It is difficult to find a stretch of river in the state long enough for an overnight trip, since the many dams cut the rivers into small portions. The exceptions are on the Eel, Trinity, Klamath and Sacramento rivers.

Aesthetics plays a part in the argument. Which is the more beautiful to behold: a free-flowing river or a reservoir with its "bathtub rings"?

Seeing more financial benefits in river recreation than reservoir sports, the supervisors of Humboldt and Trinity counties have gone on record as favoring wild river status for the three rivers on the north coast.

However, Humboldt supervisors would like some flood control facilities on the Eel River, other than dams.

Wild river advocates have their greatest difficulty when arguing against the flood control benefits of dams.

The rampaging Eel caused $80 million in flood damage in 1953, 1955 and 1964. Experts agree that the Dos Rios Dam could have done little to stem these floods and that it would take more massive projects.

The Bureau of Reclamation has proposed seven dams on the Eel River and a total of 20 on north coast rivers at a 1965 cost of $2.5 billion. In presenting this plan, a high bureau official took a swipe at the Corps of Engineers.

Robert J. Pafford Jr., regional bureau director, related to the Eureka Chamber of Commerce:

"As I told the subcommittee of the House Public Works Committee on Jan. 10, I don't subscribe to the theory advanced then by another federal agency that it may be impossible to provide protection against major flood control damage in the north coast area for decades, if ever—and this plan proves what I said."

Corps officials state that alternatives to massive dam building projects could be ring levees which are built around developed areas while the wild portions of the river are left untouched.

Flood plain zoning—restricting building in flooded areas—is another alternative but this minor corps program has received little support from local governments who would be cutting back the tax base on some of the most valuable lands in their jurisdiction.

Sen. Behr's Wild River bill has met opposition from the Metropolitan Water District of Southern California, lumber companies, water developers in north coast counties and the State Resources Agency.

These interests favor a bill by Sen. Randolph Collier (D-Yreka) which proposes further study before any action is taken.

Conservationists feel that the protected waterway report by the Resources Agency was studied enough and favor the "act now" approach of the Behr bill.

The Wild River Bill has cleared the Senate Natural Resources Committee but is stalled in the Senate Finance Committee which Collier heads.

Collier has said the committee has a backlog of other bills to consider but it is understood from Senate sources that he is holding out for inclusion of the English Ridge project in the Behr bill.

This would compromise the whole thrust for wild river status and opens up a Pandora's Box of dam development, advocates of the Behr bill believe.

WE DO NOT NEED THESE DAMS

California has enough water from projects already developed to meet its needs for the next 20 to 30 years. The Metropolitan Water District of Southern California says the soon-to-be-completed State Water Project will meet the requirements of this area until the year 2020.

Nevertheless there are plans in the works to build up to 20 more dams on the Eel, Klamath and Trinity Rivers. A bill pending before the Legislature would prevent such development by designating the three stream systems as wild and scenic rivers to be preserved.

Water is vital to the economic growth of California. Yet we are not persuaded by the arguments for damming the North Coast rivers. The state's 35 other stream systems have already been heavily dammed.

William R. Gianelli, state water resources director, noted as recently as mid-May that a bulletin issued by his department says that we now have "a breathing spell" on North Coast development. "We have been able to exclude at least one river, the Klamath, from consideration for development at this time," Gianelli said. "We have time to consider supplemental water supplies from sources other than conventional dams and reservoirs."

If that is correct—and Gianelli is an expert in his field—then there is justification for preserving the Eel, the Klamath and the Trinity as wild rivers, at least for the time being. If in the future more water is been developed, then the status of the three streams could be reviewed. But we have a breathing spell, and we should take advantage of it, for wild river sports, for fishing, and to preserve at least for awhile some irreplaceable natural beauty.

Opponents of the wild rivers bill point to the need for flood control—a particular problem on the Eel. But experts, including the U.S. Army Corps of Engineers, believe that dams alone are not the answer.

Ray Peart, Humboldt County supervisor, testifying before a State Senate committee last month declared: "There is no way to justify the dams for flood control alone. Without water export benefits the dams are dead." In other words, unless revenues are generated by water export the "benefit-cost ratio" for projects on the three streams becomes economically unsound.

Peart and others in the counties traversed by the Eel, Klamath and Trinity Rivers fear destruction of the whitewater recreational potential of the stream systems and destruction of the commercial and sports fishery for salmon, steelhead and shad.

Those fears would appear borne out by experience elsewhere in the state. The Feather River below the Oroville Dam, for example, has been transformed from a beautiful stream to what has been described as "little more than a sluggish creek" due to reduced water flow.

Once the Eel, Klamath and the Trinity are dammed they can never be restored. Such irreversible action need not be taken at this time.

Under the circumstances, we believe the pending bill to preserve the rivers by Sens. Peter H. Behr (R-Mill Valley) and Robert J. Lagomarsino (R-Ojai) should be enacted into law.

SYKESVILLE HERALD CHANGES HANDS

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. BYRON. Mr. Speaker, the Sykesville Herald, which will celebrate its 58th anniversary this year, has changed hands. Mr. William F. Church, editor-publisher of the weekly for 30 years, has sold the paper to the Stromberg-Times newspapers of Ellicott City, Md. I would like to congratulate Mr. Church on a job well done and include this short history of the paper as it was printed in the June 24, 1971, Sykesville Herald:

SYKESVILLE HERALD SOLD TO HOWARD FIRM

The Sykesville Herald, which next week rounds out its 58th year, has been sold to a Howard County publishing firm.

William F. Church, editor-publisher of the local weekly for nearly 30 years, announced sale of the publication rights of the Herald to Print, Inc., an affiliate of Stromberg Publications, with headquarters at Ellicott City.

Chief administrative officer of Print, Inc., is Philip St. Clair Thompson, vice president and general manager of the Stromberg-Times newspapers.

Though owned and operated by Mr. Church, in partnership with his wife, Mrs. Jane Lucille Church, the Sykesville Herald for 15 years has been printed at Stromberg's Ellicott City plant.

The new owners have leased the first floor of the Herald Building, in Sykesville, and plan to continue the newspaper office at 12 Springfield Avenue. Mr. Church plans to continue a job printing business on the second floor of the local building.

Next week's edition, No. 52 of Volume 58, will be the last under the present ownership. The new owners will take over with the Herald of July 8, the paper's first issue of its 59th year.

Mrs. Leonard Lepka and Mrs. Howard Langrehr are to continue as members of the Herald's office staff. In addition the paper is to have adequate editorial and advertising personnel to service the rapidly-expanding area.

David Barkley, a former editor of the Community Times, Randallstown, has been tapped as the new Sykesville editor.

Barkley, a graduate of the University of Maryland, served on the staff of the Howard County Times before succeeding the late Paul T. Morgan as editor at Randallstown. In recent months, he has served as assistant to John Blitz, managing editor of the Stromberg-Times newspapers.

The Skyesville Herald was founded as an independent weekly in September 1913 by the late Albert M. Hall, David W. Dean and William Samuel Church.

For more than 40 years the paper was printed in Sykesville. In 1956 the paper's mechanical operation was transferred to the Stromberg plant at Ellicott City. In 1961, with the Stromberg papers, the Sykesville Herald was among the first weeklies in Maryland to go offset.

The paper marked its 50th anniversary with a special edition in 1963.

The retiring editor has been responsible for the weekly production of the Herald since the sudden death of his stepfather, W. S. Church, in February 1942. In the intervening nearly 30 years, the paper has not missed an edition, although there were a few "near misses" as result of strikes, mechanical breakdowns and other uncertainties which make newspapering an interesting challenge.

The Herald has been owned by Mr. and Mrs. W. F. Church since 1951. The new owners plan to continue operating the paper under the name, Sykesville Herald.

In expressing their appreciation and thanks for the cooperation of subscribers, advertisers, correspondents and the general public over the years, Mr. and Mrs. Church expressed the hope that the new owners would be received in the same fine spirit of cooperation.

SPRINGFIELD STATE HOSPITAL HONORS ITS EMPLOYEES

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1971

Mr. BYRON. Mr. Speaker, recently the staff of Springfield State Hospital in Sykesville, Md., was honored at a dinner on the occasion of the annual presentation of longevity awards. Acting as hosts at the presentation were Dr. Frederick Pokrass, supervisor of Springfield Hospital; Clyde Springer, assistant supervisor; Mr. Robert Hildreth, assistant superintendent, Maryland Training School for Boys; and Mrs. Walter Hokemeyer, president of the Springfield Women's Auxiliary.

Several hundred staff employees were honored for their loyal service to the hospital. Special awards were presented to the employees with 10, 15, 20, 25, and 30 years service. Mrs. Ida Mae Beaver was honored for her 40 years of distinguished service. Among the unique features of the program was the presentation of awards to couples who have worked at the hospital together for up to 30 years. I would like to express my admiration of the dedicated service of these hospital employees and to wish them continued success in working with the patients at the hospital.