

EXTENSIONS OF REMARKS

ICC URGED TO CONTINUE RAIL
FERRY SERVICE

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, February 8, 1971

Mr. GRIFFIN. Mr. President, last week in Cheboygan, Mich., an Interstate Commerce Commission hearing examiner conducted a hearing to consider the proposed abandonment of rail car ferry service across the Straits of Mackinac.

An application to abandon this service had been filed by the operator, the Mackinac Transportation Co., which is owned jointly by the Soo Line and Penn Central railroads.

Mr. President, I ask unanimous consent that a statement which I presented for the hearing record, together with certain wire dispatches and newspaper articles, be printed in the Extensions of Remarks.

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

STATEMENT BY U.S. SENATOR ROBERT P.
GRIFFIN

JANUARY 28, 1971.

Mr. Examiner, I wish to register my strong objection to the proposed discontinuance of operations by the Mackinac Transportation Co. of rail car ferry service across the Straits of Mackinac.

The abandonment of such service would result in:

1. An overall negative impact on the economic growth and development of the surrounding area;
2. The loss of jobs of some 200 railroad employees;
3. The loss of jobs of the 25 employees of the Mackinac Transportation Co.;
4. The loss to shippers and the State of Michigan of the Mackinac Gateway, considered a most efficient route for rail traffic originating or terminating in the Northwestern U.S. and areas in southern Michigan, Ohio and the Eastern U.S.

The loss of the Chief Wawatam would mean the abandonment of some 400 miles of trackage, which translates into the loss of some 200 railroad jobs, and the 25 jobs provided by the Mackinac Transportation Co.

It would blunt determined efforts by many of us who have been working to improve economic conditions in the northern part of Michigan.

There is much promise for enhanced development of the area, when one considers the potential of converting the Kincheloe Air Force Base into a tax revenue-producing industrial park. Additionally, efforts are underway for a feasibility study of a deep-water port at Sault Ste. Marie. Abandonment of the Chief Wawatam works against these important efforts.

I would suggest that the ICC consider more than the immediate economic impact of a discontinuance. The Commission must consider as well the loss of rail service in terms of how it would thwart future economic growth of a large segment of Michigan.

Therefore, I urge that the application of the Mackinac Transportation Co. be denied.

[From the Detroit News, Jan. 28, 1971]

GRIFFIN, RUPPE CITE FERRY'S IMPORTANCE

CHEBOYGAN.—Two Republican members of Congress from northern Michigan say they oppose abandonment of railroad ferry service across the Straits of Mackinac.

Senator Robert Griffin, of Traverse City, announced his opposition today in a statement prepared for an Interstate Commerce Commission (ICC) hearing here.

Yesterday Congressman Philip Ruppe, of Houghton, filed a statement with ICC examiner George Morin saying abandonment of the only rail link between Upper and Lower Michigan would fatally damage northern Michigan's economic development.

The petition for abandonment was filed with the ICC by the Mackinac Transportation Co., which operates the ferry Chief Wawatam. The firm is jointly owned by the Penn Central and Soo Line railroads.

Griffin in his statement said the ICC should consider more than the immediate economic impact. He noted that U.P. residents are planning now for conversion of Kincheloe Air Force Base, near Sault Ste. Marie, into an industrial park, as well as development of a deep-water port near the Soo.

Loss of the Chief Wawatam, Griffin said, "would blunt determined efforts by many of us who have been working to improve economic conditions in the northern part of Michigan."

ASSOCIATED PRESS DISPATCH

JANUARY 28, 1971.

CHEBOYGAN.—U.S. Senator Robert P. Griffin (R-Mich) Wednesday registered his "strong objection" to abandoning rail car ferry service across the Straits of Mackinac.

Griffin told an Interstate Commerce Commission hearing at Cheboygan that ending ferry service by the Mackinac Transportation Co., owned by the Penn Central and Soo Line railroads, would cause an economic loss to the region in both the long and short terms.

He said some 225 jobs would be lost by abandonment of the service and efforts to improve northern Michigan's economic condition would be "blunted."

He said loss of the Chief Wawatam ferry "would mean the abandonment of some 400 miles of trackage, which translates into the loss of some 200 railroad jobs and the 25 jobs provided by the Mackinac Transportation Co."

Such a decision, he said, would have "an overall negative impact" on economic growth and development in the surrounding area.

He said abandonment of the Chief Wawatam would "work against" conversion of Kincheloe Air Force Base into a tax revenue-producing industrial park, as well as against development of a deep-water port at Sault Ste. Marie.

[United Press International Dispatch, Jan.
28, 1971]

GRIFFIN OPPOSES DROPPING RAIL CAR FERRY

CHEBOYGAN.—Sen. Robert P. Griffin says he strongly opposes the proposed abandonment of rail car ferry service across the Straits of Mackinac because it would result in both immediate and long-term economic losses for the surrounding region.

Mackinac Transportation Co., which is jointly owned by the Penn Central and Soo Line Railroads, applied to the Interstate Commerce Commission (ICC) last August for permission to discontinue operations of the service.

At an ICC hearing on the matter here Wednesday, Griffin suggested that the commission "consider more than the immediate impact of a discontinuance. The commission must consider as well the loss of rail service in terms of how it would thwart future economic growth of a large segment of Michigan."

Griffin testified that the immediate effects of the abandonment of service would be the loss of jobs for 200 railroad employes and 25 employees of the Mackinac Transportation Co. and "the loss to shippers and the state of Michigan of the Mackinac Gateway, considered a most efficient route for rail traffic originating or terminating in the northwestern U.S. and areas in southern Michigan, Ohio and the eastern U.S."

The loss of the Chief Wawatam, Griffin said, "would blunt determined efforts by many of us who have been working to improve economic conditions in the northern part of Michigan."

THE PERIPHERAL CANAL AND
THE CANALS OF MARS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. WALDIE. Mr. Speaker, the eminent marine biologist, Dr. Joel Hedgpeth of Oregon State University's Marine Science Center, is noted for his outstanding scholarship in marine biology and his talent for not mincing words when speaking on the threats posed by man to his own environment.

In a recent speech before the American Geophysical Union in San Francisco, Dr. Hedgpeth commented on the California State water project, the peripheral canal unit of that project, and the proposed San Luis project's agricultural waste drain.

His comments were characteristically, as reported in the San Francisco Chronicle, on target and direct.

I include them in the RECORD for the enlightenment of my colleagues:

MARINE BIOLOGIST ASSAILS WATER PLAN

(By David Perlman)

A feisty marine biologist, who has been fighting for 20 years against the forces that dirty the oceans, yesterday took out after the California Water Plan, its mighty engineering works and its political proponents.

The whole project, he said, "is its own can of worms—and its supporters in Sacramento are ignoring scientific evidence in their zeal to push the multi-billion-dollar project to completion."

The condemnation came from Dr. Joel W. Hedgpeth, professor of oceanography at Oregon State University and former director of the University of the Pacific's marine station at Dillon Beach in Marin county.

PANEL

Hedgpeth joined a panel of scientists and engineers discussing the "degradation of the coastal environment" at a meeting of the American Geophysical Union at the Jack Tar Hotel.

The fragile nature of seacoasts is particularly alarming because they encompass only

8 per cent of the earth's area, yet they carry two-thirds of the world's population.

As the scientists agreed, every dislocation of the coasts—sediments dammed upstream on rivers; pollutants dumped untreated from sewers; heat poured out from power plants; high-rise buildings on the shore—can damage beaches and estuaries irreparably.

DANGER

The dangers are particularly great from the California Water Plan's peripheral canal. Hedgpeth told his audience of earth scientists. That huge canal would divert Sacramento river water around the Delta and into the aqueducts leading to Southern California.

The canal, Hedgpeth said, must inevitably damage the ecology of San Francisco Bay and the delta region—altering the area's chemical balance, its marine life, its salinity.

State officials persist in arguing that tidal action will flush out the Bay's pollutants, but the fact is that only unimpeded river flow will do that job, Hedgpeth said.

"SATRAP"

Hedgpeth referred to William Gianelli, State Director of Water Resources, as "that staunch satrap of the Los Angeles water establishment" who "lacks the necessary background to understand the hydrographic phenomena he has been given the power to tamper with."

The biologist also chided Gianelli for dismissing conservationist arguments against the peripheral canal as emotionalism.

"The point is ill taken by our little water Caesar," said Hedgpeth, "because it's not a matter of emotion but the inexorable action of natural processes that concerns us. San Francisco Bay is in mortal danger at the hands of well-intentioned, misguided meddlers."

The Water Plan is enmeshed with problems of waste disposal from the delta region, and Hedgpeth assailed the San Luis drain as "the ultimate sewer, the plumber's Apocalypse."

The \$2 billion San Luis drain project would collect used irrigation water from the west side of the San Joaquin Valley and dump it into the ocean, either through the Bay itself, or through a tunnel under the San Mateo county coast.

Hedgpeth scoffed at such proposals. They are based on inadequate knowledge of the mixing rate of the nearshore ocean, on ignoring the hazards of the San Andreas fault, and on "amateurish" studies recommending a plumbing system to rival the "canals of Mars," Hedgpeth said.

OPEN DATING NEEDED TO INSURE FOOD FRESHNESS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. BROOMFIELD. Mr. Speaker, a recent survey of supermarket chains in the Washington area revealed that large quantities of stale foods are being sold to our consumers without their knowledge. One store, alone, had over \$300 worth of stale produce, including 3-month-old bologna. While the majority of these abuses occur in low-income sections, a substantial amount continue to be found in middle-income areas as well. Evidence suggests further that these abuses are not limited geographically to the Washington area, but extend to all parts of the country.

The practice continues for one reason: consumers have no way of knowing how long a product has been on the shelf and how long it may be expected to remain fresh. At the present time, most foods are stamped with a code containing the date after which they should not be sold. Unfortunately, the code is not meant for the use of the customer, and can be understood by the seller alone. As a result, there is no one to police the supermarkets, to guarantee the freshness of their merchandise. We rely completely on their own judgment, while our surveys tell us that this reliance is clearly unjustified.

The solution to this problem is found in a bill I introduced in the 91st Congress, requiring open dating on all supermarket foods. Since this measure was not acted upon last year, I am reintroducing it in this session, confident that it will receive the full support of my colleagues.

It has been argued that there are no objective standards to determine the freshness of foods; that there can be no sure way of telling when a food must be removed from the shelf. This is simply not true. There is general agreement between Government and industry as to how long the "shelf lives" of specific foods are. My bill would authorize the Secretary of Health, Education, and Welfare, in conjunction with the Secretary of Agriculture, to set dates after which specific foods cannot be sold by the supermarkets.

These dates will then be stamped clearly on the merchandise, so that all customers can know how fresh the product actually is. Open dating gives the consumer personal policing power over the sale of stale food by their local supermarkets. If the product is too old, he simply refuses to purchase it. No Government action, beyond the setting of standards, is needed. It is, in effect, self-enforcing.

The soundness of this bill seems to me self-evident; our need for it well established. I see no more reason for delay by the Congress. Our consumers deserve better treatment.

EYE BANK

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. PREYER of North Carolina. Mr. Speaker, a constituent of mine has by example reminded me of the selflessness which still emerges in our too often cynical world. Last year Mrs. Edwin Clinard passed away. She had provided in her will for her eyes to be given to someone at her death. The following letter was written recently by her husband and I believe it worth sharing as inspiring proof of the triumph of the human spirit:

DEAR FRIENDS: Recently some friends and I were discussing the fact that Merlene had willed her eyes at death to the North Carolina Eye Bank in Winston Salem. As a result of her concern someone today is able to see. This proves to be a source of joy and satisfaction to me.

Through the Oak View Lions Club and the Union Hill Lions Club, I have secured forms that can be used in willing eyes at death. There are only a very few diseases that would render the eye useless for transplants, thus most people could give their eyes at death for this purpose. I have found that many have considered doing this but just neglect to follow through with the proper forms and signatures.

From these forms I have found that it is possible to will other parts or all of the body for medical research purposes. I have decided that by willing my body to be used for this purpose at my death, I can make a contribution in this area of medical science and have taken the proper steps to do this. Also I have been given permission to solicit other wills through the Myrtle Desk employees. If others are interested in making a will of the eyes or body at death to be used for transplants, research, etc., they may do so by contacting any Lions Club member or myself.

One other fact that many people are not aware of: Old or discarded glasses can be used. These should be sent directly to the Eye Bank or to: New Eyes for Needy, Short Hills, N.J. 07078.

Near this anniversary date of Merlene's death, I felt I would like to share these words about the Eye Bank and the new and expanded program of body wills. Some of you may be interested in completing a will or seeking one from a friend.

Sincerely,

EDWIN.

THE MERITS OF REVENUE SHARING

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. SHOUP. Mr. Speaker, President Nixon has proposed a plan of revenue sharing for States and localities—a plan based on an old American assumption that the people are fit to govern themselves, and that they know best what their needs are and in what order they should be met.

That assumption has largely fallen by the wayside in the last 40 years, but unfortunately, its substitutes—Federal controls and programs—have been something less than a resounding success.

Therefore, I am a little nonplussed when we begin again to hear the old refrain that the Federal Government still always knows best.

We also hear that this plan will be inflationary. That is a debatable assumption, but what is not debatable is that the spending plans of the 1960's were inflationary.

We hear that money is not available.

Even if this is true—and the President says it is not—I have not seen a lack of available money halt any of the inflationary programs of the "New Frontier" or the "Great Society."

We also hear that the President's proposal would not redistribute funds equitably according to the amount a State pays into the Federal Treasury. The question arises, What Federal program ever has? And the answer is, "None."

Mr. Speaker, I would hope that opponents of revenue sharing would not muddy the waters with spurious arguments but would debate it on its merits.

IOWA RANKS NO. 6 IN COMPARISON
STUDY OF STATE LEGISLATURES

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. SCHERLE. Mr. Speaker, in a recent study conducted by the nonprofit, nonpartisan Citizens' Conference on State Legislatures, Iowa ranked sixth overall in the Nation and first among the smaller States. The 50 State legislatures were comparatively evaluated on how well their operations reflect minimum standards of democracy and efficiency.

The sterling qualities of the Iowa State Legislature are well known to me as a former member of that body, and it is my belief that the enviable record which this legislature has compiled is due in no small measure to the distinguished leadership of my good friend, Bill Harbor, speaker of the Iowa House of Representatives.

It gives me great pride to report that my personal experience of the integrity and effectiveness of the legislature has been verified and confirmed by this objective survey. With your permission, Mr. Speaker, I will enter the results of the study by the Citizens' Conference on State Legislatures in the RECORD:

IOWA RANKS NO. 6 IN COMPARISON STUDY OF
STATE LEGISLATURES

WASHINGTON, D.C., February 3.—Iowa ranked 6th in the first systematic evaluation of the capability of the 50 state legislatures.

The study, conducted by the non-profit, non-partisan Citizens' Conference on State Legislatures, ranked the legislatures on the basis of how well their operation reflect minimum standards of democracy and efficiency. Results of the study were announced today (Feb. 3, 1971) in Washington, D.C.

California ranked at the top of the list. Other top-rated legislatures (in descending order) are New York (2), Illinois (3), Florida (4), Wisconsin (5), Hawaii (7), Michigan (8), Nebraska (9), and Minnesota (10).

Neighboring states of Iowa, not in the top ten were Missouri, ranked 35th, South Dakota, 17th, and Kansas, 23rd.

The \$200,000 Legislative Evaluation Study (LES) provides the first major index of the operational capability of the 50 state legislatures. The states are ranked in relation to one another on each of five major criteria.

Each legislature's operating capability is judged on the basis of evidence showing the degree to which it is Functional, Accountable, Informed, Independent, and Representative. The first letters of these criteria form the acronym, "FAIIR." A major premise of the study is that these five characteristics make up the minimum standards of legislative capability within the American system of representative democracy.

Margolis said that an expected result from the Legislative Evaluation Study will be the implementation of improvements in many of the 50 states. He said one of the reasons his organization undertook the massive project is to "give the citizen of every state an agenda for action so that they can help work toward a legislature that is a fully responsive, deliberative body."

The summary report of the study issued by the Citizens' Conference stresses that the rankings reflect where states stand in relation to one another on minimum, rather than ideal, standards of legislative capability. Even the top ranked states are in need

of improvement, according to the Citizens' Conference interpretation of the results.

The study does not measure actual legislative output. It concentrates, instead, on the organization, structure and procedures as indicators of a legislature's overall capacity for quality output.

Iowa garnered the highest overall ranking of the nation's smaller states, with its legislature placing among the top ten in three of the five major categories evaluated in the study. It ranked 6th in "Functional," 5th in "Informed," 6th in "Accountable," 11th in "Independent," and 25th in "Representative."

The study results show Iowa to have taken the lead among legislatures in many respects. It was credited with having a considerably smaller number of standing committees (18) than most state legislatures, uniform rules of procedure, an unlimited annual session, giving the legislature as much time as it needed to accomplish work, single member districts that contribute to a focused relationship between legislators and constituents, and for the availability of a public record on committee deliberations and actions.

The Citizens Conference pointed out, however, a number of significant weaknesses. Majority and minority leaders do not have professional assistants. Current salaries for Iowa legislators (\$5,500 a year) are considerably lower than the national average of \$6,628. It would require a doubling of salaries merely to equal those paid by other states ranking in the survey's top ten list.

The study report notes that legislators do not have adequate physical facilities to do their work, and calls for creation of an Iowa Legislative Office in Washington, D.C. to enhance coordination and action on federal programs affecting the state.

Other study recommendations include the consistent assignment of bills to the committee with proper jurisdiction, and initiation of conferences to provide legislative members an opportunity to examine large policy areas apart from the pressures of day to day responsibilities.

The Citizens Conference, which did the study, is headquartered in Kansas City Missouri. It was founded in 1965, and funded by several major foundations, has pursued the objective of providing the information, expertise and impetus needed to improve and modernize state legislatures. In addition to doing research of the type represented in the Legislative Evaluation Study, the Citizens Conference works with citizens groups on efforts to reform legislative systems, and with media to improve public understanding and interest in the legislative process.

The five main "FAIIR" characteristics measured in the Legislative Evaluation Study embrace many factors of a legislature's operation. They include, under each main criteria, these:

Functional—This category examines activities basic to legislative performance. How well equipped is a legislature to deliberate? To design programs and draft them into bills? To review and evaluate programs and administrative proposals? To settle differences effectively? To formulate public education policies?

Evidence of a legislature's functionality includes the availability of time and the freedom to use it as needed; adequate staff support; adequate facilities; manageable structures; workable rules and procedures; effective management, and observance of appropriate order and decorum.

Accountable—In the American system, the government exercises power which it is entrusted to by the people. A legislature therefore, must account to the people for its actions.

The Legislative Evaluation Study looks for evidence that a legislature can, in fact fulfill this duty. The two major factors involved

are whether the forms and procedures of the legislature are understandable and stable, and whether or not the public has access to full information on the actions and procedures of the legislature.

Informed—Evidence of a legislature's ability to gather and use information is the determining factor in this category. Factors involved include the time available, how it is used, the number of committees, the number of committee assignments for each legislator, advance notice of meetings, adequate staff, and physical facilities.

Independent—Determining factors in this criterion are a legislature's control over its own activities, its independence of the executive branch, its review and oversight powers, its control of lobbyists and safeguards against conflicts of interest.

Representative—A representative legislature is one that reflects the diversity of the population it represents. Single member districts—one house member and one senate member representing each district—are also considered necessary for representativeness. Once elected, the ability of a legislator to be representative depends on rules and procedures within the legislature which determine how effective his vote, and therefore his constituents' interests, will be.

A book written for a general audience will be published in a paperback edition by Bantam Books, New York, in the spring. It will contain a major section with state-by-state recommendations for change in the state legislatures. The recommendations section of the book will highlight the most positive and negative features of a state legislature and tells what can be done to correct the situation.

Margolis called the Bantam publication a "book for the citizen and for citizen action. It will spell out what the problems are in each state legislature. Where a problem exists, the book will relate where it is, and what can be done about it."

CURIOUS IRONY

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1971

Mr. HATHAWAY. Mr. Speaker, I insert the following editorial from the February 3 edition of the Bath-Brunswick, Maine-Times Record in the CONGRESSIONAL RECORD:

A curious irony has surrounded the Dickey-Lincoln project the last couple of times it has turned up in the news. During the last session of Congress, the Capitol Hill lights were dimmed during one of those periodic "brownouts" just as the Congressmen voted once again to take out of the national budget any funds to continue planning for the public power project.

Last week, just a day before it was learned that President Nixon's new budget contained no funds at all for the Dickey-Lincoln project, New England was in the midst of a power crisis caused by equipment shutdowns and extraordinary use of electricity during a cold snap. The New England Power Exchange (NPEX) reduced voltage everywhere by five percent, and only power rushed in from Michigan averted selective "load shedding" (cutting off electricity to certain areas).

Yet we are told time and time again that the extra power that could be generated by the Dickey-Lincoln project is not needed—and as we wrote those words it wouldn't have surprised us if the lights went dim.

And, may I say to my colleagues: as you read those words, it would not surprise me at all if the lights went dim.

DIZZY DENTISTS—MERCURY MAY
BE THE CAUSE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. OBEY. Mr. Speaker, most of us are aware by now of the threat posed by mercury to our rivers and oceans, and to the food we harvest from those waters. Less is known, I am sure, about the threat which mercury poses to those who use it in their daily work.

The phrase "Mad Hatter," for example, came about from the physical effects of mercury on workers who years ago used mercury to make felt hats. Today, thousands of workers are involved in the refining, production, or use of mercury.

One such well-known worker is the dentist. For years dentists have been using mercury, in combination with other substances like silver, to form the amalgam used to fill teeth. Now, at least according to one study published in the Journal of the American Dental Association, the use of mercury has physically affected a large number of dentists and dental technicians.

According to the JADA, one of every seven dental offices surveyed was found to be contaminated "to the extent that the dentist and his assistant are exposed to hygienically significant amounts of mercury vapor throughout the workday."

The article points out that the method of handling the amalgam appeared to be the predominant factor in the degree of contamination in any office. It calls for "remedial action . . . to reduce exposure" to lessen the threat of mercury contamination.

Mr. Speaker, with the knowledge, now substantiated, that the use of mercury is adversely affecting medical personnel who deal with it, it would certainly be advisable to thoroughly examine its use by dentists, by hospitals and by laboratories. In every case, efforts should be made to find alternatives to its use.

I ask that the article from JADA be printed below, along with an article from the Washington Post on the same subject:

MERCURY VAPOR EXPOSURES IN DENTAL OFFICES

The exposure of dentists and dental assistants to mercury vapor was studied. Findings suggest that one in seven dental offices is contaminated to the extent that the dentist and his assistant are exposed to hygienically significant amounts of mercury vapor throughout the workday. Exposures ranged to 0.18 mg mercury vapor per cubic meter of air (mg/meter³). Urine mercury levels ranged to 0.33 mg mercury per liter urine (mg/liter) and were correlated with exposure. The modes of contamination and decontamination are discussed.

Silver, copper, tin, and zinc in proper proportions combine with mercury to form the amalgam used by dentists to make dental restorations. When excess mercury is used in the amalgam, the hardening time is prolonged. Generally, dentists in this study added excess mercury. After amalgamation occurs, the amalgam is placed on a cloth filter and twisted or squeezed between the thumb and palm of the hand to express excess mercury. Spillage or deliberate throwing of this excess mercury to the floor or toward a container is common. Therefore, the dental office is contaminated with mer-

cury metal which vaporizes readily at room temperature.

Mercury vapor concentrations were determined in 59 dental offices to evaluate the exposure of dentists and their assistants, a total of 98 persons. Mayer¹ in a similar study had reported mercury vapor-particulate concentrations ranging to 0.4 mg per cubic meter of air (mg/meter³) while mercury amalgam restorations were being milled.

The threshold limit value (TLV) for mercury is 0.1 mg/meter³, based on an eight-hour daily exposure, as established by the American Conference of Governmental Industrial Hygienists.² Because the TLV is based on an eight-hour daily exposure and since milling of restorations was thought to be of short duration, we chose to disregard the contribution of particulates containing mercury in overall exposure. Joselow and co-workers³ concluded that approximately 14% of the dentists and their assistants are exposed to hygienically significant amounts of mercury and that particulates contributed approximately 0.025 mg/meter³ to the average exposure. Our data also indicate that one in every seven dentists and their assistants are exposed to mercury vapor about or in excess of the TLV based on an eight-hour daily exposure.

PROPERTIES OF MERCURY

Mercury is a silver-white metal that is liquid and volatile at room temperature. As temperature increases, the amount of mercury vaporized increases. Steere⁴ reviewed the vapor pressure of mercury at various temperatures and calculated the equilibrium mercury vapor concentration in a room 77 F to be 20 mg/meter.³

Occupational illness caused by mercury is chiefly due to inhalation of vapor, fumes, or dust. Illness is usually gradual, then becomes chronic. The most common symptoms of poisoning are: excitability, especially when criticized; inability to concentrate; fearfulness; depression; headache; fatigue; weakness; loss of memory; drowsiness or insomnia; symptoms of kidney disease; and tremors of the hands, head, lips, tongue, or jaw. The tremors may affect handwriting and, as poisoning progresses, the writing becomes illegible.

Sensitization to mercury occurs but is rare. A Pennsylvania dentist developed this type of sensitivity and had to discontinue his practice.⁵

Mercury is excreted in the urine, feces, and

Footnotes at end of article.

saliva. A level of 0.25 mg mercury per liter urine has been suggested as a threshold indication of significant exposure.⁶

METHODS

A Kruger Model 23 mercury vapor meter was used to measure concentrations of mercury vapor in dental offices. The instrument operates on the principle that mercury vapor will absorb ultraviolet light of 2,536 Angstrom units. The lamp in this instrument produces 98% of its light at this wavelength. The performance of the instrument used in this study was calibrated against a wet chemical method of collection and analysis.⁷ Before and during each survey the instrument was standardized outdoors in a mercury vapor-free atmosphere. Concentrations of mercury vapor were measured at pertinent locations and the approximate breathing zones of dentists and their assistants.

Random early morning urine samples were collected from 23 dentists and assistants and analyzed by the dithizone-chloroform extraction method.⁸ A minimum of 100 ml urine was collected. Two ml of 37% formaldehyde solution were added as a preservative. Samples were refrigerated as quickly as possible for stability until analysis was completed.

FINDINGS

Mercury vapor was found in all 59 dental offices and exposures ranged to 0.18 mg/meter³. Six dentists and four assistants were exposed in excess of the TLV. Three dentists and one assistant had exposures approaching the TLV. Three dentists and three assistants had exposure greater than half the TLV. The remainder had exposures less than half the TLV.

The number of pounds of mercury used each year was estimated by the dentists. Exposure versus usage in Table 1 corroborates the opinion of other investigators that the more mercury used, the more the likelihood of excessive exposure.

Urine samples for mercury determinations showed excretions ranging to 0.33 mg per liter urine and paralleled mercury vapor exposure.

Findings on exposure versus excretion in Table 2 appear similar to those in Table 3—another indication that the more mercury used the more the likelihood of excessive exposure. Urine-mercury levels of dentists and their assistants were in most instances identical. Where they differed it was learned that the assistant did most of the amalgam preparation.

TABLE 1.—POUNDS OF MERCURY PER YEAR VERSUS EXPOSURE

Mercury used, pounds per year	Exposures in mg./meter ³							
	0.005 to 0.009		0.01 to 0.045		0.05 to 0.95		0.1 and greater	
	D ¹	A ²	D	A	D	A	D	A
1 to 3	6	2	4	1				
3 to 5	2	2	8	4	2	1		
5 to 10	5	5	13	10	1	1	1	
10 to 20	1	1	8	6	3	2	5	4
Total	14	10	33	21	6	4	6	4

¹ D=Dentists.
² A=Assistants.

TABLE 2.—EXPOSURES VERSUS EXCRETION

Exposure range mg./meter ³	Mercury in urine in mg./liter									
	0.01 to 0.45		0.05 to 0.095		0.1		0.2		0.3	
	D ¹	A ²	D	A	D	A	D	A	D	A
0.005 to 0.009	3		3	2						
0.010 to 0.045	3	2								
0.050 to 0.095	1		1	1	1					
0.1 and greater			1	1			2	1	1	

¹ D=Dentist.
² A=Assistant.

TABLE 3.—POUNDS OF MERCURY USED PER YEAR VERSUS EXCRETION

Pounds per year	Mercury in urine in mg./liter									
	0.01 to 0.45		0.05 to 0.095		0.1		0.2		0.3	
	D ¹	A ²	D	A	D	A	D	A	D	A
3		2	2	1						
3 to 5		1	1							
5 to 10		3		2	3	1		2		1
10 to 15				1					1	
15 to 20				1	1					

¹ D = Dentist.
² A = Assistant.

DISCUSSION

The method of handling the amalgam appears to be the predominant factor in a slightly or grossly contaminated office. Should the dentist or his assistant be careless in the preparation of the amalgam and spill mercury on the floor or throw excess mercury squeezed from the amalgam to the floor, or do both, there is definitely excessive exposure. Second in importance is the method used in cleaning the dental office. Spilled mercury develops an oxidized coating or becomes coated with dirt thereby reducing vaporization. Frequent wet or dry mopping, or both, disturbs these coatings and disperses localized spillage, significantly increasing mercury surface area. It is this multitude of small, even microscopic, mercury particles that causes higher vapor concentrations.

Cleaning a contaminated dental office requires special cleaning methods and compounds. Ridding the dental office of visible spillage can be done by attaching a tube with a small bore diameter to rubber tubing and attaching it to a good vacuum source. A water trap should be installed in the line and the pump discharge extended to the outside. If the floor is not of crack-free construction a new impervious crack-free covering extending up the wall a few inches should be installed. Contaminated floors and equipment should be cleaned with a mercury vapor suppressant used as directed by the manufacturer. Because suppressants only coat mercury to reduce vaporization and do not remove it, they should be used routinely. Walls and ceilings should be paneled or painted. When offices are known to be contaminated, all rugs, mats, and carpets should be removed and destroyed so that they cannot be used by persons unaware of the contamination. Decontamination of carpeting is difficult and is not recommended. It is suggested that carpeting be avoided when new facilities are planned or existing facilities renovated.

Cleaning equipment should be changed frequently and should be confined to the dental office. Dentists who use wet mopping to clean their operatories can easily see the results of poor amalgam handling techniques, especially if galvanized pails are used. The mop will have tiny mercury droplets dispersed throughout and the galvanized bucket will be amalgamated. Contaminated cleaning equipment disperses mercury to other areas of the building.

Air-conditioner filters tend to condense mercury vapor and reevaporate it. We have found that about 63% of air conditioners return air to the room that is approximately 20% higher in mercury vapor content than the general room air. Consequently, filters should be replaced often.

Some dentists maintain offices in their homes. Air containing hygienically significant amounts of mercury vapor from the dental office will contaminate the home. Mercury metal is also carried into the home by contaminated shoes. We have found concentrations of 0.03 mg/meter³ mercury vapor throughout an entire household and suspect

that many dentists' homes have high levels of mercury contamination.

Threshold limit values are established for healthy, adult male workmen for exposure during an 8-hour day and not for the general population, especially young children, for 24 hours. The TLV for mercury appears to have a small safety factor. The American Conference of Governmental Industrial Hygienists has suggested a limit of 0.05 mg/meter³ in a notice of intended changes.

SUMMARY

Dentists and dental assistants who handle mercury amalgams improperly are likely to be exposed to mercury vapor in excess of the established TLV. One of seven dentists and their assistants are likely to be overexposed.

Decontamination of offices is difficult but essential. Mercury vapor suppressants should be used routinely by all dentists. Cleaning equipment should be confined to the dental office and should be replaced often. Air-conditioner filters should be replaced often. Observation of spillage and contaminated cleaning equipment is a sign of significant exposure. Remedial action should be taken to reduce exposure. Medical assistance, including urinalysis for mercury, should be obtained.

The role of particulates containing mercury in contributing to overall exposure should be thoroughly investigated.

FOOTNOTES

¹ Meyer, A. Mercury poisoning: a potential hazard to dental personnel. *D Progress* 2:190 April 1962.

² Threshold limit values for 1968, American Conference of Governmental Industrial Hygienists, Cincinnati.

³ Joselow, M. M., and others. Absorption and excretion of mercury in man. XV. Occupational exposure among dentists. *Arch Environ Health* 17:39 July 1968.

⁴ Steere, N. V. Mercury vapor hazards and control measures. *J Chem Edu* 42:A529 July 1965.

⁵ Confidential report of investigation (April 1964). Pennsylvania Department of Health, Harrisburg, Pa.

⁶ Elkins, H. B. Excretory and biologic threshold limits. *Amer. Industr Hyg Assn J* 28:305 July-Aug 1967.

⁷ Nelson, G. O.; Van Sandt, W.; and Barry, P. E. A dynamic method for mercury vapor detector calibration. *Amer Industr Hyg Assn J* 26:388 July-Aug 1965.

⁸ Standard procedure for collection and analysis of mercury, revised October 1967. Pennsylvania Dept of Health, Harrisburg, Pa.

WARNING ABOUT MERCURY

(By Irston R. Barnes)

A recent release from the Rachel Carson Trust for the Living Environment (8840 Jones Mill Road, Washington, D.C. 20015) warns of an unrecognized source of mercury contamination from medical, dental and laboratory uses of mercury materials. The release has received little public attention although its specific warning is of urgent importance.

It is truly terrifying that the more attention we give to environmental contaminants

the more we learn of previously unknown hazards. The prevalence and dangers of mercury contamination are a case in point.

The first awareness that most of us had were the warnings to hunters and fishermen not to eat game birds and fish. The former were found to have dangerous levels of mercury through eating treated seeds on farm lands, and the latter had become contaminated from mercury in streams and lakes.

Government suits against various industrial companies alerted the public to the fact that, both in this country and Canada, large quantities of mercury wastes were being dumped into waterways. However, there are more widespread dangers.

Dr. Clarence Tarzwell, director of the National Marine Water Control Laboratory, at West Kingston, R.I., writing in reply to a request for information, pointed out to Rep. David R. Obey (D-Wis.) (and to the Rachel Carson Trust, of which he is a director) that a hitherto unnoted source of mercury contamination is in the wastes from hospitals and laboratories which use mercury salts and compounds in their pathological, histopathological, cytological and other analyses. Other laboratories may also be sources of similar wastes.

The seriousness of such contamination may be judged from the fact that 17 per cent of the mercury used reportedly goes for hospital, laboratory and dental uses. Until recently mercury compounds have also been used in therapy and as disinfectants. A medium sized hospital may use as much as 150 pounds of mercury a year.

Mercury contamination from these sources is unnecessary. It is technically possible to recover mercury from such uses. However, mercury is not essential for any of these laboratory procedures, since suitable substitutes are available. Every community should act vigorously to identify such sources of pollution and bring them under control.

Dentists and medical laboratory technicians are among the professions listed as especially liable to mercury poisoning. Industrial processes and agricultural uses may also expose workers to mercury poisoning. And as some well publicized tragedies have shown, individuals remote from both laboratory and industry may suffer serious poisoning, with resultant permanent damage to the brain.

Mercury wastes that the discharged from industrial plants or through the waste disposal systems of hospitals, laboratories and dental offices get into streams, lakes and coastal waters. Mercury is a very permanent type of contamination. Collecting in the bottoms of waterways, the mercury remains for a hundred years to poison aquatic life. Less toxic forms released into the environment may change into the highly toxic methyl mercury.

In the environment, mercury enters into biological food chains. Absorbed by lower forms of life, it is passed up the chain, building up higher concentrations in higher forms of life.

In *Silent Spring*, Rachel Carson emphasized the folly and stupidity of allowing the use of chemical pesticides without having determined in advance the ultimate effects of such chemicals on human life, other forms of life, and the environment. The same stupidity is repeated throughout the economy. There is only one intelligent policy to follow: Nothing should be released into the environment until the ultimate consequences of the material or product have been determined.

Every sewage plant and every industrial establishment should be required to treat all of its wastes, liquid, solid and gaseous, to the point where what is returned to the water, soil and air is as pure as the water and air with which the process started.

SOVIET SUBMARINES

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. SCHMITZ. Mr. Speaker, at this point I would like to insert two very important articles. Both of these pieces dealing with Soviet submarines should be of real interest to all those who are concerned with assuring the survival of the United States in the face of an increasing threat.

The first statement is a short speech of the late Honorable L. Mendel Rivers delivered on the floor of the House October 8, 1970. The second appeared in the *Armed Forces Journal* of January 18, 1971, and was written by Mr. Norman C. Polmar, the editor of the U.S. section of *Jane's Fighting Ships*.

Those who would discount the direct threat posed to the United States by the strategic forces of the Soviet Union and advocate further reductions in an already too low defense budget are jeopardizing the safety of the Nation. The politics of surrender can no longer be tolerated as a legitimate means of self-aggrandizement. The situation is too grave.

The articles follow:

SOVIET SUBMARINES

Mr. Chairman, I want to thank the distinguished chairman of the Appropriations Committee for giving me this opportunity to further expand on something which I said on this floor on the 28th of September.

I also want to thank the distinguished gentleman for the response he gave to the request I made before his committee, when I asked him to add additional money for one submarine, long leadtime items for another, plus two tenders and other craft at that time. He gave me almost everything I asked for.

On the 28th of September, I spoke at considerable length on the floor of the House on the Soviet threat, especially the naval threat.

Today, I shall be very brief. And I shall speak about one thing: submarines.

Soviet submarines.

One newspaper said of my speech on the 28th that my rhetoric was rather appalling but the facts were hard to challenge.

Today, there will be no rhetoric, only facts. But the facts will be as appalling as any you could hear.

I want to show the House today as quickly, as simply, and as plainly as I can the true facts of the Soviet submarine challenge.

I used a lot of statistics on the 28th. I could throw a lot of numbers at you now. But only a few should get the message across to a thinking citizen.

I talked desperately in the House-Senate conference on the authorization bill, as I am talking desperately now—and for what? To get your support to add two additional submarines to our shipbuilding program. Just two. That will mean four new nuclear subs in this bill and advanced procurement for three more.

If I had the rhetoric of Edmund Burke, the passionate voice of Daniel Webster, the ringing logic and orderly thought process of John C. Calhoun, perhaps I could talk you into supporting as many submarines as all of the shipyards in all of the United States could build. And if I did, how many would that be?

Ten to twelve.

Twelve submarines in 1 year is the most that we could realistically build under present conditions.

The Soviets have one yard that can produce more than that in a year.

The Soviets can build 20 a year on the day shift. Working several shifts, they could probably produce 35.

What does that mean?

It means that the present Soviet drive to overtake us in all categories of submarines is irreversible—irreversible.

The Soviets are ahead of us in total submarines—they have about 360 to our 147. They are ahead of us in most categories of submarines, and they are moving to be ahead in all categories by 1975—and there is nothing, nothing, nothing we can do about it.

Let me tick off the numbers for you:

The Soviets have 220 nonnuclear attack submarines to 59 for the United States.

They have 50 or slightly more ballistic-missile submarines to 41 for the United States. But all 41 of the United States submarines are nuclear, and about 20 to 23 of the Soviet submarines are nuclear.

They have about 65 submarines that fire the cruise missile, about 35 of which are nuclear powered. The United States has no submarines that fire cruise missiles. The cruise missile will go 400 miles. We have nothing like it.

Supposedly, the Russian numerical superiority is offset by our lead in nuclear submarines. But the Russian buildup in nuclear submarine construction capability means that our lead is rapidly disappearing. At present, in total nuclear submarines we have 88 and the Soviets about 80. In all probability, they will be ahead of us by the end of the year. What the relative building capability means is this: Even if we decided now—not tomorrow but now, today, in the House—to try to reverse the trend, it would be at least 5 years before we could begin to do so. And before we could start catching up, the Soviet lead would grow substantially.

The submarine is the best strategic weapon in the world.

That statement should not surprise anybody. We have long referred to the *Polaris* as our most invulnerable deterrent.

For the Soviets, their attack submarines provide a capability in nonnuclear warfare which promises the best possibility of strategically outflanking us and cutting us off from our allies. By simple numbers alone their submarine force gives them the threat to interdict our sealanes and deny us free use of the seas.

It is impossible for the United States to exercise influence on any continent in the world except the North American Continent without free use of the seas.

But the Soviet ballistic-missile and cruise-missile submarines provide the capability of bringing nuclear warfare to our shores.

The latest Russian *Polaris*-type submarine, the *Yankee* class, has the ability to fire from a submerged position a ballistic missile with a range of 1,300 miles.

I would like to illustrate to the House the threat that a Soviet submarine with a 1,300-mile-range missile poses to the United States.

If such a submarine is in the Gulf of Mexico, this is the range its missiles would have.

(Mr. RIVERS referred to map in the well of the House.)

Mr. RIVERS. It could lay a missile on Chicago, Detroit, New York, St. Louis, and any city within this range.

But the Soviets are testing a new submarine ballistic missile with estimated range of 3,000 miles. This missile may be backfitted into the *Yankee* class or put into a new class of submarines being specifically designed for the missile.

The Soviets in the last 2 years have introduced more new submarine designs than have ever been put to sea in all of naval history during a comparable period. They continue to strive for improvement in sub design. The United States in the last 10 years has introduced only one new design submarine.

My authority for those two statements, in case you question them, is Hyman Rickover.

If those Russian submarine missiles have a range of 3,000 miles, you can see on the map here what it means in terms of the threat to the United States.

But a new and dangerous development has come upon the scene to double—yes, I said double—the threat.

Today the Russian *Yankee* class ballistic-missile-firing submarines operate from bases in the Soviet Union. They travel through the Norwegian Sea and across the Atlantic Ocean—a distance of over 4,000 miles—until they get in a position to where they can fire their missiles on our east coast cities. To return home for repairs and crew rest they must again travel over 4,000 miles. It is estimated that half of a 60-day patrol will be spent by a *Yankee* submarine going to and from its patrol station, and during its transit time it will not be within striking range of our cities. But now the Soviets are building a nuclear submarine base in Cuba—at Cienfuegos.

Let us not beat around the bush with conjectures. I tell you the Russians are building a sub base in Cuba.

And I challenge any official of the executive branch to issue an outright denial of that statement.

No one will do so.

Now let me show you where this base is. Here is a map of the Caribbean. They sail submarines into this place here. It becomes their lake.

Now, let me show you photographs of Russian ships that have gone into this harbor—including a submarine tender which is there right now. They have this tender right here, right now, not yesterday.

That submarine tender is not down there on vacation. You can look at this and the other photographs.

Imagine that you had an automobile in Washington that you operated almost continuously, like a day and night taxicab, but that the nearest garage was in Boston. So that every time you needed repairs or an oil change or a little rest away from the automobile for the driver, you had to go to Boston. You would spend half your time going and coming to Boston. But if somebody built a new garage for you in Washington, you could double the time of your taxicab on the streets of Washington.

It would mean the same sort of thing for the Russians to have a submarine base in Cuba.

The submarines could operate within the range of more than half of the United States during their entire patrol period, including the time they are going to and from their base in Cienfuegos. Even when in that port for upkeep, they could maintain their missiles in a state of readiness easily within range of many major U.S. targets.

And they can also blackmail all of South America. They are sure we will back down as the gentleman from Texas (Mr. MAHON) said a while ago.

Cuba as a *Yankee* class submarine base would enable the Russians to about double the time "on target" for their underwater-launched ballistic missiles.

To put it another way, by using Cuba, the Soviets reduce by approximately one-half the number of missile-firing submarines they need to maintain the same coverage.

I am including as a part of my remarks a chart which illustrates the great advantage of a base in Cuba by showing the comparative transit time and days on station for submarines operating out of the Soviet North Fleet area and operating out of Cuba. It will be seen that in a 2-month patrol the enstation time for a ballistic missile submarine in the middle Atlantic is 32 days when operating from the North Fleet and 50 days when operating from Cuba. For a Gulf of Mexico station, it is 20 days on station when operating from the North Fleet and 56 days

when operating from Cuba. In addition, as I mentioned, during transit time the subs based in Cuba are within range of targets in the United States. The chart also shows that for attack submarines the days on station are at least doubled if the subs can operate out of Cuba.

The chart follows:

DEPLOYMENT COMPARISON: NORTH FLEET VERSUS CUBA

Station	Transit Time ¹ (days)		Days on station	
	North Fleet	Cuba	North Fleet	Cuba
SSBN:				
Middle Atlantic.....	14	5	32	50
Vicinity Bermuda.....	15	4	30	52
Gulf of Mexico.....	20	2	20	56
SSN:				
Panama Canal.....	19	2	22	56
Florida Str.....	18	2	24	56
Windward Pass.....	16	2	28	56
Mona Pass.....	16	3	28	56

¹ Assumes 12 kt.

This great increase in the military effectiveness of this strategic force must certainly be appealing to Soviet leaders.

In closing, I want to read you a paragraph:

"The peace of the world and the security of the United States and of all American States are endangered by reason of the establishment by the Sino-Soviet powers of an offensive military capability in Cuba, including bases for ballistic missiles with a potential range covering most of North and South America."

This is the first paragraph of the proclamation issued by President John F. Kennedy in 1962 ordering the interdiction of ships carrying offensive weapons to Cuba. That sentence describes the development that was the basis for President Kennedy taking the action that he did in the Cuban missile crisis of 1962.

I ask you to reflect on what the difference is between that development and the development taking place in Cuba today.

Regardless of what is done on this bill today, the Congress has got to be ready to support the buildup of our submarine force.

In the next Congress I intend to introduce legislation calling for a program—maybe a crash program—at least to start us on our way.

I intend to introduce legislation to force whatever reorganization is necessary in the command structure of the Navy to assure the success of a revitalized submarine program, which the distinguished chairman so eloquently referred to.

But the country must be ready now to face the threat posed by the Soviets.

No one has more sympathy than I have—and you will not see me getting up and criticizing Richard Nixon—for the President of the United States. He has a terrible job, an awesome job. The Constitution puts the responsibility for the conduct of foreign affairs on the shoulders of the President whoever he may be. He has to make the decision. As Truman said:

"The buck stops at 1600 Pennsylvania Avenue."

Whatever decision he makes, I know you, like I, will back him up because he has to make a decision—and it is as simple as that.

THE NUCLEAR SUBMARINE RACE: NECK-AND-NECK TODAY, UNITED STATES IN SECOND PLACE BY 1976?

(By Norman C. Polmar)

The Soviet nuclear submarine force will number about 150 ships by the end of 1976 if current building rates continue. In sharp contrast, United States nuclear-powered sub fleet will be running a poor second by that date, with 112 ships, when presently pro-

grammed building is completed. Compound- ing the disparity, the Soviet undersea fleet also will include more and newer conventional diesel-powered boats than will the U.S. submarine fleet.

Fewer nuclear-powered submarines will be built in the United States during the next five years than in any period since the 1950s. Soviet shipyards, in contrast, will deliver three to four times the number of nuclear submarines added to our forces in the five years which lie ahead.

Numbers, of course, don't tell the whole story. The Soviets also are increasing the quality of their undersea craft, according to Navy and civilian experts in the field. VADM H. G. Rickover, head of the U.S. Navy's nuclear propulsion program, recently declared, "from what we have been able to learn during the past year, the Soviets have attained equality in a number of . . . characteristics [e.g., weapons, speed, depth, sonar, crew performance] and superiority in some." Of particular concern to the U.S. Navy: the high speed of Soviet nuclear submarines—higher than what intelligence officials had previously estimated for Soviet undersea craft. The only major criticism of Soviet submarine quality voiced recently by U.S. officials: Soviet submarines continue to be noisier than their American counterparts.

Soviet shipyards are now completing 10 to 14 nuclear-powered submarines each year, with eight or possibly ten of them being ballistic missile submarines of the so-called Yankee class (the NATO code name). The other A subs now being produced in Soviet shipyards are the Victor-class attack submarines and the Charlie-class guided missile submarines. All three classes, plus a few diesel-powered Bravo-class submarines and a fifth class (with an as-yet-undetermined propulsion system) are all new designs.

Under current planning U.S. nuclear shipbuilders will complete four attack submarines in 1971, six in 1972, two in 1973, four in 1974, two in 1975, and three in 1976. With the Soviets having overtaken the U.S. Navy in number of nuclear submarines during the winter of 1970-1971, the advantage is now clearly with the Soviets in this important sphere of naval endeavor.

U.S. YARDS FOLDED

While the number of Soviet shipyards that could produce nuclear submarines has increased in the past few years from two to four or five, the number of U.S. shipyards with a nuclear building capability has dropped. The four or five Soviet yards that now are turning out 10 to 14 nuclear subs a year have the capability of producing 20 a year on a single-shift basis, according to Admiral Rickover; if they went to three shifts, they probably could turn out 35 a year.

In marked contrast to the record year 1964 when American shipyards turned out 17 nuclear submarines (four attack and 13 Polaris), the United States is losing its nuclear shipbuilding capability: out of the A-sub building business are the now-defunct New York Shipbuilding Corp., the General Dynamics yard at Quincy, Mass., and the problem-plagued Portsmouth Naval Shipyard. This leaves the Ingalls (Litton) yard at Pascagoula, Miss., the Newport News Shipbuilding firm in Virginia, the General Dynamics Electric Boat yard in Groton, Conn., and the Naval Shipyard at Mare Island, Calif.

These four yards have the capability of building only five or six A subs a year, even if they work around the clock. This low production capability will continue into the late 1970s because of the 31-submarine Polaris/Poseidon conversion program.

U.S. SUB PROGRAM

Actual U.S. production during the next few years will not even reach the existing capability, but will average only 3½ boats a year through 1976 at least. The FY 71 shipbuilding program long debated and recently passed by

the Congress has pushed this up slightly, but the arguments were between building three or four submarines with FY 72 funds! The fourth—not requested by the Administration—was added at the insistence of the late Chairman of the House Armed Services Committee, L. Mendel Rivers. (These submarines will be completed about 1977.)

The nuclear submarines now being built in U.S. shipyards are all *Sturgeon* (SSN-637) class attack submarines. They are advanced undersea craft fitted with the BQQ-2 sonar suite and the SUBROC anti-submarine torpedo/missile system. However, these submarines probably are slower than their Russian contemporaries because of their power plant limitations. The new U.S. submarines have the S5W reactor, which first went to sea in the A-sub *Skipjack* in 1959. Although the reactor plant has remained the same (and the same 15,000 horsepower is assumed), the size of submarines has increased considerably: *Skipjack* is 251½ feet in length and displaces 3,500 tons submerged; *Sturgeon* is 292 feet long and displaces 4,630 tons, an increase of more than 32% in displacement.

Two long-delayed U.S. submarine designs are in the offing: the SSN-685 "quiet" submarine and the SSN-688 "high-speed" submarine. The lone SSN-685 will have a turbine-electric drive propulsion system vice the steam turbine system in all previous U.S. nuclear submarines except *Tullibee*. This is expected to reduce the submarine's self-generated noise level considerably. She will be slightly larger than the *Sturgeon* class and somewhat slower. Although primarily an operational test platform for the turbine-electric plant and other quieting features, the SSN-685 will be fully outfitted with sonar, SUBROC, and ASW torpedoes, making her a combatant submarine. Construction of the SSN-685 has been delayed several times by Department of Defense studies and reviews, but hopefully her keel will be laid down at the Electric Boat yard in Groton in June 1971 under a \$77.9-million contract issued in October. She should be completed in early 1974.

The SSN-688 class is intended as the follow-on to the *Sturgeon* class as the U.S. Navy's basic attack submarine design. These submarines will be considerably larger than their predecessors (360 feet and 6,900 tons), in part to accommodate a larger reactor plant to give them higher underwater speeds. Reportedly difficulties in producing a suitable high-horsepower submarine power plant are believed to have resulted in Admiral Rickover's adopting the D2G-type reactor used in the surface warships *Bainbridge* and *Truxtun*. According to unofficial and possibly optimistic reports, the SSN-688 class submarines will have an underwater speed of approximately 40 knots.

Newport News Shipbuilding will construct the SSN-688, laying the keel in 1971 and completing her about 1974 or 1975. Five other SSN-688 class submarines already authorized would be completed in 1975-1976. It is anticipated that the Navy will build 25 to 30 of this class at private yards during the 1970s and early 1980s at an estimated total program cost that could go as high as \$5-billion. They would then be replaced on the building ways by a later SSN design that is still being developed.

Recent congressional action on the FY 71 budget approved \$430.5-million for three of the SSN-688s and \$166-million for an additional SSN-688 not included in the budget request. This plus \$67.5-million from prior years' budgets for advanced procurement works out to \$166-million per SSN-688, although if five were built per year the estimated cost would be \$130-million each.

Congress also approved \$45-million for advanced procurement for FY 72 and an additional \$22.5-million for advanced procurement for one other SSN-688 not included in the budget request. There is another \$42.5-

million from FY 70 funds available for advanced procurement in FY 72.

Even with Soviet progress and the U.S. slowdown in the nuclear submarine efforts, there is no sense of urgency within the Nixon Administration to push nuclear submarine development. Admiral Rickover has related this saga of SSN-688 priorities:

"Over a year ago [in 1969], in view of the serious situation we face relative to the Russians, I asked for what is known as a BRICKBAT priority for these submarines.

"The BRICKBAT priority automatically makes a project eligible for the highest industrial rating. It must go to the President for final approval.

"In January 1969, the then Assistant Secretary of the Navy [Barry Shillito] recommended to the Assistant Secretary of Defense that BRICKBAT priority be approved for the entire SSN-686 class program. Later, when he became Assistant Secretary of Defense, he turned down his own Navy recommendation. Apparently the Russians had become nicer people by that time.

"In March 1970, after more than a year of fooling around within the lower echelons of the Department of Defense, The Deputy Secretary of Defense finally recommended that the President approve BRICKBAT priority for only one ship, the lead ship SSN-688, and even then for only a part of that ship."

Congress expressed its disapprobation at the lack of a BRICKBAT priority and noted in a hearing report that in February 1970 during a DSARC review of the SSN-688 program, Navy told DoD that the lack of BRICKBAT priority and the impact of the General Electric strike had already resulted in an irrecoverable 11-month delay for each ship in the program and that dollar impact of the delay could not be determined. The hearing report went on to state that "any delay in these urgently needed submarines postpones the Navy's ability to counter effectively and fully the rapidly expanding Soviet submarine threat."

On the missile submarine front, the Navy is striving for Department of Defense approval of the ULMS—Underwater Long-range Missile System—that would replace the Polaris/Posidon submarines during the 1980s. The 41 ballistic missile subs now in U.S. service were completed from 1960 to 1966, and the oldest will be 25 years old by the time the first ULMS craft could be fully operational. The ULMS concept provides for an advanced submarine especially designed for quiet operation (lessening the possibility of detection), high crew habitability, and a low in-port-to-at-sea ratio (to increase the time spent on station). Further, this submarine would be armed with missiles capable of traveling some 6,000 miles, increasing the Soviet ASW requirements by several orders of magnitude should an attempt be made to counter the ULMS submarines. But again, budget restrictions and opposition to the ULMS concept—in the Congress and by the Air Force—could considerably delay the program or result in only a marginal improvement over the existing Polaris/Posidon submarines, which have a 2,700-to 3,000-mile missile.

The total ULMS program could run up to \$10-billion, in the opinion of some naval observers. The figure is very tentative because characteristics of the ship—numbers of missiles carried, size, and speed—and of the missiles themselves, and the total number of ULMS subs, have not yet been decided, even by the Navy. Numbers of missiles proposed for each ULMS sub vary between 12 and 24, and 25 ships for the ULMS force has been mentioned.

Funding for ULMS has been in the research, development, test, and evaluation (RDT&E) account to date—\$5.4-million through FY 69, \$10-million in FY 70, \$44-million in FY 71, and for FY 72 informed

sources say about \$110-million will be requested.

But if we are to look forward to advanced U.S. nuclear submarines such as the SSN-688 and ULMS, what of the Soviet efforts during the 1970s? The Yankee-class missile submarines may have two nuclear reactors capable of 60,000 horsepower, according to some estimates. This means the Soviets could already have a single-reactor, 30,000 hp plant (50% more than the U.S. S5W reactor) that would give Soviet submarines a speed advantage over U.S. undersea craft until the SSN-688s enter service.

Building on this technology, the Soviets could lead in nuclear submarine plants in the coming decade. The Yankee is armed with 16 SS-N-6 missiles credited with a range of 1,300 to 1,500 miles. The even newer "Sawfly" missile, with a range of at least 2,700 to 3,000 miles, already exists and may be backfitted in older Soviet ballistic missile submarines or may be for the next generation of Soviet missile submarines that could already be on the building ways.

Program continuity is the secret to keeping a complex technological effort alive and growing at a steady pace. The United States may have forfeited continuity and steady growth to the Soviets. The U.S. nuclear submarine design and construction capability—which was able to deliver 17 nuclear submarines in 1964—already has been dispersed to an alarming degree. When the Polaris-to-Posidon conversion work is done and unless ULMS construction and design of an SSN-688 follow-on are begun, the United States' parity in this field may be irretrievably lost.

Meanwhile, since the Yankee-Charlie-Victor family of missile and attack nuclear submarines first went to sea in the late 1960s, the Soviets, if past performance is any guide, already have the next class (or classes) of A subs on the drawing boards or possibly building ways. The Soviets have built up too great a nuclear submarine design and construction capability and perceive too great a strategic requirement for them to stand idle. If they continue to surge ahead, by 1976 it may be too late for the U.S. to catch up—not merely in numbers but in quality and capability to meet the threat.

UNITED STATES AND SOVIET SUBMARINE STRENGTHS
(Estimated January 1971)

Submarine type	United States	Soviet Un.on
Ballistic missile, nuclear (SSBN)	41	16 ² with 16 tubes. 9 with 3 tubes.
Ballistic missile, diesel (SSB)	0	25 ² with 3 tubes.
Guided missile, nuclear (SSGN)	0	35 ²
Guided missile, diesel (SSG)	0	30
Attack, nuclear (SSN)	50	20 ²
Attack, diesel, post-WWII (SS)	12	215 ²
Attack, diesel, war-built (SS-AGSS)	37	0
Coastal-experimental (SS-AGSS)	6	Several.
Total subs	146	350 ²
Ballistic missiles	656	357 ²

¹ With 16 tubes.
² Approximate.
³ Does not include C. 400 anti/ship cruise missiles.

KANSAS DOCTORS

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. WINN. Mr. Speaker, recently a rather severe indictment of Kansas physicians by a study group sponsored by

Ralph Nader was carried by the Associated Press wire service. Mr. Nader's group cited a study by the National Advisory Commission on Health Manpower supporting their contentions.

As a result of the wire service report, I instituted an inquiry with the Public Health Service of the Department of Health, Education, and Welfare. Today, I would like to share with my colleagues the result of my inquiry which is far different than the study group's findings.

The acting director of the Division of Physician and Health Professions Education of the Public Health Service responded to me by writing:

We believe the statement made in the article to the effect that 48% of the State's doctors took no further education in a ten year period studied is grossly in error.

He went on to add:

This (the article) obviously does not consider peer-to-peer consultations, hospital-oriented continuing education experiences, journal article reading or a host of other methods whereby a physician does obtain education.

As a result of the Public Health Services' disagreement with Mr. Nader's study group, I have become concerned about the possible effects of such erroneous statements. To quell any possible misgivings anyone might have about the quality of Kansas physicians, I also contacted a person that I feel to be an expert in such matters, particularly as they relate to Kansas.

The man is Jesse D. Rising, M.D., chairman of postgraduate medical education at the University of Kansas Medical Center. I asked Dr. Rising if he would care to comment on the wire service report. Today, I am pleased to be able to share his comments with you, as follows:

COMMENT ON RALPH NADER'S INDICTMENT OF CONTINUING EDUCATION FOR DOCTORS
(By: Jesse D. Rising, M.D.)

The Associated Press wire service carried under a Washington dateline an article that was printed in the Kansas City Times for November 9 under the headline, "Poor Health Care Assailed." In this article there were several indictments of physicians and the health care system in the United States. The validity of these criticisms was put in doubt because of the final paragraph of the article which was:

"The report said a Kansas study showed that 48 percent of the state's doctors took no education in the 10-year period studied, even though the State provided "circuit rider" courses which went to the doctors."

This statement occasioned surprise and disbelief in Kansas because it seemed to imply that the State's doctors are especially lax in continuing education whereas they are, in fact, in the forefront in this regard. Upon looking into the situation it developed that no "Kansas study" of the total continuing education activities of physicians in the state had ever been done. There had, however, been a study of the participation of Kansas doctors in courses offered by one institution in the State: the Department of Postgraduate Medical Education of the University of Kansas School of Medicine. In this study the total number of doctors "at risk" included many who were not in active, private practice, e.g. retired physicians, many physicians in State hospitals (often as part of their training), and physicians at military posts who had licenses to do some "moonlighting" practice in the State.

The University of Kansas Medical School's Department of Postgraduate Medical Education is one of the Nation's outstanding institutions for continuing medical education, and has a reputation for attracting a higher percentage of practicing physicians from its area of responsibility than perhaps any other such department. In addition to that it has had enrollees from every other State in the Union annually for over ten years. In spite of this, however, it furnishes only a minority of the continuing education experiences that keep doctors up-to-date. There are numerous other formal continuing education activities for doctors, and, as pointed out in a recent article in the Journal of the Kansas Medical Society—attached—even more important and more numerous informal ones.

It should be obvious to anyone who has seriously studied the matter that it is almost impossible for a physician not to have significant continuing education. It is unfortunate that hastily drawn conclusions based on incomplete understanding and inadequate information are presented to the public with an air of authority because it not only casts doubt on an entire profession but also because it discredits those who expound those conclusions, albeit in a good cause.

23 JOIN CHAIRMAN DULSKI ON FREE MAIL SERVICE FOR GI'S

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. DULSKI. Mr. Speaker, I am today introducing legislation to extend the authority for airlifting parcels to servicemen stationed abroad, as well as to extend free letter mail service to all U.S. servicemen stationed outside the 48 contiguous States.

Cosponsoring the measure with me are most of the members of the Post Office and Civil Service Committee, including Representatives CORBETT, HENDERSON, UDALL, DANIELS, NIX, HANLEY, WILSON, WALDIE, WHITE, FORD, HAMILTON, BRASCO, PURCELL, BEVILL, CHAPPELL, GROSS, DERWINSKI, JOHNSON, SCOTT, MCCLURE, HOGAN, HILLIS, and POWELL.

The present law involving parcel airlift—PAL—expires on July 1, 1971, and no provision was made for its extension in the Postal Reform Act last year. Airlift of PAL mail is on a space available basis.

On my several visits to the Far East and to Europe since joining the committee, I have become well aware of the importance of prompt delivery of mail to our servicemen.

NO PROVISION IN REFORM LAW

In rewriting the postal laws as a part of postal reform legislation last year, the Congress overlooked the forthcoming expiration of the PAL mail provision. Present law provides a maximum of 30 pounds weight and size of 1 cubic foot—60 inches, girth and length combined.

In proposing an extension of this law, I am also proposing that the size limitation be increased to 72 inches. Experience has proven that the present limit of 60 inches is inadequate with relation to the weight limitation.

In the same legislation I am proposing that free letter mail service be provided for U.S. servicemen on overseas assignments. Present law permits free letter mail service only for servicemen assigned to combat areas.

This mailing privilege would extend not only to letters, but also to sound-recorder communications—a currently popular method for servicemen to communicate with their families.

NEED FOR SERVICE IS CLEAR

I sponsored similar legislation 2 years ago and it was approved by the House, but no action was taken by the Senate committee, nor was any provision made in the postal reform legislation.

I consider the need for this extension of the free letter mail service for our troops overseas to be fully as important today as it was 2 years ago when it was approved by the House.

It seems to me that our servicemen, wherever they are assigned outside the 48 contiguous States, are entitled to priority mail service. Servicemen have no choice on their assignments.

My bill also is proposing airlift for second-class news publications for all servicemen on overseas assignment. These publications are worthless on receipt if they must depend upon routine mail transportation.

NIXON INTENDS TO CONTINUE THE FIGHT AGAINST POLLUTION

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. RHODES. Mr. Speaker, we have learned to expect dramatic leadership on the environment from President Nixon and during his state of the Union message the President renewed his commitment to insure that every citizen will have a clean and livable environment.

During the first 2 years of his administration, President Nixon took unprecedented steps to clean up our natural surroundings. His 37-point program addressed itself to a broad spectrum of environmental problems. The creation of the Environmental Protection Agency was a long-needed reorganizational move to bring all of the Government's environmental protection activities under one roof. Under the leadership of a dynamic administrator, this one agency has already shown promise of having a profound impact upon our environment.

Nevertheless, as the President indicated in his address to the Congress, he intends to pursue environmental protection with even greater vigor. He has promised strong new initiatives for cleaning up our air and water, for combating noise pollution, and for expanding our national parks system.

The condition of our environment is still critical and President Nixon has served notice that he intends to continue the fight against pollution until the job is done. It is a message that must be welcomed by all Americans.

THE HEROIN EPIDEMIC IN WASHINGTON, D.C.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. ANDERSON of California. Mr. Speaker, we are aware of the drug problem in the United States, but I am not sure we are aware of the magnitude of the problem. In our Nation's Capital, it is estimated that in certain areas more than one out of three people between the ages of 20 and 24 are addicted to heroin.

The 91st Congress enacted the Drug Abuse Prevention and Control Act of 1970. This law authorizes the Department of Health, Education, and Welfare to increase treatment, prevention, and rehabilitation programs for drug abuse. In addition, the Drug Abuse Act increases the penalties for the professional drug offenders.

In addition, Congress enacted the Drug Abuse Education Act to introduce drug education courses in our schools and churches in order to enlighten our youth on the perils of drugs.

While this legislation has not been in effect long enough to show results in curbing the drug menace, I feel that these laws are effective steps toward eliminating this hazard to the health of our Nation.

Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD an article that appeared in the Washington Post on February 5, 1971. This article calls the heroin problem in Washington an "epidemic," and I feel that its statistics will help the Congress in evaluating the current laws and, if necessary, in drafting new legislation.

The article follows:

CITY HEROIN EPIDEMIC CITED

(By William L. Claiborne)

Heroin addiction runs as high as 36 per cent among all young men between 20 and 24 years of age who live in a three-square-mile area beginning six blocks north of the White House, the city's Narcotics Treatment Administration estimated yesterday.

A study by the NTA, based on residency of addicts treated by the city, says the District is engulfed in an "alarming heroin epidemic."

If the study's figures are accurate, nearly half the city's estimated 16,800 addicts live in a 7.7 square mile section of the inner city that encompasses the most densely populated portion of Washington.

The dimensions of recent increases in the estimate of heroin use here are so great, according to the head of the city's Narcotics Treatment Administration (NTA), that a nearly 10-fold increase in the \$3.5 million-a-year antidrug program is needed.

Describing the recent increases in the estimated number of addicts—from 1,162 to 16,800 in 18 months—as "ominous," Dr. Robert L. DuPont said his own program is only "skimming the surface."

He conceded that part of the increase in the addict population estimate can be attributed to vastly improved reporting methods, but said that the 16,800 figure could even be low. The estimate is based on annual heroin overdose deaths, with one death representing an estimated 200 addicts.

Even as it treats 20 per cent of the estimated addicts here, a larger portion than any

other major city, the NTA program remains "grossly inadequate," DuPont said.

The comprehensive profile of heroin addiction, which DuPont released at a District Building press conference yesterday, contained the NTA's first attempt to locate the addict population by neighborhoods.

Using the city's nine service areas as a geographical base, DuPont's staff distributed the 16,800 estimated addicts according to the percentage of NTA patients living in each service area.

The inner-city sectors showed the highest concentrations of heroin use—ranging to 40 addicts per 1,000 population—and the areas west of Rock Creek Park showed the least concentrations.

The extent of heroin use measured in percentages of certain age groupings surprised even the NTA officials.

The survey concludes that in service area 6, the model cities neighborhood that begins north of the White House and extends eastward toward the Capitol, 24 per cent of youths between ages 15 and 19 and 36 per cent of those between 20 and 24 are addicted to heroin.

The area has a total indicated addict population of 4,066, which is 24 per cent of the city's estimated addict population, a ratio of 40.2 addicts per 1,000 residents.

The model cities area has the highest population density per square mile (30,917), the highest number of welfare cases (3,990) and the highest number of poor families, based on 1966 Census Bureau figures.

Service area 7, another inner-city sector just to the north of the model cities sector, also had a disproportionately large estimated share of the addict population.

The area also has an estimated 24 per cent of the addict population, but because total population is higher, the ratio per 1,000 is 30.8.

That 4½-square-mile area is second to the model cities section in density, welfare load and poverty, according to DuPont's study.

LEAST ADDICTION

The lowest rate of heroin addiction, according to the NTA extrapolation, is in service area 8, which includes everything west of Rock Creek Park.

That area has only an estimated 67 heroin addicts, for a per thousand ratio of only 0.8. The area has the lowest population density, the lowest welfare caseload and the fewest poor families.

The number of addicts undergoing treatment by private physicians is not known, but presumably inclusion of them would increase the proportion of addicts in higher income areas.

Third in the highest concentration of addicts per 1,000 population, according to the study, is area 5 (near Northeast and Southeast). This was followed by area 3 (east of the Anacostia River and north of Pennsylvania) and area 4 (lower Anacostia).

Those areas had 27.7, 19.9 and 18 heroin addicts per 1,000 population, respectively.

A study of the NTA's 2,759 patients showed that 95 per cent were black, 80 per cent were male, 30 per cent were between the ages of 16 and 20 and 29 per cent were between 21 and 25 years old. Only 8 per cent were over 41.

Fifty-eight per cent were single and the average last year of school completed was the 10th grade. The average number of arrests before treatment was 4.7 and the average number of convictions was 1.7.

MARIJUANA USE

Forty-nine per cent of the patients said marijuana was the first drug they used, while only 9 per cent said they started on heroin. Other hard drugs, including barbiturates and amphetamines, were listed as the first drug used by 35 per cent of the NTA patients.

DuPont released another report yesterday that showed the results of a six-month fol-

lowup study of 625 addicts selected randomly from five NTA treatment centers. The study, DuPont said, shows that addicts in the NTA program are less likely to be arrested than those who quit it.

Of the 475 adult patients in the group, 55 per cent remained in treatment programs and only 19 per cent of the 475 were arrested during the six months. The highest retention rate (86 per cent) was in a group of adults receiving high doses of methadone, a synthetic narcotic that blocks the craving for heroin.

The younger addicts in the program, most of whom were on abstinence treatment, did not fare so well. Forty-two per cent of the youths surveyed were arrested during the six months, and only 40 per cent remained in the program.

SOCIAL SECURITY BENEFIT INCREASE NEEDED NOW

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. SCHWENGEL. Mr. Speaker, today I insert in the RECORD, part IV of the article entitled "Private and Public Retirement Pensions: Findings From the 1968 Survey of the Aged" by Walter W. Kolodrubetz.

TABLE 4.—SIZE OF PRIVATE PENSION INCOME FOR OASDHI BENEFICIARIES: ¹ PERCENTAGE DISTRIBUTION OF AGED UNITS BY SIZE OF PRIVATE PENSION INCOME, 1967

Private pension income	All units	Married couples	Nonmarried persons		
			Total	Men	Women
Number (in thousands):					
Total with private pension income.....	1,614	1,009	605	287	317
Reporting on private pension income.....	1,450	912	538	265	273
Percent of units.....	100	100	100	100	100
\$1 to \$149.....	2	2	3	2	4
\$150 to \$299.....	6	5	10	5	14
\$300 to \$499.....	13	10	17	18	16
\$500 to \$999.....	33	34	33	29	36
\$1,000 to \$1,499.....	19	18	21	21	21
\$1,500 to \$1,999.....	11	13	8	11	6
\$2,000 to \$2,499.....	6	7	4	6	2
\$2,500 to \$2,999.....	3	3	2	4	2
\$3,000 to \$3,499.....	2	2	1	2	1
\$3,500 to \$3,999.....	2	2	1	1	2
\$4,000 to \$4,999.....	2	2	(¹)	1
\$5,000 to \$7,499.....	1	1
\$7,500 to \$9,999.....	(¹)	(¹)
\$10,000 or more.....	(¹)	(¹)	(¹)	1
Median private pension income.....	\$900	\$972	\$779	\$864	\$664

¹ Excludes beneficiaries who received their 1st benefit in February 1967 or later, the transitionally insured, and special "age 72" beneficiaries; also excludes a small number of units reporting private pensions but no OASDHI benefits.
² 0.5 percent or less.

CAPITAL PUNISHMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. RARICK. Mr. Speaker, capital punishment of convicted traitors, murderers, and rapists continues to be discussed by the moralists and antis. Seldom is there even comment that there is no capital punishment in 14 of the 50 States, and in the other 36 States there have been no executions because of legal poppy-cock for over 10 years. See my re-

PRIVATE PENSIONS

The levels of private pension benefits for the aged population are the result of a vast number of interrelated influences stemming primarily from the wide diversity and nature of private pension formulas. Unlike OASDHI benefits, private pensions are generally directly related both to length of service and past earnings or to length of service alone, and there are innumerable differences in the factors entering into the computation of actual benefit amounts in individual cases. As a result, a much wider benefit range is found for private pension than for OASDHI benefits. The median private pension, however, was lower in 1967 than the OASDHI median. The most striking feature of private pension levels was the concentration of one third of all private pension payments in the range of \$500-\$999; two-thirds were between \$300 and \$1,499 (table 4).

This concentration of payments in the \$500-\$999 range was found for both married couples and nonmarried persons. The distributions of private pension income for the couples and for nonmarried men were similar, but that for nonmarried women was at a somewhat lower level. Although OASDHI benefits for nonmarried men were substantially lower than those received by the couples, such a wide difference did not exist for private pensions, because of the lack of provision in these plans for benefits for the spouse. As a result, the median annual private pension was not very different for couples and nonmarried men (\$970 and \$865, respectively) but the median for nonmarried women (\$665) was considerably less than the median for the couples.

marks, CONGRESSIONAL RECORD, volume 116, part 29, page 39900.

Serious and violent crimes continue to increase, yet the people hear only the sociological and ethical jargon that capital punishment does not serve as a deterrent to murder or other heinous crimes. There are no statistics, because there have been no executions. One indisput-

¹ Bureau of Labor Statistics, *Private Pension Plan Benefits* (Bulletin No. 1485), 1966; Bureau of Labor Statistics, *Digest of 100 Selected Pension Plans Under Collective Bargaining, Spring 1968* (Bulletin No. 1597), 1969; and Walter W. Kolodrubetz, "Employee Benefit Plans in 1966," *Social Security Bulletin*, April 1968.

able fact is that execution of the murderer does serve as a deterrent to crime—at least to the murderer who is not around to kill again.

Our people are told time and time again, from Exodus 20:13 that the Bible says:

Thou shalt not kill.

The following verse, so often ignored, reads:

Thou shalt not commit adultery.

But those legal scholars so intent in denying the death penalty for the benefit of society overlook the adultery commandment as being out of touch with the times. The new liberal approach seems to approve of selecting the commandments which best serve their purpose.

Likewise overlooked is the 21st chapter of Exodus wherein God set forth the judgments to govern a moral society.

Exodus 21:12 reads:

He that smiteth a man so that he died, shall be surely put to death.

A most interesting article on the death penalty, by the noted journalist, Jenkin Lloyd Jones, appeared in the local newspaper entitled, "The Killer Who Is Executed Never Kills Again." Admittedly, this is a deterrent.

I include Mr. Jones' article as follows:

[From the Washington Evening Star, Feb. 6, 1971]

THE KILLER WHO IS EXECUTED NEVER KILLS AGAIN

(By Jenkin Lloyd Jones)

After an incredible and idiotic seven months, in which the jury was sentenced to a cumulative total of seven years in the box, Charles Manson and his three female disciples are pronounced murderers. This was not only one of the cruelest and most coldly sadistic murders in the history of American crime, but the case was so overwhelming that the defense didn't even field a witness.

Now the arguments over the sentences are under way.

Although only 14 states outlaw capital punishment, no one has been executed in the United States for four years.

This is the result of a drum-fire of propaganda over the past quarter-century, emanating chiefly from "social scientists" and the clergy, to the effect that death sentences constitute cruel and unusual punishment and perform no good.

The opponents of execution state one truth and then they state three theories dressed up like truth.

The truth is that if an innocent man were to be executed the error is irreversible. There is also a corollary truth which they don't mention: Namely, that the executed killer never kills again.

The theories are these:

Capital punishment deters no one.

The state has no right to take a life, for, as the Lord is quoted in Deuteronomy 32: 35, "To me belongeth vengeance and recompense."

The overwhelming majority of the American people have "grown beyond" capital punishment and want it abolished.

Let's look at them.

Since capital punishment virtually disappeared in America about 10 years ago the rates of murder and rape, the two most common capital crimes, have skyrocketed.

In 1959, 8,580 persons were murdered in the United States. In 1969 (the last year for which full figures are in), 14,587 were murdered. This is an increase of 69 percent. Over

the same 10-year period the population of the country went up 12 percent.

In 1959, there were 14,830 rape complaints in America. In 1969 there were 36,470, an increase of 146 percent.

It used to be generally understood in this country that the killer of a lawman was hanged or electrocuted. But no more. And in the past 10 years, 561 officers have been killed while trying to perform their duties.

To maintain that the threat of a death sentence is no deterrent is to say that people are unafraid of the possibility of dying. If so, "Slow Down," "Bridge Out" and "Danger—40,000 volts" signs are futile. But, of course, they are not.

The argument that vengeance is exclusively the Lord's business would require us, logically, to eliminate punishment of human beings by human beings altogether. On this theory, if we put a thief in jail we double-punish him.

Finally, the much-cherished idea that the American people are appalled by death sentences got a rude jolt December 15, when, in a constitutional referendum, Illinoisians rejected the elimination of executions by a vote of 1.139 million to 627,522. What Illinois seems to want is a little safer living for the innocent.

Much has been made of the many years which condemned prisoners spend on death row while the appeals courts delay, fiddle and fumble. There's a point here. Caryl Chessman was 12 years in a condemned cell before he was finally led to California's gas chamber. This is cruel and unusual punishment without a doubt.

But the way to cure it is to write into the law that any prisoner under death sentence who is not executed within nine months gets an automatic commutation to life. This is plenty of time to review the proceedings and consider new evidence, if any. It will force appellate courts to put an expedite tag on cases that should certainly be heard expeditiously.

Bernard L. Cohen, a distinguished Montreal lawyer and long a leader of Canadian Zionists, last fall published a book, "Law Without Order."

One of the chief reasons for the fierce conditions in our prisons, Cohen asserts, is because the most vicious killers continue to roam the yards, terrorizing other prisoners and plotting kidnapping of wardens and guards. In other times these mad dogs would have long since been hanged.

Cohen quotes a 23-centuries-old argument over capital punishment from the Mishnah. One rabbi said death sentences should not be imposed oftener than once every seven years, another said every 70, and two more said they should not be imposed at all.

"Whereupon, Rabban Simon, the son of Gamaliel, retorts, 'The men who talk in this way multiply the shedders of blood in Israel.'"

**MAN'S INHUMANITY TO MAN—
HOW LONG?**

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 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 1,500 American prisoners of war and their families.

How long?

THE CROSS-FLORIDA BARGE CANAL SHOULD BE COMPLETED IN AN AMENDED ROUTE WHICH, AT SMALL EXPENSE, WILL ENHANCE GREATLY, NOT DIMINISH, THE ECOLOGY OF THE AREA

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. BENNETT. Mr. Speaker, until the President issued his recent statement on the canal I was not allowed by the Corps of Engineers to know the recommendations of the corps for an alternate route that would bypass the Oklawaha River at an expense of perhaps less than \$5 million. The alternate should be accepted; and there also should be established a National Park in the area, as I outlined to the Council on Environmental Quality on February 1, and include in my remarks herewith.

At the end of the presentation made by me and others before the Council on February 1, I was told by the Chairman of the Council that we would not be allowed to see any information presented to the President in this matter and that nothing that we would have to say in the matter on the merits of the President's order could be considered by the Council because the White House had already acted.

I gained the impression that the Council had not in fact made any independent study of the canal and had only passed on to the President distorted, negative information such as has been appearing in the press, particularly the railroad-owned press of Jacksonville, Fla. That is obviously not a very objective position for the executive branch of our government to be in.

I am still attempting to have a chance to have this matter considered on its merits, with both sides having an opportunity to be heard. Such opportunity has still been denied my constituents, who feel that when legislation had provided for a project such as this, they should be given a chance to be heard before the laws are repealed.

The statement follows:

STATEMENT BY CONGRESSMAN CHARLES E. BENNETT OF FLORIDA, FEBRUARY 1, 1971

THE CROSS-FLORIDA BARGE CANAL AND ITS ENVIRONS—A PRESENTATION TO THE COUNCIL ON ENVIRONMENTAL QUALITY

On January 19, 1971 President Nixon ordered "a halt" to further construction of the Cross-Florida Barge Canal "to prevent serious environmental damages". Specifically, the President said he did this on advice of the Council on Environmental Quality to protect the "Oklawaha River—a uniquely beautiful, semi-tropical stream, one of a very few of its kind in the United States". He said "The Council has pointed out to me that this project could endanger the unique wildlife of the area and destroy this region of unusual and unique natural beauty."

I have repeatedly over a period of many months tried to speak with the President, the Secretary of the Interior and the Secretary of the Army on the subject of the Canal and to be furnished with adverse information, to which I and others favoring the Canal could respond. Even to date no such opportunity has been afforded; and even now

I do not have the information and data upon which the President's decision was rendered. I still seek the information requested and all I can do now is make some observations based upon the President's statement.

The President speaks of two things adverse to the Canal route: endangering unique wildlife and destroying a region of beauty. Even a cursory glance at the map, and certainly any in-depth study, would show that the area involved in acres of land and water habitat is so tiny when compared with the adjacent national forest of 430,349 acres, that certainly no animal or other living thing is going to be made extinct or seriously reduced in population by even the most extensive area considered for the Canal.

So, we should look then at what the President says would be the "destruction of a region of unusual and unique natural beauty", to wit: the Oklawaha River Valley. I grant and concede all the beauty he attributes to it. In fact the stream, could be a very significant part of an important larger National Park; and as such it would be a real treasure for the country and mankind. But stopping the Canal, or just narrowly preserving the present banks of the river from higher waters will not really protect anything; because the stream would be doomed to private exploitations, and there would be little of wild beauty protected and virtually no wildlife protected by such a course of action.

There is a great need in our country today to have enough living space where wild animals can live and grow and be protected. We need "environmental banks" which would freeze large areas of open space, green acres, and wilderness to allow these animals room to breathe: wild turkeys which need 2 to 4 miles to cruise in; black bear—which need a roaming distance of 15 square wild miles; bobcats and deer which require a 4 to 5 mile range and sometimes more; and panthers with a 25 square miles of wild land requirement. I could go on and on with data on eagles, osprey, etc.

I recommend that the Canal not be stopped but that it be constructed to by-pass the Oklawaha River Valley as is proposed in the alternate route suggested by the Corps of Engineers and that there be established an Oklawaha National Park to include not only this river valley but also the present Ocala National Forest in its entirety.

Only in this way will there be a significant protection of the beauty and the wildlife sought to be preserved.

There are 6,000 deer in the Ocala National Forest and these endangered species: less than 10 panthers, 50 sandhill cranes and 30 eagles; also 200 to 500 alligators which seem to be on the increase because of recent laws passed to protect them; 15 bears; 100 turkeys; and 200 to 300 ospreys.

There are other things of historic and geological interest in this proposed park area.

Under the current authorized Cross-Florida Barge Canal project, Mud Lake which is near the Eureka Lock and Dam would be flooded. I have been told that this lake is one of only 4 such lakes in the world, and that it has great archaeological, historical, and scientific values. It is in its final stages before turning to oil and it is millions of years old.

There are 32 known prehistoric Indian Middens in the area, mostly formed at least 3,000 years before the birth of Christ. Some of the earliest pottery in the United States has been discovered in these mounds. The burial place of King Utina, a contemporary and friend of the European explorers of 400 years ago has been identified on the shores of Lake Kerr, which would be in this park. Also included would be the site of the Pantan-Leslie Indian Trading Post of the late 1700's. Marjorie Kinnan Rawlings wrote beautifully of this area in the "Yearling". Frederick Delius wrote some of his most

beautiful music about this area when he lived nearby on the St. Johns River.

There are 4 publicly owned springs in the Ocala National Forest: Alexander Springs, the 13th largest spring in the world; Juniper Springs; Fern Hammock Springs and Pine Springs, which has recently been discovered. Also there is an unusual but privately owned salt spring on the edge of the proposed park land. The park land would stretch for miles on the banks of the St. Johns River and along Lake George, which like is 70 square miles in surface, one of the largest in the United States.

In addition to Lake George which would not, of course, be entirely included in any such park there are three other large lakes in the forest—Lake Dorr, Lake Bryant and Lake Kerr, and there are over 600 lakes of lesser size in the area. There are within or immediately adjacent to these lands 58,340 acres of lake surface.

In conclusion, I very much hope that your council will: First reverse its objection to the completion of the canal providing it follows the proposed alternate route. And, secondly, but equally important, that you also recommend that all of the Oklawaha River Valley, both sides of it, be put into a new national park to embrace not only this but also all of the present Ocala National Forest.

O. K. ARMSTRONG—STILL GOING STRONG

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. HALL. Mr. Speaker, former Congressman O. K. Armstrong served from a portion of the congressional district that I now have the privilege of representing. Although having left congressional service, he has never "let down" and still continues his writing and lecturing activities.

His vigorous life is superbly described in an article that appeared in the Springfield, Mo., News & Leader issue of January 17, 1971, written by Frank Farmer. I submit it for the RECORD in order that it may be shared by my colleagues.

The article follows:

ORLAND KAY ARMSTRONG—HIS VITALITY IS AMAZING

(By Frank Farmer)

Perhaps the most amazing thing about Orland Kay Armstrong—aside from the fact he has written seven books and several thousand magazine articles—is his vitality.

At age 77, he strides off in the same uncompromising manner he has approached numerous controversial subjects in his lifetime. His mind whips ahead to projects planned while grudgingly completing those started.

"And I expect to keep it up," he said stoutly.

Perhaps the answer to his physical and mental prowess lies in discipline: "A writer has to discipline himself," Armstrong said. "If he doesn't, the day can go by with nothing done."

Thus, this writer's day begins about 8:30 a.m. He reads his mail, eats breakfast and researches until about 10:30. He writes until lunch at 12:30, resumes writing at 1:30 and writes or researches until 4:30.

Then, fatigued from physical inactivity, he puts on hat, coat and gloves and assaults the area surrounding his home—called The Highlands—on Route 2, Republic. An amateur brick mason, he may lay brick for an hour or two, if the weather is fitting, or work in

the garden or plant and prune fruit trees. In fall and winter, a chain saw and his energy turn dead trees into fireplace fuel.

Not all of his time, of course, is spent at home; much travel is required for researching articles for Reader's Digest. For example, a series of stories for the Digest on obscenity carried him more than 10,000 miles. He and his wife, Marjorie (they often co-author articles or books), traveled 5190 miles by auto and another 3000 miles by plane researching an article.

And while the traveling is tiring and the writing often boresome, Armstrong does not regret either; besides the satisfaction he receives from turning out a good piece which he thinks may move man somewhat, he likes to meet people. "That is the most pleasant part," he said, "meeting so many wonderful and important people who are always interested in what you are doing."

"The most unpleasant part? That is, for me, eliminating a lot of material that simply cannot go into the writing of a Digest article, because of limitations of length.

"The hardest part, of course, in writing for the Digest, is in trying to make each article one of lasting interest, one that will be readable not only now, but years from now."

The easiest man he ever interviewed for a Digest article was Herbert Hoover, "He was eager to discuss his ideals and his work," Armstrong said.

The hardest person to interview was Huey P. Long. "He was so wrapped up in politics he didn't want to talk about anything else."

The most gracious? "Mrs. Douglas MacArthur. I did her story during the war years. She was very cooperative in getting the facts. And very pleasant."

And the funniest? "That would be the story I wrote for the October, 1956, issue, a story entitled 'The Funniest Football Game Ever Played.'

"While I was in Congress, I became acquainted with George Allen, who was President Truman's appointee from D.C. He had been captain of the Cumberland University football team when the team played Georgia Tech in October, 1916. When he told me about the game, I decided it was a classic.

"I hunted up 10 Georgia Tech men and six from the Cumberland team, and pieced the story together. It is the only football game on record where neither team made a first down. Every time Georgia Tech got the ball they made a touchdown. Every time Cumberland got the ball, they lost it. The score was 222 to nothing."

Armstrong laughed until tears appeared in the corners of his eyes while relating to the story of the game. It is a side of this staunch conservative and Baptist that few people see. He is considered by many, who know him in passing only, to be devoid of humor, dogmatic, obstinate.

Be that as it may, he is not known to compromise his convictions. Alone at times, he has faced hostile crowds to present his issues, aware they might not be popular but firmly believing he was right. The battles have been primarily in the areas of obscenity and liberal-conservative issues in Springfield.

"After the publication of my first Digest article on obscenity, which told how Coral Gables, Fla., cleaned up its news stands," Armstrong said, "I decided that Springfield needed an organization to fight obscenity."

"I called together about a score of church leaders who represented most denominations, and we organized the Springfield Citizens Council for Decency. It has been in existence ever since, meeting occasionally to discuss problems and progress.

"We have protested several publications and several motion pictures, with only partial success on the latter. We think that Springfield news stands are fairly free of obscenity, but the X-rated motion pictures are now our major concern. We are formulating a proposal to lay before the city coun-

cil. It would outlaw the X-rated movies in Springfield."

How does he feel about the jibes of persons who ridicule his efforts and beliefs?

"I feel those who oppose our efforts simply do not realize the erosion of morality, the increase in juvenile delinquency and crime that results from a steady diet of obscene publications and entertainment," he said.

"In this regard, I was in close touch with the minority of the President's commission on obscenity and gave them what suggestions they requested for the report that was filed."

Another controversy which Armstrong entered some years back was the matter of tax-free status of churches and religious organizations. In a Digest article entitled "Should the Churches Pay Business Taxes?" Armstrong presented information that may have had influence on subsequent court decisions.

"The article was re-printed and sent to every major denomination and religious leader in America," he recalls, "and it was put into the Congressional Record. It was quoted in a decision by the Supreme Court of Tennessee in a ruling case in that state."

"In the article, I proposed that no level of government should tax a church sanctuary or any other facility devoted to religious purposes. On the other hand, if any church gets into competitive profit-making business enterprises, they should be taxed."

"That has become the official policy of many church groups and I would say made the greatest impact of any of my articles. Next, I think, was the obscenity series, which was assigned directly to me by Mr. DeWitt Wallace, the publisher of the Digest."

Armstrong was born in Willow Springs, the son of the Rev. W. C. and Mrs. Armstrong, and was one of nine children. The father was later organizer and pastor of the East Avenue Baptist Church in Springfield in 1889. His maternal grandfather, the Rev. D. P. Brockus, was organizer of Southwest Baptist College in Bolivar.

Armstrong was graduated from Cartersville High School in 1912, and from Drury College, summa cum laude, in 1916 and taught a year at Southwest Baptist College. He entered the Army in 1917 and in 1920, after discharge, served a year as educational secretary to the YMCA in Europe. "They shunted me down into France where 3000 Russian prisoners of war were held," he said. "I learned to speak French and German. It was one of the most interesting years of my life."

He obtained a law degree from Cumberland University, Tenn., passed the Missouri Bar—but decided to enter the University of Missouri School of Journalism. After obtaining his master's degree, he was an assistant to the late Dean Walter Williams.

He taught three years at the University of Florida, served one year as secretary of the Drury Alumni Association and decided to begin free lance writing. He served three terms in the Missouri General Assembly, one term in Congress, being elected on the Republican ticket.

His first magazine article was "sent in cold" in 1927 and it was accepted, Editor Merle Thorpe wrote back, "We like the piece. Please keep writing for us." His articles went to Nation's Business (his first market for a story at a rate of \$75), Country Gentleman, Saturday Evening Post, Harpers, Christian Herald, American Legion Magazine and This Week.

In 1944 the Digest named him a member of the editorial staff and he has held the position ever since. A lawsuit charging plagiarism threatened his career in 1950.

"I was doing a story on the School of the Ozarks," he recalled, "and titled it, 'The School that Faith Built.' At the same time another writer was doing an article on the school and he asked me to read his article and give him any suggestions."

"I did so, but of course did not copy one single statement from his piece. I was quite surprised when the suit was filed against me. However, I won the suit because the court ruled that no writer can preempt a subject."

Armstrong also was to become involved in other litigation—a 15-year running battle with the U.S. Department of Revenue. The matter was finally settled in 1965 when the U.S. Court of Claims handed down a decision in which Armstrong and his wife were allowed to recover an undetermined amount of taxes paid in deficiencies, penalties and interest to the government, and that he did not engage in any fraud in income tax statements.

A federal jury had returned a guilty verdict on tax evasion charges earlier in 1955 and Armstrong was later fined \$500 on each of three counts. Later, it was reported at the time by the Springfield Leader and Press, "three members of the jury signed statements that they did not believe he was guilty." The statements did not, however, change the verdict.

"Seven members of the jury of 12 told me that they did not consider that I was guilty of any fraud," Armstrong recalled.

"Three signed affidavits to that effect, and the three declared that the verdict was a compromise whereby several who declared I was not guilty would vote guilty if the others would ask for leniency. This is the only case of this kind where such a verdict has been allowed to stand. Of course, I was gratified to be vindicated by the Court of Claims."

During the mid-40s, Armstrong developed strong interest in "human welfare and government," and these were to become the primary subjects of his future writing. Following the death of his first wife, the former Louise McCool, of Waycross, Ga., in 1947, he was married to Marjorie Moore, daughter of Mr. and Mrs. Henry W. Moore, of Spartanburg, S.C. in 1949. She and her brother, Joseph H. Moore, now a lieutenant general in the Air Force, were schoolmates of William Westmoreland, currently chief of staff of the Army. A journalism graduate, writer and editor in her own right, she currently does about 20 assignments a year for Baptist publications.

There are five Armstrong children: Milton McCool Armstrong, Orlando, Fla., O. K. Armstrong, Jr., Savannah, Ga., Mrs. Louise Cattan, Greenwich, Conn., Stanley Armstrong, Washington, and Charles Lindbergh Armstrong, of Sacramento, Calif.

Milton is in real estate, O. K., Jr., director of city and county planning, Mrs. Cattan, wife of E. W. Cattan, vice president of Singer Company, Stanley with congressional liaison, General Services Administration, and Charles recently returned from medical duty in Viet Nam.

Armstrong's books include "The Indomitable Baptists," written with his wife, Marjorie, "The Fifteen Decisive Battles of the United States" and (one of his first) "Old Massa's People, The Old Slaves Tell Their Story."

"I wish," he said, "that Bobbs-Merrill Company would reprint the latter book. I think it has a place right now."

Currently, Armstrong is working on two books: "The Road to World Peace," and the editing of the autobiography of President Chiang Kai-shek.

"My idea in regard to the first book," he said, "is that world peace can be built only by establishing order under law. This is not a one-world type of thing, but is based on the idea that there must be recognized international law and enforcement agency which we do not have in the United Nations. This law and agency would have the power to prevent aggression on any nation."

"In regard to the other book, I have twice

visited Taiwan and been a guest of President Chiang and Madame Chiang. I have had the assistance of numerous officers of the Chiang government and am awaiting only the word from President Chiang, which I hope will come this spring, to finish the book."

Current Digest articles in the works include one on the "faith healers," which he hopes will be a debunking of certain racketeers preying on the misery of human ailments to make millions, and on "The Industrialization of the (Indian) Reservations."

And what's next?

It could be anything—from a battle to remove a pornographic magazine from a Springfield news stand to a resolve to find a solution to the Middle East crisis.

But what ever it is, O.K. Armstrong will throw implacable energy—and a liberal dose of obstinacy—into the project. "I come from a long-lived family," he asserts, much as John Paul Jones must have said. "I have just begun to fight."

THE NIXON PLAN MAKES SENSE

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. MYERS. Mr. Speaker, since the establishment of our Government, new departments and agencies have been created over the years to meet our growing national needs. As was inevitable, responsibilities were overlapped and work was duplicated.

In his state of the Union address, President Nixon said that now is the time not to add new agencies but to restructure our Government. He proposed consolidating eight of the existing 12 departments into four departments: Human Resources, Community Development, Natural Resources, and Economic Development.

Mr. Joseph Califano, former special assistant for domestic affairs to President Johnson, has written an article for the New York Times in which he explains why the Nixon reorganization plan should receive the support of both liberals and conservatives alike. In addition to Mr. Califano's article, which I would particularly like to call to the attention of my Democrat colleagues, I also include in the RECORD the January 23 Washington Evening Star editorial on Government reorganization:

[From the New York Times, Jan. 29, 1971]

THE NIXON PLAN MAKES SENSE

(By Joseph A. Califano, Jr.)

WASHINGTON.—The President's proposal to reorganize eight of the Cabinet departments into four departments—human resources, community development, natural resources, and economic development—will raise the hackles of virtually every special interest group in Washington.

But the plan should make abundant good sense to conservatives and liberals alike. It should be particularly appealing to those of us who believe in a strong Presidency and who have struggled with the problems of conducting coherent domestic policies in the present organizational framework.

For conservatives, the four new departments offer opportunities to eliminate overlapping programs and for more efficient operation and cost reduction. For liberals the proposed organizational changes could be a long step forward in our ability to convince the

American taxpayer that we are providing government machinery capable of giving them something for the taxes they are paying.

Twentieth-century problems will not be solved with nineteenth-century organizations. The Federal Government cannot hope efficiently to administer over 400 major domestic programs with an organization that was set up to handle forty.

The time is long overdue to rearrange the old-line agencies. As anyone who has worked in the Federal Government discovers, coordination is no substitute for getting the boxes in the right place, for giving to the President one man with enough authority to be held responsible for natural resource development, human resources, or community development.

Smaller agencies respond to Presidential leadership only in the minds of the most naive students of government administration. Under the myth of reporting directly to the President, these agencies operate as independent fiefdoms.

The Nixon proposals come out of the work of task forces that have studied this problem in both the Johnson and Nixon Administrations. Anyone who looks at the present organization of our domestic departments begins to ask the same questions. For example:

Where does education end and job training begin? Where does health end and nutrition begin? Should all education and skill-giving programs, as well as nutrition and health programs, be in one department of human resources?

What are the distinctions that require one Cabinet department to handle parklands and another forest lands? What are the distinctions that require one department to handle wilderness areas and another recreational areas? Should all these functions be combined in one department of natural resources?

The answers are likely to be just about those that the Administration has reached. But institutional change must not stop at the last page of the Federal Government organizational manual.

The problems of our society are increasingly multijurisdictional. To plan and execute economic development programs in terms of a state boundary is as arbitrary as the line the Pilgrims drew some three hundred years ago. The resources and conditions that affect prosperity and poverty extend over entire regions—New England, the Great Lakes, Appalachia.

The problems of pollution, water and power supplies and transportation span huge areas. New levels of cooperation in which resources can be pooled and shared must replace egocentric and bureaucratic lines.

The responsibility of states must not be clouded by archaic notions of sovereignty. Economic development is much more effective on a regional basis; water and air pollution problems cannot be solved without cleaning the whole river basin or the entire airshed.

The web of government extends into the county commissioner's office, city hall and the local neighborhood. Here the confrontation between the citizen and his government can become a most horrendous maze.

Bureaucratic problems between mayors and other metropolitan officials must be submerged. New taxing jurisdictions must be devised. The parasitical relationship of suburbanites with the large tax base to inner city residents with the decreasing tax base must be re-examined. Suburban workers and visitors in the central city must bear a fair share of the services they use. Moreover, scarce human and physical resources must be pooled.

Within the cities themselves, lines of authority and control must be established with clarity, fairness and firmness. Mayors must be given more power vis-à-vis city councils, city departments and county officials. James

Reston put it as well as anyone in his column calling New York's Mayor "a goat called scape." If we are going to hold our mayors responsible for so much, we should give them the authority to fulfill that responsibility.

Institutional and organization problems tend to be considered dull and superficial. At this time in the development of our government—at every level—this is far from the case. Indeed, man's technology and aspirations have changed so much faster than his institutions that we face a major crisis if these institutions cannot be adapted to serve him. President Nixon appears to have proposed a good start at the Federal level. Let's hope it will inspire similar efforts throughout the states, cities and counties of our nation.

[From the Evening Star, Jan. 23, 1971]

STATE OF THE EXECUTIVE

President Nixon, in his annual audit of the Union, has taken a close look at the executive branch and found it wanting. The result is a proposal for the most sweeping reform of the federal organization in the history of the United States.

The President's blueprint for reform is by no means the only important proposal contained in last night's State of the Union message. We shall be dealing with other aspects of the message in due course. But the proposed departmental shuffle appears to be Mr. Nixon's own legislative favorite, and it is certain to stir up some heated debate on Capitol Hill. So it seems the logical place to begin.

It is true that a blueprint does not necessarily mean that a structure will be built. A great deal remains to be done before the concept of a streamlined executive branch is translated into reality. And yet, even the planning of such massive overhaul marks an abrupt departure from the previous Nixon doctrine of benign disinterest in domestic details.

The President, however, is not a totally changed man. He has retained his characteristic caution and political acumen. That is demonstrated in his decision to make Congress his partner in the venture by deciding that the change should be accomplished through legislation rather than executive order. If Congress agrees, and the change proves successful, it will be Mr. Nixon's baby. If the big shakeup turns out to be a big flop—well, Congress approved the move and backed it with positive legislation. If Congress should refuse to go along, it will carry an obstructionist label into the 1972 election. It is, in short, a heads-I-win, tails-we-both-lose proposition.

It is entirely possible that Congress will find the pill too bitter to swallow. The proposed reduction in the number of executive departments from 12 to eight would cut deeply into the established divisions of power. The congressmen who will be asked to preside over the dissolution of the specialized committee kingdoms will be the chairmen of those committees, and they will have the power to block the legislation.

But despite the resistance that can be expected in Congress and from some powerful lobbying groups, the change should be made. The structure of the executive has been expanded haphazardly through the years to cope with society's growing complexities. The result is a Rube Goldberg contraption, ungainly, inordinately complex and occasionally working feverishly at cross purposes with itself.

Mr. Nixon's plan would not solve the problems of the federal government. Nothing would. But there is the possibility that, properly implemented, the redistribution would reduce the complexity and much of the wasteful duplication, and provide a rational framework within which the government could operate.

It should be given a chance.

DEAN ACHESON, FORMER SECRETARY OF STATE, DENOUNCES U.S. INVOLVEMENT IN SOUTH WEST AFRICA

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. GROSS. Mr. Speaker, it was more than a half century ago, in 1915, that the sovereign nation of South Africa assumed the administration of the then German colony of South West Africa.

Immediately following World War I, the League of Nations mandated South Africa to continue governing that territory as an extension of its own domain and it has done so in a highly creditable manner in view of the violent upheavals, massacres, and programs that have beset most of the continent of Africa.

In more recent years, efforts were made by certain African governments to use the International Court of Justice to break South Africa's administration of South West Africa. That failed, and on the trouble-making scene came the Tower of Babel, otherwise known as the United Nations. Repeatedly has that assemblage of polyglots attempted to undermine South Africa and, inexplicably, those moves in the United Nations have had the cringing, craven support of the United States but not the support of Britain and France.

In the following article, former Secretary of State Dean Acheson presents a studious, factual, and detailed review of the events leading up to the present South West-South African situation and concludes with a blistering denunciation of the incredible role the U.S. Government is playing in it—a role that can only lead, if pursued to its ultimate conclusion, to hostility and bloodshed.

Mr. Acheson says:

If the United States does intend eventually to try to coerce South Africa out of South West Africa, it is following a path of huge and gratuitous folly.

If the United States has no such intention, it is helping make mischief of a most reprehensible sort both by deliberately encouraging other states to mistake our intentions and by making frivolous use of international institutions.

The former Secretary of State says:

In any event the United States has put itself in a position where, to justify its course, it must employ legal arguments that are dubious in basis and dangerous in implication.

As for the United Nations, in another recent statement Mr. Acheson described it as "the silliest organization in the world." He said:

We should treat it with intelligent neglect.

Mr. Speaker, I hope that Members of Congress will read carefully the following excellent article by Mr. Acheson:

THIS GOVERNMENT'S FOLLY

(By Dean Acheson)

Thanks to a recent report from Senator Henry Jackson's Subcommittee on National Security and International Operations, I have learned of Francesco Guicciardini's excellent admonition: "Take heed how you involve yourself in new enterprises or engagements;

for once in, you are forced to go on. Whence it results that men are often found laboring through tasks which being embarked in they cannot withdraw from, though had they foreseen a tenth part of their difficulty they would have gone a thousand miles to avoid them. This rule holds most of all in feuds, factions, and wars, before taking part in which, or anything of a like nature, no amount of careful and cautious consideration will be excessive."

No wiser precept could guide the conduct of foreign policy, particularly respecting southern Africa. Forces active in world affairs are trying to hustle up conflict there and, along with some assistance in the United States, aim to enveigle this government into hostilities. Unless the nation takes leave of its senses, it will stay clear of that booby-trap. Surely this administration has no intention of being drawn into such folly. The danger is that the administration, like the two preceding ones, will permit itself to be pressed, especially at the United Nations, into forensic positions that tend toward that baleful consequence. Some day, unless it mends its ways, the government will get to the crux of put up or shut up.

If there is no intention ultimately to play cat's paw in a southern African war, then the government should avoid gestures that can only lead to eventual embarrassment. Someone high in the administration's councils should keep a wary eye on initiatives from certain parts of the State Department—particularly the United Nations Bureau, African Affairs, and the Legal Adviser's Office—where zeal all too often exceeds judgment. It would be presumptuous to make a nomination.

The foregoing is prelude to some specific observations about the United States' relation to issues over South West Africa. The pertinent background is complex. A few details will indicate the basis of concern.

South West Africa is a sparse land twice the size of California. It lies on the Atlantic southward of Angola and Zambia, west of Botswana, and north and west of South Africa. About a sixth of its population of 650,000 consists of whites. Small fractions are Bushmen, Hottentots, and mixed breeds. The main aggregate engrosses diverse tribes of blacks.

In the latter nineteenth-century, while restrained by Gladstone's stringent policies, Great Britain forewent annexing South West to South Africa, except for a small coastal enclave embracing the sole deep-water harbor. Germany, rising to the opportunity presented by Britain's forbearance, then organized the region as a colony. German authority held on until overturned in 1915 by South African forces invading at Great Britain's behest.

Germany formally ceded the territory to the principal victor powers in the Versailles Treaty in 1919. These powers at the same time ratified South Africa's occupation by assigning the territory to South Africa subject to a mandate to be issued by the League of Nations Council. The mandate, issued in 1920, authorized South Africa to govern the territory as if an extension of its own domain. The terms included standards of conduct to which South African authority was obligated in regard to the welfare of indigenous peoples. Periodic reports to the League's Permanent Mandates Commission were required. The arrangements were operative during the League's tenure.

Eventually the League subsided into history, and the United Nations came on stage. The charter mentioned principles pertinent to the institutionalizing of trusteeships over subordinate territories but was silent as to the status of League mandates. Thereby an enduring quarrel was kindled. It has sputtered along ever since.

In an early phase the U.N. General Assembly's aim was to make South Africa sub-

mit its administration in South West Africa to supervision by the Trusteeship Council. South Africa persistently refused. The attendant issues were referred to the International Court of Justice. Here I sum up the court's views given in a series of advisory opinions. The mandate was viewed as having survived the League and as susceptible of dissolution only by concurrence of South Africa and the pertinent international authority. The U.N. was viewed as the League's successor and surrogate with respect to the mandate. The General Assembly was viewed as an appropriate body for the pertinent role. The General Assembly's ordinary rules of procedure, in place of the League's requirement of unanimity, were viewed as appropriate for pertinent deliberations. The General Assembly's pertinent functions were viewed as limited to those specified in the charter. For the General Assembly to receive petitions and complaints from indigenous peoples of South West Africa was viewed as permissible. A trusteeship for South West Africa was viewed as appropriate, but South Africa was viewed as not obligated to submit to one.

The advisory opinions explored but did not resolve the issues. Subsequently, following the proliferation of African independencies in the late 1950s and early 1960s South Africa's adversaries have shifted aim—striving to get the mandate dissolved rather than perpetuated and South Africa's authority in South West Africa displaced rather than merely made subservient to a trusteeship arrangement. A high point in this phase was marked by litigation before the International Court of Justice launched by Liberia and Ethiopia acting on behalf of the Organization of African Unity. The court assumed jurisdiction in a close vote. The petitioners at first importuned the court to set aside the mandate on grounds of South Africa's malperformance on specifics pertinent to the welfare of indigenous peoples. After South Africa successfully countered the allegations, petitioners changed their approach and asked the court to invalidate the mandate by finding that it had been rendered obsolete by new international law alleged to be inferable from General Assembly resolutions and other expressions by the so-called international community. In the upshot, the court, faced with a choice either to take a reckless leap from the established premises of international law or to find for South Africa on the merits, prudently vacated jurisdiction, again by a close vote, in the summer of 1966.

This government's folly in relation to the problem became pronounced from that time on. Our official spokesmen, from the then Secretary of State on down, criticized the court's ruling without showing even slight familiarity with the sound reasoning on which it was based. Thenceforward, despite occasional spells of prudent reluctance, this government has repeatedly colluded with the advocates of trouble both in getting the General Assembly to attempt actions manifestly beyond its powers under the charter and in aligning the Security Council as a seconder and presumable enforcer of the General Assembly's actions.

In the autumn of 1966 the General Assembly—notwithstanding that the charter restricts it to nondeterminative deliberations such as discussing, considering, recommending, and calling attention—undertook to cancel the mandate, to abolish South Africa's authority there, and to put the place under U.N. control. The United States delegation joined the charade. I take at face value reports in the press to the effect that the delegation decided to do so on its own without clearing with higher authority. I can only assure you that no such thing would have occurred when I was head of the foreign office.

Subsequently the General Assembly has

elaborated the fantasy—periodically reaffirming its declaratory actions, renaming the place "Namibia," designating a commission to supervise and a bureaucrat to govern it, and performing other officious gestures without concrete effect. Two years ago this month the General Assembly importuned the Security Council to press the projected expulsion. On March 20, 1969, the Council—by a 13-to-0 vote with only France and the United Kingdom showing the good sense to abstain—passed a resolution taking note of the General Assembly's previous actions and summoning South Africa to withdraw its administration immediately. I can only comment that this government and any government of good will would have been utterly horrified if South Africa, likewise abandoning practical reason, had undertaken to comply, for the U.N. lacked resources, in material or talent, for taking over South Africa's responsibilities. This year there were other pro forma actions by the Security Council calling for irritative commercial restrictions, setting a specific deadline, and so on.

A particular action in the Security Council deserves more elaborate notice. In July of this year that body resolved to elicit from the international Court of Justice an advisory opinion as to the legal consequences for states of the continued presence of South Africa in "Namibia," notwithstanding a previous action by the Security Council setting a deadline for South Africa to withdraw its authority and operations.

If the court has not been demoralized by the unfounded criticism leveled against it for the 1966 dismissal of the Liberian-Ethiopian petition, it might conceivably return the question with an admonition for the Security Council to confine such requests to answerable propositions. Such an exercise in good sense is probably more than one is entitled to expect in the realm of international organization in these times.

Two circumstances attending debate over the question in the Security Council are interesting. The representatives of third-world states participating articulated an ultimatum of sorts to the court: this occasion would constitute a last opportunity for the court to atone for its offense in having overruled the Liberian-Ethiopian petition. The same representatives stressed the importance of phrasing the question so as to circumvent the court's considering the United Nations' authority to rescind the mandate—hence the awkward phraseology.

The United States, which concurred on this resolution (unlike Great Britain, the Soviet Union, and Poland, which had abstained), has filed a brief. It is held by the court in confidence; hence I do not know its contents. I hope our advocates have disassociated themselves from other states' attempts to intimidate the court and that the U.S. brief does not uphold the effort to foreclose the court from examining the United Nations' authority in the premises. One can only speculate about the line of reasoning necessary to support the United States' pertinent votes.

For the life of me, I cannot see how it is possible to make any case at all without resorting to some equivalent, pertinent to international law, of the doctrine of implied powers familiar in our domestic constitutional tradition. I say this because how else can one try to uphold the purported rescission of the mandate; firstly, to infer a provision for termination in the mandate even though none is expressed, secondly to infer pertinent determinative power in the Assembly even though the charter does not grant it, and thirdly, to perceive an authorization for the Security Council to give such a corroboratory order even though no language of the charter warrants it.

This approach is essential to any justification of the United States' recent attitude on the South West Africa problem. The rub is

that the approach is quite at odds with our long-run and general interests. If such a line of reasoning should prevail in the court, I, for one, believe the United States would perforce eventually have to cancel its adherence to the court's statute and disassociate itself entirely from the court's work. It is difficult enough to get sovereign states to submit disputes with respect to express provisions of treaties. If the court is going to embark on the practice of inferring, interpreting, and applying language beyond the plain meaning of the texts of treaties—with all the hazards in such a practice—then states in their senses will simply have to desist from recourse to the institution.

As you see, my objections to the government's present course settle down to three points. If the United States does intend eventually to try to coerce South Africa out of South West Africa, it is following a path to huge and gratuitous folly. If the United States has no such intention, it is helping make mischief of a most reprehensible sort both by deliberately encouraging other states to mistake our intentions and by making frivolous use of international institutions. In any event, the United States has put itself in a position, where, to justify its course, it must employ legal arguments that are dubious in basis and dangerous in implication. So I return to Guicciardini's precept with which I began.

SHRIMPING INDUSTRY

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. BOGGS. Mr. Speaker, the State of Louisiana is the home of many great industries, but few are as closely tied to the lives and culture of our people as is our shrimping industry.

The estuaries of south Louisiana form what is probably the greatest shrimp breeding area in the world. The waters off our coast annually produce huge catches of this important seafood. In 1969, Louisiana became the first State in history to produce more than 1 billion pounds of fisheries products.

Louisiana's fisheries have reached this level of production with a bare minimum of guidance or aid from the National Government. The industry today is in need of biological research, technical assistance, and professional advice in areas ranging from fishery management to exploratory fishing.

Recently, Mr. James C. Farrelly, president of the Louisiana Shrimp Association, presented the industry's case to the Secretary of Commerce, Maurice H. Stans. I am inserting Mr. Farrelly's statement in the RECORD, and calling it to the attention of my colleagues:

STATEMENT BY JAMES C. FARRELLY

To the Hon. Maurice H. Stans, Secretary of Commerce, Washington, D.C., February 5, 1971:

Thank you, Mr. Secretary, for allowing me to express a few words in behalf of the Louisiana Shrimp industry. My name is James C. Farrelly. I am from New Orleans, Louisiana. I am president of the Louisiana Shrimp Association.

Louisiana feels like a neglected child in this country's family of fisheries. We are growing steadily strong without much aid

or guidance from the federal government. We have matured into a strong segment of the American fisheries without much governmental support.

Today, we are now reaching a stage where the Department of Commerce must recognize our fisheries production capability and must furnish ample assistance in the fields of biological research, fishery management, technology, consumer education and exploratory fishing. One is equally necessary as the other.

Mr. Secretary, the state of Louisiana in 1969 became the first state in the history of this country to pass the billion pound mark in the production of fisheries products. The dockside value of this historic catch was in excess of \$54,000,000. The catch was comprised of shrimp, industrial fish, oysters, crabs, and edible fin fish.

Industrial fish, processed for valuable nutritional additives for livestock and poultry feeds, accounted for 856,000,000 pounds of the total Louisiana production.

Louisiana, for the past two years, has led the nation in the production of shrimp. In 1969, we caught more than 82,000,000 pounds of heads-on shrimp. In 1970, our shrimp fishermen produced 90,000,000 pounds of heads-on shrimp.

The value of the 1969 shrimp catch was estimated at \$33,000,000 while the dockside value of the 1970 production was listed at \$36,000,000.

Today, the Gulf of Mexico offers the greatest potential for fisheries resources than any other area in the country. Fishing grounds elsewhere along the American continent are suffering in production because of various problems, mostly by over-fishing.

The nation must look towards the immensely rich potential of the Gulf of Mexico, in the none too distant future, in order to help feed the American people. And to provide the highly nutritious protein additives for livestock and poultry feeds for American agriculture.

The talented fishermen of Louisiana, if given the necessary monetary, technical and research support, could help immensely in reaping the vast fisheries resources of the Gulf of Mexico.

Money spent by the federal government for aiding the shrimp industry in Louisiana has not been sufficient in view of its high productivity. Under the statutes of Public Law 88309, Louisiana receives approximately 250,000 dollars per year for biological research. This is a matching funds project.

In order for the industry to become more secure, the shrimp fishery is in desperate need for more research and careful management. Little is known about shrimp and its habits excepting for a few basic facts.

We cannot relax with the supposition that the Louisiana shrimp fishery is on the upswing. And, that it can replenish itself, naturally.

Providence have given to Louisiana an expansive marshland for the propagation of shrimp and other marine species. It must be kept under constant surveillance that the life of shrimp is not jeopardized.

Shrimp is a migratory animal. After reaching maturity, it fans out from the marshes into the saltier waters, off shore Louisiana, where shrimp boats from Texas, Mississippi, Alabama, Florida and Louisiana trawl for this much-sought-after crustacean.

Out-of-state shrimpers also have a stake in the nursing grounds of the Louisiana marshes. If the nursery grounds of Louisiana can be kept productive, it also would benefit the shrimpers from adjoining Gulf states.

The government cannot convince the Louisiana shrimp fishery that the money allotted by the National Marine Fisheries Service to the Gulf and South Atlantic region is ample to carry out the necessary fishery projects. The total budget for the National Marine Fisheries Service is \$48,000,000. Out

of this total, only \$7,500,000 is earmarked for the South Atlantic and Gulf region.

We do not consider this equitable. Our area is allotted less money than the New England and Middle Atlantic region and the Washington and Oregon region, areas that produce less fishery products than ours. We cannot understand this reasoning, under a democratic system.

Recently, we have been informed that the Louisiana industry must "carry its own weight" in the fields of consumer education, technology, biological research, exploratory fishing and other fishery projects. The Louisiana industry, composed of mostly small individuals with limited capitalization, does not have the necessary funds, the experience, the knowledge, and the aptitude for carrying out the assignments that the National Marine Fisheries Service contemplates to throw back on the people of the fisheries.

The Department of Agriculture provides more than ample assistance to the American farmers. The American fishing industry expects the same cooperation from the Department of Commerce.

The Louisiana Shrimp Association, respectively requests, Mr. Secretary, the following proposals be considered and adopted:

1. More emphasis be placed on the shrimp fishery in the Gulf of Mexico in relation to biological research, fishery management, technology, consumer education, and exploratory fishing. These requirements are necessary for the healthy being of the shrimp fishery.

2. More funds be made available to the National Marine Fisheries Service, particularly in the Gulf of Mexico area, to successfully implement these specific projects.

3. Constant monitoring by the National Marine Fisheries Service the waters of our fishing grounds in the Gulf of Mexico for all types of pollutants, including those of a metallic origin.

Thank you, Mr. Secretary, for allowing me to make these expressions of the Louisiana Shrimp Association.

A CALL FOR YOUR VIEWS

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. JOHNSON of Pennsylvania. Mr. Speaker, in accordance with my usual custom, I am pleased to present for the information of the Members a copy of my questionnaire sent to the people of the 23d District of Pennsylvania. With a new session coming on, and with many new questions to be decided, it will be noted that many of the questions are very timely and, when answered, will greatly help me in responding to the issues in the days ahead. The questionnaire has on its face a picture of myself at the telephone wherein I state that the questionnaire is "A Call For Your Views." The remainder of the questionnaire is as follows:

FEBRUARY 1971.

DEAR FRIENDS IN THE 23D CONGRESSIONAL DISTRICT: The 92nd Congress is now in session. A new Speaker has been elected, the committees are being formed and soon we will be called on to vote on the issues of the day.

As in former years, I have again prepared a questionnaire wherein I seek your views on some of the controversial matters that will come before the Congress. Here is an opportunity for you to express your own opinions on the subjects selected, and thus join

with your Congressman in helping to solve many of the problems of today.

As usual, the results will be tabulated and made known to you, the Congress, and the President in a special Newsletter.

You do not need an envelope to return this questionnaire. Just refold it and attach a 6 cent stamp.

Thanking you in advance, I remain,
Sincerely yours,

ALBERT W. JOHNSON,
Member of Congress.

CONGRESSIONAL QUESTIONNAIRE

In answering the multiple questions, indicate your opinion by inserting a, b, or c in the space provided. Other questions answer "yes" or "no." Your answers will be held to be confidential.

1. To assure an adequate petroleum supply for the United States, do you favor the construction of the 789 mile pipe line to transport oil from Alaska's north slope southward to the Gulf of Alaska?

2. Do you favor continuing our space program on the conclusion of the three remaining space flights?

3. Do you favor the continuation of the Poverty Program beyond its present expiration date of June 30, 1971?

4. In the event railroad unions and management cannot agree, do you favor:

(a) governmental operation in case of a strike, with profits and dividends impounded until the dispute is settled; or

(b) a binding settlement by government appointed neutrals, using the final management offer and the union counter offer as a basis for the settlement?

5. Do you favor a complete reform of the Federal Government by reducing twelve cabinet departments to eight?

6. Do you believe the need to strengthen the national economy and gain full employment justifies resorting to Federal Budget deficits?

7. Would you be willing to pay substantially more for products (i.e., automobiles and gasoline) and utilities (i.e., electricity) if they were made virtually pollution free?

8. Do you favor:

(a) a new program extending medical care to indigents only regardless of age, coupled with insurance to everybody against catastrophic illness; or

(b) a Federal Health Insurance program for everybody, financed from Federal revenues and by increased social security taxes; or

(c) no new Federal Health Insurance program at all?

9. Now that 18 year olds can vote in Federal elections, do you favor an amendment to the Pennsylvania State Constitution to permit them to vote in state and local elections as well?

10. Do you favor the imposition of trade quotas on certain goods entering the United States?

11. Would you vote to bar food stamps to strikers?

12. Do you favor the Administration's "Family Assistance Plan" with its provision for a guaranteed minimum income and which also requires work incentives and work requirements?

13. Do you favor the continuation of the Peace Corps Program?

14. Should the United States sell enough jet aircraft and military supplies to Israel to replace combat losses and maintain military balance in the Middle East?

15. Some women's organizations claim women are denied full equality. Should the Constitution be amended to guarantee equal rights for women?

16. It is estimated wage and price controls will require 250,000 employees and \$1.5 billion a year to administer. Despite this cost, do you feel Congress should impose mandatory wage and price controls now?

17. Should Congress appropriate \$2 billion to provide 200,000 Federal, state and local government jobs for the unemployed?

18. Do you think our present Vietnam policy will be successful in ending United States involvement in that conflict?

Comments:

Name.

Address.

DON'T CUT SPACE BUDGET FURTHER

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. MILLER of California. Mr. Speaker, the Los Angeles Times on Sunday, January 31, 1971, published an editorial entitled "Don't Cut Space Budget Further," which is included below.

I commend the reading of this editorial to my colleagues:

DON'T CUT SPACE BUDGET FURTHER

One eminent scientist, pondering what this country's program for space exploration should be in the decade ahead, likened our situation to that of the Pilgrims standing on Plymouth Rock, trying to decide what to do next:

"Should we strike inland and determine the outline of a new continent? Reboard ship and go to some other distant and unknown place? Or go home?"

In theory, the fog of uncertainty should have been largely dispelled last autumn when the national space agency came up with a revised program of space launchings—manned and unmanned—for the 1970s.

Unfortunately, however, uncertainty persists because a lot of Americans—too many, we think—have decided that having beaten the Russians to the moon, the United States should climb down off Plymouth Rock, go home and forget the whole thing.

As a result, there is serious danger that this country is going to pursue penny-wise and pound-foolish policies that will in fact be wasteful of money and scientific resources.

Even as the countdown for the Apollo 14 moon launch was proceeding this past week at Cape Kennedy, congressional critics were sharpening their knives for an assault on the space budget submitted by President Nixon—a budget which is itself austere.

The Times does not believe that any further cutbacks in space spending would be in the national interest.

In this era of heightened concern over national priorities, it would of course be ludicrous to argue that space spending should have been kept at the \$5.9 billion level of two years ago. And we make no such argument.

What needs to be recognized by the congressional economists, however, is that massive cuts have already been made. The space budget is not \$5.9 billion; it is \$3.3 billion this year and will be a little lower next year, even if no further cuts are made by Congress.

Expensive proposals for a man-on-Mars program have been rejected. The Apollo moon landing program itself has been rather drastically cut back. In fact, after three more Apollos this year and next, there will be no more manned exploration of the moon until the 1980s.

The space agency's schedule calls for the launching in 1972 and 1973 of three-man "Skylab" vehicles which will orbit the earth for 28 to 56 days. In the mid-1970s there will be no manned space missions at all; in 1977 or 1978, however, the United States hopes to begin test flights of a reusable

space shuttle designed to transport personnel to and from a large, earth-orbital space laboratory.

Plans for unmanned space shots have been cut way back, too. But the space agency's austerity schedule still calls for landing scientific packages on Mars, putting earth resource satellites and an astronomical observatory into orbit, and, perhaps most exciting of all, taking a so-called Grand Tour of the planets late in this decade.

The Grand Tour involves dispatching unmanned, heavily instrumented spacecraft on eight-year-long voyages for the study of Jupiter, Uranus, Neptune, Saturn and Pluto. The planets will be in a rare alignment in the 1977-80 time period; if they are not studied then, the chance will not recur for well over a century.

This is a bare-bones program. If we are to make anything like the most productive use of our scientific resources.

Mr. Nixon's space budget of \$3.1 billion skates on the thin edge of sufficiency. It involves a slippage in the schedule for the space shuttle, and there is some nervousness in scientific circles about the Grand Tour.

If Congress wants to be truly responsible about our national priorities, it will avoid making further cuts which would damage the space program out of proportion to the savings involved.

The space program promises, too, to vociferous critics may say, does not represent money just fired off into the air. In addition to advancing the frontiers of knowledge about the origins of the earth and the nature of the universe, it promises to pay off in much more concrete ways.

We already are reaping huge benefits from weather and communications satellites, as well as from the development of compact, high-speed computers, new metals and fabrics, microminiature circuits and many other technological advances.

The space program also promises to make possible far more efficient use of the earth's resources, and to help in the planning of global attacks on environmental pollution. There is also believed to be a good chance that spaceborn instruments will make possible the prediction of earthquakes. There is even hope that ingredients found in lunar soil may make agriculture on earth more productive.

The line between true and false economy is hard to draw. But the space program is one area where the time has come to draw it.

VIETNAM: THE COMMUNICATIONS BREAKDOWN

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. THOMPSON of New Jersey. Mr. Speaker, it seems only yesterday that critics were making mention of a credibility gap in commenting upon the manner in which the prior administration informed the public with respect to our policy in Southeast Asia. If the prior administration's information policy could be accurately described as constituting a credibility gap, I submit that we have now reached the age of the Grand Canyon. If there is any doubt whatever as to the accuracy of such an assessment, I place before my colleagues the following transcript of the meeting of the Pentagon's Press Corps with Mr. Jerry W. Friedheim, Deputy Assistant Secretary of Defense for Public Affairs, and an edi-

torial commentary which the Washington Post has made of that occasion. It would appear that 1984 is not really as far distant as we thought.

The materials follow:

VIETNAM: THE COMMUNICATIONS BREAKDOWN

When reporters and government officials come to the point of haggling over an "embargo" on the fact that there is an "embargo" on the existence of an "embargo" on a "background press conference," they are talking to themselves, as far as the public is concerned, and this is always a bad sign. When the subject at hand is what the United States government is up to in Vietnam and the result is very nearly a total breakdown of the power to communicate—both ways—it is worse than a bad sign; it begins to approach a crisis in the capacity to govern in a free society. This, we submit, is what is indicated by the small fragment of an exchange between press and government which is printed, for the Record, elsewhere on this page. We do not print it for your edification—we do not find it intelligible ourselves—but rather because it is unintelligible, and therefore richly illustrative of just where we have gotten to in this business of communicating intelligently about the war.

Without reciting the full history of the famous "embargo on the embargo," it is enough to note that it began with a relatively routine "background" press conference by General Abrams in Saigon last week, in which he outlined to newsmen the details of a very large prospective joint operation by American and South Vietnamese troops aimed at enemy infiltration routes through Laos and into the northern provinces of South Vietnam. The information was to be held for release, presumably until the military felt its publication would not endanger the operation, which is also fairly standard procedure; an embargo, which is to say news blackout, was also placed upon the fact that the background had even taken place. Naturally, bits and pieces of the news leaked out, as they always do (usually to reporters who were not there and therefore were not bound by the embargo's terms). And so the newspapers and networks who were represented were confronted with rumors and speculations which they could not print themselves, but which they also could not ignore. So they did their own speculating, on the basis of what was being published elsewhere, and at this point things began to get rough. In Saigon and in Washington, officials tried to nail down the news lid by threatening to take away the Vietnam press credentials of at least three newspapers, including this one; White House Press Secretary Ronald Ziegler joined in the game, with a warning of deep trouble for one offender. There were ugly insinuations about "endangering the lives of American troops"—another familiar feature of these affairs which conveniently ignores the chronic inability to maintain security in an undeclared and unconventional war in which the conventional instrument of censorship cannot be employed. For reasons not readily explicable, this embargo dragged on far longer than most; it was extended twice, by which time its existence, and much of the information it sought to conceal, was common knowledge to anybody who was interested.

The question is why, and to be perfectly frank about it, we don't know. But it does not seem to us that the answer—or any fault—lies with the military, or with the Pentagon information officers; the beleaguered Mr. Friedheim was obviously encumbered by strict instructions from on high. Somebody presumably saw some virtue in sticking stoutly to a blackout on information about this operation long after the secrecy could do anything but harm. And this is precisely the point that we would make—there does not seem to be any realization

among the powers that be in this administration of the sensitivity of the public mood to secrecy and obfuscations—to the same old shell game that has concealed almost every new twist and turn in the Vietnam war for so long. It is all very well to talk about the need for surprise and the security of our troops; almost anybody can appreciate these concerns. And it is only fair to say that if you read the public pronouncements of administration spokesmen with great care, and are disposed to believe what they say, there are logical enough explanations for what is going on now. Even Secretary Laird has been quite explicit about the limitations on our intentions at times and Secretary Rogers has talked in even plainer terms; we are getting out—"we couldn't change that under any conditions"; we are not committed to Cambodia's defense; we will not use American ground troops in Cambodia or Laos; we are bombing in Cambodia and helping the South Vietnamese sweep into Cambodia and Laos because that buys time for Vietnamization and for our withdrawal from the war. It may not be the best answer, but it is rational. Except that Mr. Rogers also is capable of saying that "we do not rule out the use of air power to support Asians in any effort that they make to fight a common enemy," and it was his equivocation over the possibility of some new incursion into Laos that, rightly or wrongly, gave rise to a good part of the speculation during the time the embargo was supposedly in force.

So it comes down to communicating, in an atmosphere of extreme mistrust, with a public and with politicians who are ready to suspect the worst because that, by and large, is what in the past years they have come to expect. This is what makes it so difficult to understand why the administration kept its starchy silence for almost a week while speculation mounted steadily about "new invasions" and "expanded war" and "changes in policy" of which there is, at least so far, no evidence.

THE EMBARGO ON THE EMBARGO

(Note.—The following is a partial transcript of a meeting with the Pentagon press corps conducted last Monday morning by Mr. Jerry W. Friedheim, Deputy Assistant Secretary of Defense for Public Affairs. The subject was the "embargo" imposed by military authorities in Vietnam and the Defense Department here on information given out at a "background" news conference in Saigon last week—and on just about anything related even remotely to that event.)

Friedheim: I have no comment certainly on anything that has been embargoed by General Abrams and his people for troops safety and security reasons. Secretary Henkin and I are certainly pleased that the vast majority of the media have responded to that troop safety and security embargo in the professional manner that we would expect. We've been disappointed that a few have not, but I certainly will not be saying anything here until General Abrams determines it is safe for him to allow discussions of—under the embargo he has imposed.

I would not be saying anything here on anything that General Abrams had embargoed. I would like to point out that General Abrams feels that he made it very clear that the fact that he had an embargo was embargoed and the announcement that he was withholding some information was embargoed and he felt that there was good safety reason to do that. And most of you, I think, know that he responded with an advisory to the media in MACV which we tried to get to all of you for information purposes over the weekend that he had embargoed some things and embargoed the fact that he had announced that embargo situation to the media. And, as that advisory indicated, he felt he had done that to deny intelligence information to the enemy which could be

detrimental to the safety of his troops. We also here considered it that the fact there is an embargo—is embargoed.

Question. Well, what you just said, is that embargoed?

(Laughter)

Friedheim: Yes it is.

Question. Wait a minute. What's this?

Friedheim: I want you all to understand here what General Abrams' arrangement was with the correspondents. All of you have correspondents who represent you there, and we are following exactly and precisely the arrangements laid down by General Abrams. And I certainly wouldn't do anything else here. I would like to point out that this is not an embargo established as embargoes are established on budgets, so that everything will be fair to all the media on X hour on X day. This is an embargo which General Abrams established, and did so, I might point out, so that he could work very frankly and very candidly with the press there for the safety and security of U.S. forces. We certainly will not budge an inch here from what he feels is necessary for security of his personnel.

Question. Why can't we report what you said just now? Everybody knows there is an embargo on.

Friedheim: I can't prevent any of you from doing whatever you wish to do. I simply point out the situation. We can't accredit and disaccredit people here.

Question. I don't mean to be rude, but as I understood the ground rules at these briefings here, we walk in here and whatever you say is for attribution. Now we've come in here and we've asked for comment and you've given it and then after you've given the comment you're saying it's off the record. I just want to understand what the ground rules are.

Friedheim: I would hope that we could discuss here this particular situation that involves an embargo placed in MACV for troop safety reasons and that you would have a full understanding here that Secretary Henkin and I regard these matters as embargoed in precisely the same way that General Abrams did so, and I realize that you will all make your own professional and ethical judgments on this matter, and I can't do any more than that . . .

Question. The public generally knows that something is under way or something is being talked about. In view of what's been said over the weekend, what can the Pentagon say today about all this . . . on the record?

Friedheim: No comment.

Question. In other words, your comment is no comment . . .

Question. Would you say that the people who have broken the embargo, if there is one, have endangered the security of our troops?

Friedheim: I think I would refer you to what I believe you've already seen which was the advisory that MACV put out over the weekend which indicated that they were disappointed that some had breached the embargo in their words. And that the embargo had been established to protect the safety and security of U.S. troops and I think the words of that advisory would have to stand.

Question. But I understand that advisory is not for broadcast or for publication.

Friedheim: They did present that as a not for broadcast or publication advisory.

Question. Mr. Friedheim, sir, I find the monkey very difficult on my back and I suspect everybody else does.

Question. Amen.

Friedheim: You know I'm sorry if safety and security of U.S. troops is an uncomfortable monkey.

Question. Well, that's a debating point but that's all it is. You were asked a question, Jerry, can you shed any light on what's

going on in Southeast Asia; you replied, no I can't. Now up to that point we are on the record.

Friedheim: Yes. You may put that on the record if that helps you, yes.

Question: Then the next thing you said is that I have no comment on anything certainly that has been embargoed by General Abrams for troops' safety and security. Is that on or off the record?

Friedheim: You may put that on the record if that helps you.

Question: Then you said something about people—you had been disappointed that a few people had not done something or other. Is that off the record or on?

Friedheim: That's on the record . . . if that does you any good.

Question: You're acknowledging publicly then that an embargo exists?

Friedheim: I said I wouldn't comment on anything at any time, today, yesterday, tomorrow.

Question: Charlie (Charles W. Corddry Jr. of The Baltimore Sun) read that back.

Corddry: "I have no comment on anything certainly that's been embargoed by General Abrams for troop safety and security . . ."

Question: That's on the record?

Friedheim: All right. At any time he embargoed anything I would not have any comment on it here. If that would help you on the record, say it that way.

Question: Well, you see the difficulty is that we're going along swimmingly and then somebody said is this embargoed too and he thought he was making a joke and then you said yes, and that leaves a whole bunch of notes here where we don't know where we stand on, I think.

IS MERCURY A MENACE?

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. OBEY. Mr. Speaker, several weeks ago there appeared on CBS News a special record entitled "Is Mercury A Menace?" The general conclusion reached was that, without a doubt, mercury is a menace to both our environment and to human health.

During the program the problems of the very highly toxic methyl mercury were discussed. So was the very difficult but important job we have in neutralizing the mercury which is now lying at the bottom of rivers and streams.

Overall, the tone of the program was serious. One researcher at the University of Rochester observed:

The one thing that makes mercury unique . . . is that mercury has killed people.

Those in our Federal agencies showed they were concerned, at last. Researchers who have been dealing with mercury made it clear that action is needed now in dealing with this substance in our environment.

"I'm convinced that unless we set out in a very determined fashion to examine all of the biological effects of methylmercury," said:

We're going to find ourselves faced with potential for tragedy.

Mr. Speaker, if nothing else, this program grimly reminds us that past sins committed against the environment can return to haunt us. I think the program

makes clear that we can ignore the potential dangers of mercury only at our own risk.

I include the full transcript below:

CBS NEWS SPECIAL "IS MERCURY A MENACE?"

(As broadcast over the CBS Television Network, Tuesday, January 12, 1971)

Produced by CBS News.

Reporter: Daniel Schorr.

Produced by: Bernard Birnbaum.

Executive producer: Burton Benjamin.

DANIEL SCHORR. Sweden provided the first warning. In the early 1950s birds were found dying of poison, traced to eating mercury-treated seeds. Then mercury was found in fresh-water fish, traced to discharges from industrial plants. Sweden cracked down on the use of mercury in agriculture and restricted these waterways for fishing.

Japan provided a more dramatic warning. In the villages around Minamata Bay, starting in 1953, birds took sick, cats dove off cliffs. And, in the next seven years, 111 persons were stricken with the mysterious "Minamata Disease" that killed 41 and left others blind, dumb, crippled. There was fierce indignation when it was finally established that "Minamata Disease" was not a virus, but a poison that came from eating fish, fish from a bay polluted with mercury discharged from a chemical plant.

On this continent, Canada awoke late to the mercury problem. Last spring a young Norwegian chemist, who knew the Swedish experience, found high levels in fish from Lake St. Clair, into which chemical plants have dumped tons of the metal. Canada also found high concentrations in fish from other waters. On Lake St. Clair, the Canadian government banned fish as inedible and announced a suit against Dow Chemical Company. And because this lake is shared with the United States, Washington was alerted. Late—very late—the U.S. Government moved.

Dr. Albert Kolbye, Deputy Director, Bureau of Foods and Pesticides.

Dr. KOLBYE. The Canadians immediately alerted us and then we immediately took action to investigate whether or not we had a problem in this country. And I was responsible for requesting that a very broad survey be taken to identify known sources of mercury pollution and then to attempt to very quickly estimate whether or not there was a methylmercury problem in fish. And since then, approximately 33 of our states have been found to have some problem with methylmercury residues in fish. Many states are alert to the problem and have taken preventive action by restricting these waterways to fishing.

SCHORR. Dr. Thomas Clarkson, director of the research team at the University of Rochester Medical Center, has been investigating the poisonous effects of mercury for a quarter century.

Dr. CLARKSON. The one thing that makes mercury unique in many of the compounds and chemicals that we've been looking at in the last few years, such as the cyclamates, such as lead in air from automobile exhausts, is that mercury has killed people, methylmercury has killed people in Japan, has produced other effects on the unborn child at very high concentrations. And this contrasts, for example, with DDT, which to the best of my knowledge has killed no one.

SCHORR. The United States now knows that it has a mercury problem—the latest of its environmental dangers. But the extent and the imminence of the problem are still under debate. And that is what we are investigating tonight: Is mercury a menace?

ANNOUNCER. This is a CBS News Special: "Is Mercury A Menace?" With CBS News Correspondent Daniel Schorr.

ANNOUNCER. Here again is Daniel Schorr. SCHORR. Cinnebar and other ores, the encyclopedia will tell you, are the sources of mercury. Mercury has been known since ancient times, popularly as quicksilver. It is the only common metal that's liquid at room temperatures—and has long served as a valued friend to medicine, industry and agriculture. The United States uses almost six million pounds of it a year, for everything from making chlorine to filling teeth, from fungicides to thermometers, for fighting mildew in paint and slime in wood pulp. And, in the process, about a quarter of it gets dumped—supposedly sinking harmlessly to the bottom.

By far the largest known source of industrial mercury pollution has been electrolysis of brine to make chlorine, a process involving 100 tons of mercury in a huge battery of cells at a single plant.

It's long been known that direct contact can be dangerous, like the Mad Hatter depicted in "Alice in Wonderland," sick because hat-makers used mercury in their work. Or, more recently, the Huckleby family of Alamogordo, New Mexico, who made the mistake of feeding their hogs mercury-treated grain intended only for seed, and ended up poisoned by the pork. But these were isolated problems and they did not explain how mercury turned into a general environmental concern.

For the chemical and wood-pulp plants, routinely pouring mercury metal into rivers and lakes, there seemed no reason to believe that what they were casting upon the waters should come back as poison in fish. Yet, last spring, after the alert from Canada, abnormal amounts of mercury were found in fresh-water fish and wild life in 33 states. And then, more perplexingly, harmful concentrations of mercury were found in deep-sea fish—in swordfish and some batches of canned tuna.

First to make the discovery was a chemistry professor at the State University of New York at Binghamton, Bruce McDuffie.

Dr. McDUFFIE. When the graduate student from Norway who did the analysis up around Detroit last spring revealed that there were many parts per million of mercury in some of those Lake St. Clair fish, this made a big impression on me.

I practiced on some Lake Ontario fish and got onto Susquehanna River fish, which turned out to have significant amounts of mercury in them. Then one of my students said the only fish he ate was tuna fish and how about checking some of that. My wife also wanted it done. And so we tacked a sample on the end of some fresh water fish and there it was, well over half a part per million of mercury.

BILL PLANTE. How did you happen to go on to swordfish?

Dr. McDUFFIE. Well, I couldn't get any fresh tuna from a local wholesaler, but he did offer to supply me a swordfish steak and a halibut steak. So I analyzed it and the students helping me were just kind of horrified at how high the thing went on the chart paper. And it had 1.3 part per million of mercury in it. And the halibut didn't have—it had some, but only about .2.

SCHORR. Though no American case of mercury poisoning from fish had been reported, grim memories of the Minamata disaster spurred a crash testing program in principal American ports. In laboratories of the Food and Drug Administration, starting last month, tuna was put through a test called atomic absorption—considered by some scientists as inadequate—to find fish with more than one-half parts per million of mercury, the official safety standard. It included fish caught by American fleets in both oceans, and by foreign fleets as far away as the Canary Islands and Japan. A million pounds of tuna of seven well-known brands were

impounded or recalled, with the cooperation of the National Cannery Association.

ROBERT NORDSTROM. Well, if the Food and Drug Administration finds some tuna over the guideline, or if in our testing program we find it, it is recalled. In the testing program it is not even allowed to be shipped beforehand, before it's tested.

SCHORR. Is this a serious problem for canners now, economically?

NORDSTROM. Yes, I think it has the potential to be a serious problem. At the moment I don't think it has economically turned into one, but it could be, it could be.

SCHORR. Further FDA testing indicated that tainting of tuna is highest among big fish—about 23 percent—and lowest among the small variety—less than two percent. The overall percentage is about ten per cent but, more important, the dangerous big tuna can be kept out of our canneries. Swordfish was found to be a more serious offender. But the FDA now tried to allay the alarm about tuna. Commissioner Charles Edwards:

EDWARDS. I think that anyone who thinks that they're in deadly danger because they eat tuna, it's nonsense. They certainly are not. I think that sometimes the press tends to overplay the problem and there is an emotionalism that surrounds something like this that perhaps is out of proportion to the real problem.

Dr. CLARKSON. From the Japanese studies, and from some Swedish studies as well, the figure that is generally recognized as producing toxic effects is an intake of about a milligram a day and it has to be taken for a year. Now single doses don't mean anything; it has to be taken for a year. This would mean that at a level of 5 parts per million in fish, that it would require an intake of four pounds of fish per day for a year to produce these effects in humans, to produce the initial effects. On these figures, the risk to the general population is very small.

SCHORR. Dr. Leonard Goldwater of Duke University, a mercury specialist.

How safe do you think tuna is on the whole?

Dr. GOLDWATER. I would not stop eating tuna nor recommend anybody else to stop eating tuna. In fact, if I were a tuna, I would be suing somebody for defamation of character.

SCHORR. Testing continues in the FDA labs, but the tuna scare has abated. The tuna scare, however, raised a larger mystery and a potentially more sweeping problem: What does the inactive metal mercury poured into the waters have to do with the poisonous mercury that is now starting to show up?

SCHORR. A discovery made in this University of Illinois laboratory in 1968, little noted at the time, helped to explain mercury poison disasters abroad and points to potentially worse trouble ahead for the United States. It is that this silvery, innocent metal, familiar to everybody, called mercury can be turned by the action of microorganisms in bodies of water into this deadly substance called methylmercury.

Metal mercury, heavier than water, flows into our lakes, rivers and streams as an industrial waste, chiefly from chlorine, paper, plastic and electronic plants. For years it was thought that these inorganic mercury metals and salts would simply sink to the bottom and stay there, causing no harm.

Then scientists discovered that the poisonous substance called methylmercury is formed when bacteria act on the metallic mercury. This methylmercury dissolves in the water and is absorbed by small marine animals such as plankton. Small fish feed on the plankton, and in doing so take on the mercury and concentrate it. Large fish swallow the small fish and the mercury is further concentrated. The big fish, tainted with mercury, is now at the end of the food chain. And it may be caught as food for man.

Dr. John Wood, of Illinois University, whose research team made this discovery, said the conversion of the mercury is encouraged by garbage and other organic pollution dumped into our waters, so that the creation of poisonous mercury is increasing.

Dr. WOOD. I don't think people in this country fully realize the extent of the problem yet. I don't think they appreciate that we have all that material, all that mercury, inorganic mercury, sitting in sediments waiting to be metholated by microorganisms. And I don't think they fully realize that we're only at the beginning of the problem, that thirty years from now, the problem can be twice as bad. Sixty years from now it can be four times as bad.

We not only have to consider a serious pollution problem in the aquatic environment, we have an atmospheric problem coming up too. There is the possibility of the widespread distribution of dimethylmercury, which is a product of these microorganisms doing this reaction, and its widespread distribution in the atmosphere.

SCHORR. What does methylmercury do to man? About that less is known than about the effects of metallic mercury. At the University of Rochester Medical Center, where mercury poisoning research started with the World War II atomic bomb project, scientists are now working to fill that gap. CBS News Correspondent Bill Plante asked them about their findings.

Dr. WEISS. All we know now is that the short-term chronic effects, such as those that occurred in the Minamata disaster, seem to represent a whole spectrum of disorders involving central nervous system of the brain. But what happens to individuals who are exposed over a lifetime to methylmercury, from the fetal stage, before birth, to old age? Now it's possible that chronic exposure over many, many years can produce subtle damage in the brain that you couldn't detect by conventional techniques and yet leave you at the end of a lifetime with less residual capacity than would normally be the case. It might, in a sense, accelerate the way in which the brain ages. And the brain does age.

I'm convinced that unless we set out in a very determined fashion to examine all of the biological effects of methylmercury, we're going to find ourselves faced with potential for tragedy.

Dr. GOLDBLATT. Methylmercury can be extraordinarily damaging to the nervous system, or it can frequently kill in exposures that are really very small. And if, as was the case with the first laboratory workers who used it, who synthesized it, there's an unusual exposure because of not understanding the lethality of the compound or the deadliness and of course it can kill very quickly. But what we're really concerned about is mercury poisoning that develops from methylmercury over a long period of time because of exposure to small amounts of the compound. And there isn't very much information.

Dr. CLARKSON. A very important aspect of methylmercury is that we must discover cases of poisoning as quickly as possible so that they can be taken off exposure and treated before the effects become irreversible.

We're all looking for evidence for long-term subtle effects. Obviously, it's very difficult to study, we're not always sure what to look for. It's the most difficult problem in toxicology and public health today.

SCHORR. There are differences on how urgent the need for action on mercury. I talked to authorities in and out of Government, among them William Ruckelshaus, Administrator of the new Environmental Protection Agency. I asked where he would rate mercury on his list of environmental problems.

RUCKELSHAUS. Well, I would have to rate it

very high on the scale because of the hazardous nature of the mercury itself when it gets into the environment. People have often asked me, "What are your priorities in the environment?" We have, as a high priority, the total environment. But obviously, when we have a hazardous substance as mercury being introduced into the environment with evidence that if it is introduced in great enough quantity it can cause a serious health problem, we must put this very high on the list of priorities.

DAVID DOMINICK. (Federal Water Quality Administration) I rate the mercury question as a very serious environmental problem. I think that it is something that was recognized too late. I think that it is something that needs to be remedied as rapidly as possible. And I think the reasons for this are fairly clear. The damage to fish and wildlife and the potential—and I stress the word potential because we have no evidence at the present time that we do have any human beings in immediate danger, but the potential danger to human health from methylmercury is such that we should take every step to control all controllable man made sources.

KOLBYE. The mercury problem is one that creates concern. I don't think it is an emergency. The levels encountered in fish, in this country, and in fish that is being or has been imported into this country, are not nearly as high as those levels that were encountered in the Bay of Minamata, where in conjunction with the Japanese high dietary intake of fish, caused human disease problems.

GOLDWATER. I think that anybody who has studied this question at all, realizes that there is a problem about mercury in food in general, and particularly about mercury in fish. But I think the potential threat from this is of not such a great magnitude that the degree of uptightness or apprehension is really justified. All analyses that have ever been made on fish, and these go back to the early 1930's or before, have shown mercury present in fish. It's always been there. Yes, some forms of mercury are dangerous, particularly methylmercury. Yes, people have been made sick by various kinds of mercury, but this cannot be equated to the fact that all kinds of mercury, and all forms, under all circumstances constitute a threat.

Dr. WOOD. Well, if nothing is done, the human race will face a series of Minamata disasters. You see, if you look at the concentrations of mercury—methylmercury which cause neurological disorders, they're very, very small. And so we can anticipate as methylmercury concentrations get higher and higher in food stuffs, a series of Minamata incidents, until eventually large numbers of people undergo this neurological damage.

SCHORR. Are you saying that we exist with some enormous time bomb?

Dr. WOOD. What I'm pointing out here is it's not good enough to say that we should stop putting mercury in the environment. It's too late now. There's so much of this material that's been deposited. What we have to do is come up with good methods for removing it from the environment. If we don't come up with these good methods, then you can anticipate, for example, in the St. Clair system, that it would be thousands of years before people would be able to eat fish from that particular area. If it's possible to remove 95 per cent of the mercury from that system, it will still be hundreds of years, before people can eat fish out of that system. And the reaction is a slow reaction but it's continuing to progress and we'll see higher levels of mercury entering food chains in the future.

SCHORR. Under Federal and State prodding, most industries have reduced mercury discharge to a minimum. And the Justice Department has taken ten resisting companies

to court. But if the millions of pounds of metal mercury already dumped into our waterways represent the raw material for poison, a tough question is: What to do about it?

WILLIAM RUCKELSHAUS. It may be that we decide the best thing to do is leave it alone. If you stir it up through dredging or some other means, what you may do is just move it around in the environment and get it concentrated in places where it now is not concentrated. We're studying the possibility of putting a layer over the top of mercury that we know is on the bottom of some of the lakes. We're studying ways of binding it biologically so that it—or chemically, so that it doesn't become biologically active. But we don't know at this stage just exactly what we do to get it out of the environment.

Dr. Wood. I think this is ultimately going to be one of the worst problems that the human race is going to have to face and it is going to be necessary to get involved in huge engineering projects. And every particular system, every lake or waterway, has to be looked at to come up with the ideal solution for that particular environment.

SCHORR. Is the taxpayer going to have to pay to clean mercury out, or is it the position of their Administration that the polluter has to pay?

DAVID DOMINICK. The position of this Administration is that pollution control should be a cost of doing business.

SCHORR. The Administration is still far from a decision on whether to try to recover the mercury dumped over the generations, and if so how. But it is determined to avoid future hazards.

RUCKELSHAUS. I think we have to control the use of a hazardous substance like mercury, to see that it does not get into the environment through man-operated methods to the extent that it amounts to a health hazard.

With the Council on Environmental Quality we have been giving some serious study to the possibility of introducing legislation relating to hazardous substances. The problem now is, we try and deal with it after it's in the environment, which is a very cumbersome way of dealing with it. A much more intelligent and rational way to go about it would be to attempt to keep from getting it in the environment in the first place through registration or licensing or some sort of use control over substances like mercury to insure that we don't arrive at a crisis situation. Well, I don't think we've reached that yet, but we don't really know. People are going to have to be more aware, and by people, I mean everybody, including the government, the industry and private individuals, of what effect on their government, their world, their every action might be. And if a particular industry, for instance, wants to use a new chemical, because they believe this will facilitate whatever industrial process they have, and that chemical will get into the environment, it seems to me that we should have adequate tests to insure that the introduction of that chemical into the environment will not be deleterious to either human health or to the ecology or the environment itself. And I think we need to devise means of insuring this, and we don't have them now.

SCHORR. Government officials find no reason for immediate alarm about mercury. They say our drinking water is safe, farm products are safe, and the tainting of fish is very limited.

But this reporter has learned that the findings of a government commission, not yet released, will be anything but complacent. The report is sponsored by the same commission that investigated DDT. It warns that the mercury problem is "potentially

grave" and that control is both "urgent and difficult."

The commission recommends sharp restrictions on the use of mercury in pesticides and seeds, requirements that industry reduce its discharge to minimal amounts and the identification and control of all other mercury sources.

But even if no more mercury were released into the environment, the commission says, existing deposits will continue being turned into poison. And so it stresses that it is of "the utmost urgency" that a major effort be started immediately to remove or decontaminate the mercury now lying on the beds of our waterways.

There have been enough doomsday prophecies so that no new one is needed tonight. But it seems no exaggeration to say that we are living with a grave, if not immediate, peril. And mercury may help to drive home, once and for all, if it still needs driving home, that whatever we cast into our environment may come back to haunt us.

This is Daniel Schorr, CBS News. Good night.

AN EDITORIAL BY JOSEPH JAMES AKSTON, PRESIDENT AND EDITOR, ARTS MAGAZINE

HON. JOHN BRADEMAs

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. BRADEMAs. Mr. Speaker, one of the most eloquent statements on the importance of the arts in American life is an editorial published in the December 1970 to January 1971 issue of *Arts Magazine* by its president and editor, Joseph James Akston.

I insert this thoughtful statement at this point in the RECORD:

EDITORIAL

The results of the November elections scarcely justify President Nixon's claim to "ideological victory." On the other hand they give us no reason to hope for anything different in the next two years from what we have had in the past two. Already Secretary of Defense Laird has announced that defense spending must be increased so that more money will be spent on death and less on life's essentials: food, housing, medical care, transportation, education and the arts.

The picture in the U.S. could not be bleaker; the modest U.S. pavilion at the Venice Biennale last summer had no electricity! The Museum of Modern Art has had to lay off staff members; the Metropolitan is planning to charge admission as of next year; and orchestral societies around the country are threatened with bankruptcy. In a new twist the sciences fare as poorly as the arts—Ph. D.'s who looked forward to careers in teaching and research find that universities have fewer and fewer openings. Yale was recently forced to put a freeze on the number of its employees.

It would be hard to exaggerate the shortsightedness of the policy that has led to this state of affairs. By skimping on scientific research we deprive future generations of the technological advances (so badly needed in the area of pollution control for example). The bill for the current administration's "economy" measures will be steep, and our children will pay it.

By skimping on the arts, we impoverish a milieu where new ways of seeing, hearing and feeling are discovered that can be directed towards valuable social ends. The arts, alone, offer the emotional outlet that is so basic to

the human psyche. Art, far from being a luxury, is essential to a society that hopes to maintain its emotional balance, avoid violence and, at the same time, develop its capacity for social criticism and change.

The power of art to support policy has been historically demonstrated ever since the days of the Pharaohs. Today this power should be used to reshape the environment for a better life. Governments all over the world recognize the influence of the arts and are infusing them with new life through monetary support. Ireland and Morocco offer income tax exemptions and housing to artists to encourage them to settle there. In Canada, Prime Minister Trudeau is a close friend of many avant-garde artists and declares that they have "changed his life." Percentage-wise, Canada allots more money to the arts than we do. Germany spends millions of marks on shows like Documenta.

Our own government must increase its support of the arts, not merely to keep up with the times, but to transform social stress and tension into the joy and enthusiasm of creating a new society which will profit fully from rapidly increasing gains in science and technology. The arts are not only part of the kind of world we want to live in—they help to bring it about.

RECENT DEVELOPMENTS

At present, the contribution of the visual arts to the spiritual life of the U.S. is marginal. What would it take to change that? A few new ideas with some money behind them. The money may take a while catching up with the ideas, but we find some cause for hope in several recent developments:

1. The New Art Association, a group of art historians, museum curators, professors and artists, have a platform which states in part, "We want art and its study to exist in the center of life and not in its margins. We want art to reveal the value of human imagination and its role in reality." Plans were made for the group's participation in the College Art Association's next convention scheduled for January in Chicago. They plan an open discussion of the political and economic structure of art and reports on the influence of the market on artists, dealers, collectors, museum directors, critics and art historians.

2. Despite all financial difficulties, interesting things are happening in museums throughout the country. There is a growing movement toward grouping museums with other cultural organizations such as libraries, concert halls, movie theaters, restaurants and children's playgrounds.

3. Television may become the decisive factor in the shaping of our civilization. Countries like Germany have already understood this possibility and have opened widely their broadcasting time to interviews with artists and documentaries on art. The attitude in the U.S. is to justify the lack of strong programs on art by the low percentage of the public interested. Actually, good programs would have generated this interest. *Seasame Street* has taught pre-schoolers their ABC's—a serious effort must now be made to teach them visual rudiments. Several citizens' groups have recently formed to try to improve the quality of television.

It is difficult for us to conceive, but the future is upon us in the present, and very few people except artists have the courage to live in the present. Today's political and economic restlessness is caused by the merciless bombardment of continual environmental change—and change is what we fear the most. By physically molding forms according to a new image of man, stressing his magnificent potential for successful adaptation, art can make a new way of life not only palatable but promising.

JOSEPH JAMES AKSTON,
President and Editor.

STATE DEPARTMENT RESPONDS TO
CRITICISM OF MINORITY HIRING
PRACTICES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include an exchange of letters between the State Department and myself on the topic of minority recruitment and hiring within that Department:

JANUARY 18, 1971.

HON. WILLIAM P. ROGERS,
The Secretary of State,
Department of State,
Washington, D.C.

MY DEAR MR. SECRETARY: I recently read, and was disturbed by, an article in the *Saturday Review*, a copy of which is enclosed.

If the situation is as described by this article, what steps are being taken to correct it?

I look forward to hearing from you.

Sincerely,

LEE H. HAMILTON,
Member of Congress.

IS THE STATE DEPARTMENT COLOR-BLIND?

(By R. Peter Straus)

"There are lots of farmers in the world who can't read. But I've never met one who couldn't count." That was Orville Freeman's response to the sophisticate who doubted that a simple agricultural worker could understand the intricate web of motivation for increasing food production. A black American may not feel close to U.S. foreign policy. But he can count. He can make some judgments—by the numbers. And if he—indeed if anyone—counts the number of black Americans who hold important foreign policy posts in our government, the conclusion is as obvious as it is brutal. There might as well be a sign outside the State Department reading NO BLACKS NEED APPLY.

Ambassadors form the summit of the iceberg that is the foreign service. They represent the President (and the people) of the United States in more than 100 capitals around the globe. But if you are black you don't get to represent the President and the people of the United States very often. In fact, the odds are better than 100 to 1 against you. Since we normally change ambassadors about every four years, there have been a couple of thousand such chiefs of mission sent abroad to represent us over the last 100 years. Yet in that time (other than for Haiti and the African countries that have been token exceptions) only five of our ambassadors have been black. Five in the past century. At the moment there is one—Jerome Holland in Sweden. It is hardly the kind of arithmetic to substantiate public declarations about progress toward equal opportunity. Nor is the progress all that much more evident among foreign service officers in the Department of State, the next most prestigious and significant job category in U.S. foreign affairs. Of the more than 3,300 officials over the past year in that service just thirty-seven were black (1.03 per cent). As a basis for comparison: 66½ per cent of world population is non-white, and 12.5 per cent of the U.S. population is black.

In other words, while major American corporations, police departments, universities, foundations, and churches scramble to reverse the tradition that excludes black Americans, our foreign affairs establishment has not moved.

The virtual bar against top-level black participation in our foreign policy is not

widely known. Historically, figures about white and non-white employment are designed to conceal more than they reveal. By lumping together job categories from floor sweeper to ambassador and ethnic categories from Indian to Spanish-American, the statistics can be made to look more respectable. The arguments crafted over the years provide a rationale to suit every level of intellectual discrimination. If one were to rank them in ascending order of sophistication, the list might be:

(1) Qualified blacks are not available. They just don't exist, beyond those very few already employed in foreign service.

(2) Government cannot compete with private industry and the attractive salaries and rapid progress that the private sector now offers competent blacks.

(3) Blacks aren't really interested in or drawn by the challenge of foreign affairs work. In this era of urban turmoil and campus unrest their attention is riveted on domestic problems.

(4) Afro-Americans in college, observing the absence of blacks in foreign affairs posts, believe there's little chance of advancement and choose other careers.

(5) It will take time. Senior foreign service officials have had long years of training and experience. So we must wait until the black students now in universities move along through exams and onto the bottom of the job ladder up which they may progress over the years toward more senior jobs.

(6) The United States cannot have unseasoned types representing it abroad. It's all right for IBM or General Motors to take on some blacks from "outside." But foreign affairs responsibilities are too grave to take such a risk.

(7) No U.S. administration can chance an affront to countries, such as our white European NATO allies, that might resist a black U.S. ambassador.

(8) Even countries in Black Africa could resent black U.S. ambassadors as being a kind of second-class representation.

(9) We shouldn't have too many Afro-American senior officials representing us in Africa alone because then the continent would appear to be a professional ghetto.

(10) We certainly can't have senior Afro-American officials in the Middle East or Asia when we don't have them in Europe or Africa.

(11) Foreign leaders want, above all, to know that the U.S. ambassador accredited to their country is close to the President of the U.S. and "wired-in" to the Washington power structure. Obviously, black ambassadors will not be that well connected until there is a black in the White House.

At some point, regrettably, one must conclude that the absence of top-level blacks in our foreign affairs hierarchy is no accident. It is the result of a purposeful discrimination—which is no more forgivable because it is subtle and even sometimes unconscious. The case might be hard to prove in court. One could not point to a single scapegoat. Nor could one adduce the underlying malaise that permeates any bureaucracy as it fights to prevent change.

Outside the "club," there is a similar malaise—often differently expressed. Many responsible Americans worry that changing the rules and introducing a significant number of blacks high up in our foreign service will result in a deterioration of that service. They fret about "lowering the bars" in grading entrance exams and diminishing the effectiveness of this elite corps. Such fears are totally unfounded. We will not reduce the caliber of our foreign service effort by involving more black Americans near the top. Senior-level diplomacy has little—or nothing—to do with the consular skills and protocol techniques toward which the regular foreign service examinations are skewed. It has long been accepted, moreover, that oth-

er abilities or experiences can make up for—and even outweigh—specific professional knowledge in qualifying a ranking U.S. diplomat. There are countless examples of individuals whose qualifications relate only to business experience or a university career or, not infrequently, a significant party contribution.

Outright, outspoken bigotry is rare these days. Rather, one has to deal with shortsightedness, snobbism, narrow vision, uneasiness, and—above all—lack of time. Administrators—and Cabinet secretaries, personnel directors, and Presidents—all have too little time to think through the ramifications of policies that could be discriminatory. To those who have thought much about questions of discrimination, the most dismaying discovery is to learn that hackneyed clichés and even fabrications are accepted as truth.

For example, one of the underlying "demonstrations" that blacks are not welcome as U.S. representatives abroad is the oft-repeated canard that even Black African countries would prefer white U.S. diplomats. In its most pious expression this view is bolstered with a quotation that, depending on the teller, is variously attributed to the Chief of State of Malawi, or Guinea, or Zambia, or Ghana, or Liberia. And it is reported to have emanated from a highly private discussion between that Chief of State and President Kennedy or President Eisenhower (or, very occasionally, President Truman). The exact words of this apocryphal exchange, made in unaccompanied conversation, are always quoted in virtually identical text: "Don't send me a son of your slaves as ambassador to my country."

If they are to be useful, all lies must have a kernel of truth. And so does this one. When, in 1957, Ghana became the first of the new independent Black African countries, former President Kwame Nkrumah allegedly "let it be known" in Washington that he preferred not to have a black as the first ambassador from the United States. Whether he did not at that time make himself sufficiently explicit or whether his thought was distorted by numerous retractions, it is crystal clear today (though still a delicate matter) that he was pleading with us to treat Ghana differently—not as, he felt, we had traditionally treated Liberia. Ghana was exuberant and newly independent. He wanted a fresh and different relationship with the United States. Nkrumah was not the only African who considered our attitude toward Liberia to be that of a "neo-colonialist" toward a "second-class" state. And the epitome of this belief, widely held in Africa, was the unique arrangement by which the senior U.S. representative to Liberia was invariably black (some twenty times over since J. Millor Turner went as minister-resident in 1871)—while all other U.S. ambassadors were invariably white.

The sequel of this absurd yet persistent tale about African leaders who would discriminate against Afro-Americans is that Nkrumah accepted—indeed, warmly welcomed—Franklin Williams as ambassador to Ghana after other black Americans had first been sent as ambassadors to non-African posts.

It is hardly unreasonable to assume that a black American might find easier and quicker acceptance in a non-white capital than his white colleague. This, then, could be the first positive reason for selecting black Americans for responsible posts abroad. It is logical and fits nicely with the conventional wisdom that one has to be like his counterpart in order to fully understand his thinking. But even here there is a rejoinder—and one not devoid of humor. It is that governments of non-white nations—particularly African countries—suspect that most (or, if the position is being argued strenuously, read "all") black Americans

abroad work for the Central Intelligence Agency. The case has but one wobbly support: a black U.S. official "invited out" of an East African country amid charges that he was a CIA agent.

But the cynical recognition that black "salesmen" can better sell America in a non-white world perhaps is not the best rationale for increasing the number of ranking blacks in our foreign service. There are more compelling as well as more moral reasons. Our views about South Africa and apartheid might be more credible to foreigners if more than 1 per cent of our ranking foreign service officials were black, as would our protestations about progress on race in the United States, especially when our casualties in Vietnam are around 13 per cent black across the board.

President Nixon has yet to seize his opportunity to bring our foreign affairs establishment into the twentieth century on matters of race and employment. He has named a total of five black ambassadors: Jerome Holland to Sweden; Clinton Knox to Haiti, and three to Africa: Terence Todman to Chad; C. Clyde Ferguson, Jr., to Uganda; Samuel Westerfield, Jr., to Liberia. It would be a simple matter over the next year to pick five more black Americans among the ambassadors he will have to assign and to see that another half-dozen top posts elsewhere in the foreign affairs establishment—U.S. Information Agency, Agency for International Development (AID), CIA, etc.—are filled by blacks.

Recently, I spent two years as head of AID's African bureau. During my tenure we made a deliberate effort to find and recruit appropriately qualified blacks for higher-level jobs in the bureau. In that time we tripled the number of blacks (from 3.6 per cent to 11 per cent) in critical posts. The test began when we rejected the standard argument that it wouldn't work. First it was alleged that qualified specialists weren't available. But once we established a stern rule that no applicants would be considered unless the group of candidates included at least one Afro-American, there appeared a sudden and dramatic increase in the number of qualified black candidates. More importantly, reports from the field that are just beginning to accumulate bear impressive testimony to the remarkable things a U.S. official can achieve if his color is working for him, not against him, with foreigners.

Of course, the appointment of another five or ten blacks to important government posts in foreign affairs is no panacea for anything. But if one recognizes that imagery is not an unimportant part of diplomacy, then such a handful of appointments can be seen as a highly visible and bright sign of leadership. For us in America, it would demonstrate the vigor of movement at a time when lethargy is less and less an acceptable response in our commitment on questions of race relations. And to the world it would give a new gleam to American sincerity and realism at a time when those qualities—perhaps as never before—could use the burnishing.

DEPARTMENT OF STATE,

Washington, D.C., February 4, 1971.

HON. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: The Secretary has asked me to reply to your letter of January 18 concerning an article in the Saturday Review by R. Peter Straus "Is the State Department Color-blind?"

I can assure you that it is the policy of the Department of State to provide equal employment opportunities for citizens from minority backgrounds. We have been keenly

aware for some time that we do not have a representative number of blacks and other minorities in our professional ranks. To correct this shortcoming, we have undertaken a number of special programs designed to attract members of minority groups into the Department and the Foreign Service. The emphasis in these programs in the Career Service is recruitment of members of minority groups in the junior and middle grades. These programs are relatively new, but as officers who are recruited through them are promoted to the upper ranks of the Service, we would expect to see a more representative number of minority officers appointed as Ambassadors and to other executive-level positions from the ranks of the Career Foreign Service.

You might be interested in the enclosed statement of the progress made to date by this Department in its efforts to bring members of the minority groups into the Career Service of the Department and Foreign Service.

If I may be of any further assistance in this matter, please do not hesitate to let me know.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional
Relations.

NEGRO OFFICER EMPLOYMENT IN THE FOREIGN SERVICE

The declared policy of the Department of State for many years has been to provide equal opportunity for employment, assignment, and promotion to all persons irrespective of race, color, religion, sex or national origin.

While there has been no evidence of conscious discrimination, it was recognized several years ago that the normal recruitment and employment procedures of the Department were not providing a representative number of Negroes and other minorities in the Foreign Service.

In October 1963, the "Foreign Affairs Scholars Program" was inaugurated, funded by a \$600,000 grant from the Ford Foundation to Howard University. During the four years of this program (1964-'67), 154 minority students, mainly juniors in college were selected for summer internships in Washington. Approximately half of these students served in State, and the balance in USIA and AID. Seminars during the summer were intended to help the Scholars in preparing for the Foreign Service Officer written examination. During their senior year in college up to 25 students a year could be selected for fellowships of approximately \$4,000 a year for one year of graduate study to prepare for careers in foreign affairs. In 4 years only 17 Foreign Affairs Scholars passed the written examination. Six of these Scholars entered on duty in the Foreign Service of the Department.

While the Foreign Affairs Scholars Program had many intangible salutary results, it was not providing a significant increase in the number of Negroes in the Foreign Service. By the spring of 1967 there were still only 19 Negro Foreign Service Officers. Furthermore, in spite of intensive recruiting efforts, only 157 Negroes out of some 3,900 candidates had taken the written examination in December 1966 and only five had passed.

In October 1967, the Department inaugurated its current Foreign Service Reserve Junior Officer Program (FSR/JO) to facilitate the recruitment and employment of qualified minority group members who are appointed annually as Foreign Service Reserve Officers at the junior officer level (Class 7-8). These young college graduates are not required to pass the written FSO examination; they have passed an oral examination conducted by the Board of Examiners (BEX).

They meet all other standards (medical, security, etc.) for entry into the Foreign Service. The successful candidates receive the same pay, training, counseling, types of assignment and performance evaluation as their regular Junior Officer classmates. These FSR Junior Officers may become Foreign Service Officers through the "lateral entry" provisions of the Foreign Service Act, after 3-4 years of satisfactory performance. The first of the FSR Junior Officers will be eligible for lateral entry in 1971. They may also qualify through the written FSO examination.

From the start of the FSR/JO Program in October 1967, to date fifty-eight minority group members have entered on duty as Foreign Service Reserve Junior Officers: 42 Negroes; 11 Spanish-surnamed Americans; and 5 Oriental Americans. An additional 11 Negroes, 2 Spanish-surnamed Americans, and 3 Oriental Americans were appointed as regular Foreign Service Officers as a result of passing the written and oral Foreign Service Officer examinations. Of the 365 Junior Officers (FSO and FSR) entering on duty since October 1967, 74 (20.3%) have been minority group members, including 53 Negroes (14.5%).

In late 1968 a similar program was inaugurated for "Mid-Career Officers" (FSR 6-3). Qualified minority candidates undergo an oral examination by the Board of Examiners only after the Central Personnel Office determines that there is a need for the candidate's skills in the foreseeable future. Successful candidates receive the standard security and medical examinations before entering on duty.

Due to the Department's budget situation which drastically reduced the hiring of all Mid-Career officers, only ten minority group members were hired under the Mid-Career Program: 9 Negroes and 1 Spanish-surnamed American.

At least ten minority candidates are hired each year to participate in the Summer Intern Program. In addition to identifying and training college students who are potential Foreign Service Officers, this program is also valuable as a public relations program with the colleges and minority community.

The November 30, 1970 survey of minority employment in the Department shows a total of 40 Negro career Foreign Service Officers (FSO) and 72 Negro Foreign Service Reserve Officers (FSR). Three of the five Negro Ambassadors are career Foreign Service Officers.

While the number of Negro Foreign Service Officers has more than doubled since 1967, the number of non-minority Foreign Service Officers has been substantially reduced due to budgetary limitations. As a result, the percentage of Negro Officers in the Foreign Service Officer Corps has increased, but is admittedly still too low. Negroes still comprise only 1.3% of the Foreign Service Officer Corps and 5.5% of the Foreign Service Reserve Officers. Significant improvements are expected in 1971 as the first group of Foreign Service Reserve Junior Officers become eligible for lateral entry into the Foreign Service Officer Corps. Continued intensive recruiting for minorities through both the regular and FSR Junior Officer Programs should increase the representation of Negroes and other minorities in the Foreign Service.

Minority officers are given equal opportunities in promotion and assignments. In 1970, six of the forty Negro Foreign Service Officers and twenty-three of the seventy-two Negro Foreign Service Reserve Officers received promotions. For both groups, the rate of promotions was higher for Negroes than for non-minority officers.

Equality of assignment opportunities is almost impossible to quantify, pending as it does on a large number of factors including an officer's own beliefs about the desir-

ability of a given assignment. It is generally recognized, however, that the pinnacle in the career Foreign Service is to reach the position of Ambassador. For the first time, three Negro career officers are serving as Ambassadors (in total, approximately 77 career officers are currently assigned as Ambassadors). A preliminary survey of assignment patterns below the ambassadorial level does not reveal any pattern of discrimination. The relatively large percentage of Negro officers serving in Africa is largely to be attributed to personal interest. The Department has no conscious policy of assigning Negro officers to Africa.

REQUEST FOR NEW DISTRICT POLICE FACILITIES

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, last week I was visited by representatives of the District of Columbia Police Wives Association, Inc., and presented with a letter asking support for their effort to obtain badly needed new district buildings for the expanded Metropolitan Police Department.

They told me that many of the buildings are aged, and are dangerously overcrowded; that even the newer buildings were built to house less than half the number of officers who are now using them.

I intend to make a personal visit in the near future to some of the police facilities and if the conditions I find are even one-half as bad as described to me by these good ladies, I will lead a fight in the Congress for emergency legislation to bring them up to acceptable standards without delay.

As I believe all our colleagues would like to know what the police wives have found in their survey, I insert a letter they presented to me, in full, at this point in the RECORD:

DISTRICT OF COLUMBIA POLICE
WIVES ASSOCIATION, INC.,
Washington, D.C., February 2, 1971.

Hon. JOEL T. BROYHILL,
District of Columbia Committee,
House of Representatives,
Washington, D.C.:

Our Association is seeking your support to help secure much needed new district buildings for the Metropolitan Police Department. Of the 13 buildings in use today, 10 were built before 1951—two of those in the early 1900's—and they were built to accommodate the manpower then. Since those days, the force has more than doubled.

Technology and an expanded role requires more space, more modern facilities, streamlining to increase efficient service to the community. Present buildings are overcrowded crumbling fire hazards. Safety and health hazards, poor or no parking facilities and shabby interiors conspire to discourage incentive.

We urge you to take a random tour of some of these buildings and judge first hand the existing facilities. We then ask you to consider the possibilities for improvement of service, efficiency, safety and morale with new district buildings. One such building blueprint calls for a three-story structure, adequate parking facilities, spacious roll call rooms also available for community uses, much greater security in prisoner lockup and

elimination of citizens and prisoners handled at the same desk.

We ask your help and would like to hear of any assistance you can give.

Sincerely,

ANN CORNELL,
President.

SUPPORT THE EXPANDING ROLE OF YOUR LOCAL POLICE

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. MANN. Mr. Speaker, I would like to call special attention to the following article from the Spartanburg Journal of July 8, 1970. It concerns the expanding role of one of America's most progressive and socially responsive police departments, that in Spartanburg, S.C. In a time when many of us, both of the left and of the right, deplore the current "Big Brother" threat of some future Federal police force, it is both refreshing and reassuring to take note of the impressive efforts of one local police force to meet the demands of local law maintenance. I will be privileged to speak before the membership of the Spartanburg City Police Department this Thursday night. I would like to pay tribute to them in advance and have this article about their great achievement on behalf of the people of Spartanburg printed in toto.

The article follows:

POLICE: BACKBONE OF LAW

(By Glen W. Naves)

The City of Spartanburg Police Department, like most of its prototypes dating back to the early 1880s, continues to expand and modernize its facilities and serves in numerous important areas additional to the chief chore of enforcing ordinances and laws.

Arrests by city bluecoats and plainclothes detectives total up to an enormous encounter with law violators via approximately 15,000 arrests annually but this is not the summit of their stewardship as salaried employees of the taxpayers.

Their numerous other activities concern thousands of people not charged with committing crimes. These include providing home and business security for property owners; bicycle, school, pedestrian and traffic safety; widespread public relations and participation in civic, church, P-TA and other programs designed to promote good citizenship and public-police cooperation.

Many of these services are extracurricular or "beyond line of duty" performances. Additional to specialized manpower, they employ films, the distribution of literature, the department's especially equipped crime prevention demonstration bus and police personnel talks on the evils of narcotics and traffic safety.

New facilities at City Hall include the Police-Firemen Communication Center, rated the most up-to-date in the Southeast.

Widely acclaimed throughout the Carolinas and the South as the "Awards-Winning Police Department", the facility and its members have annexed so many cups, plaques and other trophies in recent years that their displaying fills three large trophy sections in the municipal building.

Law enforcement strength of the department is 88 men, including 53 uniformed pa-

trolmen who make traffic and criminal cases, working in three 'round-the-clock' shifts; 11 in traffic control, and seven in the detectives and services departments.

William T. Ivey, director of law enforcement, is in overall charge of the department's operations. Working under him are these police officials: major, C. H. Fleming; captains, W. C. Hayes, investigation, and a 20-plus years veteran, and M. F. McMillan, services; lieutenants, R. W. Hayes, D. E. Blackwell, E. L. Lewis and E. L. Turner, platoon; B. H. Brockman, traffic, and Roy B. Kelly, identification; Sgt. J. L. Wood, Jr., administrative assistant, J. D. Cudd, juvenile (division)

Sergeants are J. M. Davis, C. E. Greene, F. D. Stephens and W. C. Bain Jr., records; R. D. Lee, W. L. Eaton, G. E. Kennedy, and A. L. Greene Jr., platoon; Lewis E. Jett and C. P. Sawyer, investigation; J. L. Worthy and J. N. Keeler, traffic; Larry Bogan, safety; R. K. Hines, maintenance, and J. V. Belch, inspection.

Additional to patrol, traffic, investigation and records departments, City Police Station operates full time inspection and narcotic traffic investigation and control squads, employs five jailors and has a full time radio engineer, Milton Bozman.

Motorized equipment totals 28 vehicles for city-wide patrol and traffic control work.

The department's huge identification and records department houses 15,000 sets of fingerprints, 20,000 photographs and 45,000 individual detailed records, all of persons with criminal backgrounds.

Twenty-eight school guards serve thousands of students and teachers in all the city's elementary and high schools.

Detectives Capt. Hayes and other police frequently serve in Spartanburg's county and circuit criminal courts to which many of the City Police Department cases are directed because of their capital, felony and other offense classifications above the jurisdiction of Municipal Court.

The Spartanburg Police Department is the only one in the state operating under an organizational chart which has its 31 directive, narcotics, administrative, maintenance, humane, uniformed, platoons, parking meter, investigation, services, records, communications custody and other divisions and sections graphed and posted throughout the station and its offices.

American Automobile Association has just honored the department with the only Citation for Pedestrian Program Activities awarded in the Carolinas. Other awards, additional to the pistol teams' state championship and numerous other trophies, repeated in several instances, include recognitions for these outstanding achievements: Spartanburg was one of 22 cities in the entire country to win the Award for Excellence in the 1966 Pedestrian Safety Inventory of the American Automobile Association and the Carolina Motor Club. Director Ivey has received national and other recognition for traffic control, police training, law enforcement and other activities. . . . The City of Spartanburg was awarded the Award for Excellence among cities in the 50,000-100,000 population group by the AAA in 1968.

In the same year the department was selected by the International Association of Police Chiefs as the model police department in the country for cities under 100,000 population. Last year, the department received the Top Individual Award for Law Enforcement Public Relations in South Carolina and was awarded first place national distinction by the National Association for the Prevention of Delinquency and Civil Disorder.

Police and other municipal officials in more than 500 towns and cities have requested copies of the department's public education and police organization publications.

THEY DIED AT HURRICANE CREEK

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. HECHLER of West Virginia. Mr. Speaker, not long after 12 noon on December 30, 1970, a blast tore through the suspended coal dust of the Finley Coal Co.'s interconnected mines Nos. 15 and 16, located on Hurricane Creek near Hyden, Leslie County, Ky. There were 39 men in the mine; 38 lost their lives.

Thomas N. Bethell recently prepared a 25,000-word report and analysis of the Hurricane Creek disaster. There are many lessons to be learned from the story of Hurricane Creek. If this Nation ever hopes to mine coal without continuing to kill and maim miners, then the highest officials in this land ought to read and digest the Bethell report and act accordingly to enforce the Federal Coal Mine Health and Safety Act of 1969.

There follows the complete text of Mr. Bethell's report entitled "The Hurricane Creek Massacre":

THE HURRICANE CREEK MASSACRE

(NOTE.—A report on the circumstances surrounding the deaths of 38 men in a coal mine explosion in Eastern Kentucky, December 30, 1970.)

COAL MINERS LEGAL DEFENSE FUND,
Charleston, W. Va., January 26, 1971.

Dr. ELBURT F. OSBORN,
Director, Bureau of Mines,
Department of the Interior,
Washington, D.C.

DEAR DR. OSBORN: We are submitting herewith an investigative research report on the December 30 mine explosion at Finley Coal Company Mines No. 16 and 15 in Leslie County, Ky. We ask that this report be included in the record of the Bureau's investigation, because we believe that it provides a perspective on the disaster that is necessary if the causes are to be identified and dealt with.

It is our opinion that the 38 men who died in the explosion were victims not only of a company which operated in persistent violation of the Federal Coal Mine Health and Safety Act of 1969, but also of a complacent, negligent bureaucracy which extends to the highest offices of the federal government and refuses to serve in the public interest. The miners were victims of institutional manslaughter, and we believe that the investigation of this case cannot be closed until those responsible are identified and brought to justice.

Sincerely,

THOMAS N. BETHELL,
Research/Information.

COAL MINE SAFETY: 9 COMMENTS

1. "As long as we mine coal, there is always this inherent danger of explosion . . . this is one of the better companies as far as cooperation and safety are concerned."—W. A. Boyle, president, United Mine Workers of America, after 78 men died in the explosion of Consolidation Coal Company's Consol No. 9 mine, November, 1968. The company had a record of more than 50 federal safety violations.

2. "Unfortunately, we don't understand why these things happen, but they do happen . . ."—J. Cordell Moore, then Undersecretary of the Interior, after the Consol No. 9 disaster.

3. "We must recognize that this is a hazardous business, and what has occurred here is one of the hazards of being a miner."

Hulett G. Smith, then Governor of West Virginia, after the Consol No. 9 disaster.

4. "At every level of responsibility . . . we have looked with horror on the specters of death and disease that haunt our mines. Then we have shrugged our shoulders and said to ourselves, 'Well, coal mining is an inherently hazardous business,' or 'It's too bad, of course, but as long as coal is mined men will inevitably die underground.' These easy rationalizations are no longer acceptable."—Stewart Udall, then Secretary of the Interior, December, 1968.

5. "The possibility of death in the mines has become almost as much a part of the job as the tools and the tunnels. The time has come to replace this fatalism with hope by substituting action for words."—Richard M. Nixon, President, introducing the administration's mine health and safety bill, March 3, 1969.

6. "The nation's coal mines are healthier and safer now than they have ever been before."—Hollis M. Dole, Assistant Secretary of the Interior, testifying before the Senate Labor Subcommittee, August, 1970.

7. "This disaster was not unexpected. We've had too good years since Farmington, and I think we can almost expect one of these a year."—Elwert F. Osborn, Director, Bureau of Mines, after 38 miners died in Leslie County, Kentucky, December 30, 1970.

8. "The entire attitude in the Bureau of Mines must change to give the benefit of the doubt to the protection of the health and safety of human beings, instead of the traditional bowing and scraping whenever a coal operator puts the heat on to protect high production and high profits at the expense of the coal miners."—Rep. Ken Hechler (D., W.Va.), commenting on the appointment of Dr. Osborn as Bureau director, October 8, 1970.

9. "I'll bet many mines have just as bad records as the Finley mines. Don't criticize the Finleys."—Elbert F. Osborn, Director, Bureau of Mines, January 20, 1971.

INTRODUCTION

Once every three or four days, a man dies in a coal mine, somewhere in the United States. It may be a piece of rock that kills him, falling without warning from the roof of the mine above his head; or it may be an old piece of machinery that short-circuits and electrocutes him; or it may be that two coal cars come together and trap him in between.

They bring his body out of the mine and send it away to the funeral home, and his family comes and pays for an elaborate casket; they will be making time payments on the casket for years to come. The miner is buried, and his wife and children go on welfare, at least until the workmen's compensation payments begin, and then they can look forward to the check every week—\$48, in a state like Kentucky—and at night when they hear the diesel horns coming up the valley, and watch the C&O or the L&N or the N&W or the Clinchfield Railroad carrying the coal away to American Electric Power's plants or to TVA or Detroit Edison, they can remember what it was like before he died, when he came home at night tired and black with coal; they can remember him as a coal miner, and mainly they can remember him as a human being.

In Washington there is a tendency to see human beings as statistics, which is one of the troubles with Washington. North Vietnamese are body counts. Babies born are census counts. Men out of work are 5.6 unemployment percentages. And miners dying in preventable accidents—they are statistics too, printed-out from time to time by government computers.

Fatalities in coal mine accidents

1967	220
1968	311
1969	203
1970	255

Killing goes on

The figures are bad. But they are just figures, and the killing goes on. Miners die because mines are unsafe, and mines are allowed to remain unsafe because we need the coal; we need it in record tonnages, and we want to make a profit from it; so miners die. And because they die in ones and twos, no one seems to mind too much.

But once in awhile they die in wholesale lots. That happened on the morning of November 20, 1968, in a Consolidation Coal Company mine in West Virginia; when 78 men died all at once, there was a national uproar, and the momentum was built for the enactment of a new Federal Mine Health and Safety Law, a law that would protect men when they went into the mines. The preamble of the law said, very clearly,

"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 law was built on that premise, and it was a strong law. When it went into effect in 1970—after nearly a year of argument, deliberation, and compromise in the House and Senate—there was reason to hope that it might save lives and make the mines of the United States more tolerable places to work.

One year to the day after the 1969 Federal Coal Mine Health and Safety Act became law, in the early afternoon of December 30, 1970, 38 miners died in an explosion at Finley Coal Company's Mines No. 15 and 16 on Hurricane Creek, Leslie County, Kentucky. Again there was national concern, and again the evidence was overwhelming that the men were working in a dangerous mine operated by a company whose first priority was not men but coal. But this time, there was overwhelming evidence as well that the men were victims of a government which regards itself as the political wing of industry, and which—through political expediency or deliberate intent—has consistently and successfully nullified the effectiveness of the Federal Coal Mine Health and Safety Act of 1969. This government, and the men who direct it, bear the principal responsibility for the deaths of the miners in Kentucky. The men who died on the first anniversary of the law designed to protect them were killed by a ponderous, foot-dragging bureaucracy that could not reform itself even if it wanted to. And the evidence is that it does not want to—that it continues to see its mission (to the extent that it has one) purely in terms of production of coal, and not protection of men.

In a civilized society, the Bureau of Mines and its parent agency, the Department of the Interior, would be dragged into court and prosecuted for manslaughter. The evidence is overwhelming that they must take primary responsibility for the Hurricane Creek disaster, because they were given the tools to prevent it. They chose not to use the tools. On the contrary, they refused outright to use them, as we believe this report will show. The inevitable result was tragedy. And the cruel fact is that there are more tragedies to come.

COAL AND LESLIE COUNTY

Leslie County, Kentucky, is one of the four or five poorest counties in the United States. More than three-fourths of the county's expenses are paid by federal and state agencies; the county pays less than 10 per cent of its school budget. Most Leslie County adults never got beyond the sixth grade, and more Leslie Countyans are on welfare than working. Average annual family income is less than \$3,000, and housing surveys show that only one house in ten is fit for habitation by national standards. National standards are a luxury in Leslie County.

The county has only one industry of importance: coal. Timbering was once important, too, but the great trees have long since

been cut and the best topsoil has long since washed away, leaving scrubby second growth to cover the hills. Coal is the only remaining resource, and mining is the only available work, except for a scattering of service jobs.

The county is in the middle of Appalachia, but at the edge of the recoverable coal reserves. The coal is high-quality but difficult to mine because it lies in narrow seams, sometimes less than three feet thick. To work in seams like that, a man must lie on his side and travel in a crawl. Mechanization came late to Leslie County mines because of the difficulty of developing heavy-duty, battery-operated, rubber-tired machines less than three feet high. Most of the mines in the county are primitive operations in which the work is still largely done by hand.

Ford fiefdom

Partly because of the narrow coalbeds, Leslie County traditionally has been last to feel the benefits of a boom and first to feel the effects of recession. There is a second reason. Decades back, coal prospectors working for Henry Ford bought up more than two-thirds of the county's reserves. The idea was that they would be held in reserve until Ford needed them to make steel for his cars. Both the coal and the county were kept in reserve—a private colony, a little feudal fiefdom—until the great day when the call would come from Detroit. It never came. The company bought coal from other, more convenient sources, and the colony was left undeveloped. Until the 1930's there were no paved roads, and still today there is no railroad line into or out of the county—which means that the cost of mining is increased by having to truck the coal over the county's miserable roads to railroad loading points in neighboring counties. Along with a few other baronial operations, Ford Motor Company still holds onto its coal—exactly how much, no one knows, because the county tax assessor has no system for determining holdings, and accepts whatever figures Ford happens to give him. He does not believe they are accurate, but once when he tried to increase the assessment, Ford went to court and beat him. Meanwhile Ford leases its coal to small truck-mine operators. Federal figures indicate that Leslie County produces about 1.8 million tons of coal per year, worth about \$6.5 million. Ford pays the county about \$1,700 per year in taxes...

Once, when coal was king, it was possible to make a decent living in Leslie County (although the hourly wages there for miners always seemed to run about a dollar behind the neighboring counties, where the United Mine Workers succeeded in organizing the mines in the late 1930's). But after 1947, when national production surpassed 600 million tons, the industry declined as other fuels made inroads and as the largest of the coal companies began to concentrate their power. The Eastern Kentucky coal industry as a whole was composed of smaller companies; for the past 25 years they have fought a losing battle to compete for markets against corporate giants like Consolidation Coal, which produces more coal per year than all the companies of Eastern Kentucky combined. The recession which hit the country in 1958 never left the Kentucky coalfields; it is still there today.

Faced with a skidding economy and a baronial landlord, Leslie Countians did the only thing they could do. They left. From 1950 to 1960, the county lost more than 30 per cent of its population. During the past decade the population loss has slackened and, finally, held about steady at 10,000. From time to time it fluctuates wildly; in 1970 the population increased by several hundred, as Leslie Countians who had left to work in Dayton or Cincinnati or Detroit were laid off at Frigidaire and National Cash Register and Ford—and came home.

Coal Boom

Some of them went on welfare. Some got jobs driving the big 60-ton coal trucks that move the coal to Manchester, in Clay County where the Finley brothers live. Others went underground to work. The past couple of years have been booming for the coal industry: the electric utilities are gobbling coal as fast as it can be produced, and national production for 1970 ended at 590 million tons, the best year ever since 1947. Leslie County was the last to feel the boom, but the boom came, and some of the men who couldn't find work in the cities could find it at home.

If they were young, like Lee Mitchell, they couldn't remember a time when so much coal had been run in Leslie County. You could go ask for a job, and there was a reasonable chance of getting it. In fact there was enough work so that men were coming over from Clay, the next county to the west, to work in Leslie County's mines. It was miserable work, worse even than assembly lines, but for a young man it was better than sitting at home, rocking on the porch, waiting for the welfare check.

Lee Mitchell went to the Finley brothers to look for a job, and they gave him one over on Hurricane Creek, in the No. 16 and 15 mines. He went to work there on December 30, 1970. It was his first day on the job. And his last.

THE MINES ON HURRICANE CREEK

Charles and Stanley Finley have been in the coal mining business together for 20 years, operating more than a dozen different mines during that time in coal leased from owners in both Leslie and Clay counties. Technically they own more than one company; in Leslie County they use the name Finley Coal Company, in Clay they call themselves the New Big Creek Mining Company. Their most stable operation has been a Clay County deep mine that operates in 56-inch coal and produces anywhere from 65,000 to 300,000 tons of coal a year, which makes it a small mine by national standards but big for Eastern Kentucky. That mine is more than a decade old and has reportedly been working out—coming to the end of its leased reserves—in recent years.

The Finleys' more recent operations have not had that kind of life expectancy. Generally they have followed the pattern of most small Eastern Kentucky truck mines: lease the rights to a few hundred thousand tons, bulldoze a road to the mine-site, blast and burrow a few entries deep into the hillside, install a conveyor belt and some rebuilt coal-cutting and loading machinery, get the coal out as quickly and cheaply as possible, and move on. Mines like these are sometimes worked out in a year or less; at the other end of the scale, they may be workable for three or four years. If the market is good, the operators work them two or three shifts a day, five or six days a week, and go through the coal pretty quickly. When hard times hit, the mines go down to a single shift, four or five or even three days a week, and the crews shrink to half-size. The variables in Eastern Kentucky mining are many, and truck mines feel them all.

Strip-mine damage

Lately the Finleys have followed another Eastern Kentucky pattern and gone into strip-mining. This is the cheapest kind of mining, but it does the most damage. Reduced to essentials, it consists of blasting and bulldozing the top off a mountain, or string of mountains, to expose the coal seam that lies beneath, and then loading the coal into trucks and carting it away. The relocated mountain-top winds up, by force of gravity, in the valleys below. After a rain, it becomes mud, and moves like lava until it reaches the bottom of the valley, where

it slides into streams, becomes silt and is washed through the tributaries of Eastern Kentucky into the Kentucky River, and then the Ohio, and the Mississippi, and finally into the Gulf of Mexico. Strip-mining was unknown in Eastern Kentucky until after World War II, but now it makes up about 20 per cent of the region's 60 million ton annual production, and the percentage is climbing. Conservationists attack the strip-pers regularly, and from time to time Kentucky passes a reclamation law, but the damage continues and grows worse each year. The Finleys are strip-mining partners with a man named Phil Young, who is unpopular with many people in Kentucky because mud and dirt from his mines have been filling up Buckhorn Lake—the central attraction of a new state park in the area—and turning its color from blue to sewer-brown; water skiers and conservationists object. The strip-miners, recognizing the possibility that they will be regulated out of Eastern Kentucky one of these days, have been stepping up production.

On December 19, 1969, the Finley brothers applied to the Kentucky Department of Mines and Minerals for a license to operate two adjoining deep mines to be designated No. 15 and No. 16. They were to be driven into a tract of coal under a steep hillside along the middle fork of Hurricane Creek about five miles from Hyden—a town of 600 people which is both the largest community and the seat of government in Leslie County.

The Department issued licenses for both mines on December 29, and the Finleys went ahead with developing their operations. According to Charles Finley, he employed 85 men "more or less" at the two operations, most of them working underground. The two mines were driven parallel to each other into the hillside, in a seam of coal that ranged from 30 to 36 inches high. The Finleys employed an engineer from Harlan County to plan the mine, but he served only as a consultant and most of the actual planning they did themselves. According to one engineer this is a fairly generalized custom among small mine operators: "After 20 years they know enough to get by, so they do it themselves. They need someone with a sharp pencil and a T-square to make up a map, but the rest they can do from experience, or memory, or whatever. Generally they get by all right."

By March 1, 1970, the No. 15 mine was producing coal. No. 16 went into production a few weeks later, in late April or early May. Soon after getting No. 16 into production, the Finleys decided that it would make sense to connect the two mines so that coal could be loaded on a single main conveyor belt, and breakthroughs were driven into the wall of the coal that divided the two mines. By late spring, 39 were working underground in No. 15 and 48 in No. 16. No. 15 was producing about 600 tons of coal per day and No. 16 was producing 800 tons; both were working three shifts—two shifts for production, one for maintenance and clean-up—and both mines were working five days a week. The combined tonnage for the year would run between 300,000 and 350,000 tons, and the two mines, taken together, would account for about a sixth of all the coal produced in Leslie County. Depending on the state of the market, the coal would be worth \$1.2 to \$1.8 million, and the profit for the Finley brothers might come to \$250,000—maybe twice that if the boom in coal kept going.

Among the men who worked for them, the Finleys seem to have had a good reputation, mostly. "They done all right by me," one of their men said later, and in Eastern Kentucky that's close to high praise. The men grossed about \$24 a day, sometimes more; that worked out to between \$7,000 and \$8,000

a year, which is low by union scale but good for Leslie County—which has never been union territory.

FARMINGTON NO. 9

Kentucky's Department of Mines and Minerals employs about 25 inspectors who are responsible, under state law, for visiting each of the 1,800 licensed Kentucky mines once every three months and inspecting them thoroughly for conditions which could lead to accidents or explosions. Most of Eastern Kentucky's mines are above the water table, which means they do not have the kind of trouble with methane gas that mines in other areas have—notably West Virginia, where methane apparently triggered the massive explosion that destroyed Consolidation Coal Company's No. 9 mine, a mine as big in square footage as the island of Manhattan, in November, 1968.

The blast killed 78 miners, of whom 69 are still entombed in the wreckage; it was the kind of explosion that inspectors have nightmares about—all the worse because it was the second time that mine had blown up—but the state inspectors in Eastern Kentucky slumber more peacefully because their mines are smaller and less gassy, and that means that if they blow up, not so many men will generally get killed. The worst disaster in Kentucky history killed 62 men on the morning of August 4, 1917 in a mine in western Kentucky where gas was present but "little regard was given to the danger of an ignition," in the dry words of an investigation afterward. In the less gassy Eastern Kentucky mines, the worst disaster prior to 1970 took place the day after Christmas, 1945, when a mine in Bell County exploded in the middle of the morning shift and killed 25 miners. The inspectors found that there had been gas in the mine, and that someone had lit a cigarette. The mine was dry and full of explosive coal dust—the gas burst into flame, and the flame flashed through the dust, and the dust exploded like dynamite, and that was that.

The Kentucky Department of Mines and Minerals is generally thought to be pro-industry, an attitude that seems to be borne out by listening to its commissioner, Harrel N. Kirkpatrick, who is a mine owner himself—or was, before being appointed to his post by Governor Louie Nunn; there is some conflict about the current state of Mr. Kirkpatrick's coal holdings. In conversation about coal mine health and safety, Mr. Kirkpatrick seems to take a quickly defensive stance, pointing out that coal is a \$400,000,000 "cash crop" in Kentucky, one of the state's three big income-producers (the others being tobacco and bourbon), and that it is unwise to do anything "economically destructive."

After the November, 1968, explosion in West Virginia, at a time when a growing chorus of critics was crying out for new regulatory legislation, Mr. Kirkpatrick said he thought that existing laws were "basically sound" and not much in need of change. Doubters asked how that could be so, if 60 men on the average were dying every year in Kentucky mines; the commissioner characterized that as "a very good record, we think." Mine explosions, in his view, were basically a product of human carelessness: "perhaps someone lighting a cigarette when he shouldn't have. How do you regulate human carelessness?"

Miners have mixed feelings about the state inspectors, but for the most part they are critical, and suggest often that inspectors can be bought. The price might be a new pair of snow tires, they say, or a weekend trip to Louisville or Roanoke with someone picking up the tab. Operators and inspectors meet regularly together in the small towns of Eastern Kentucky, know each other well, see each other socially. Inspectors see nothing wrong in that. "Well, what would you like for us to do?" one of them asked recently.

"You want us to close all those mines? You want everyone in Eastern Kentucky on the dole?"

Serious violations

No state inspectors visited the Finley mines while they were being developed, and the first inspection after they were producing coal came on April 16, 1970, when inspector Paul Sexton visited the No. 15 mine. He found seven violations of the state law "of a serious nature" and reported them to Commissioner Kirkpatrick, who wrote to Charles Finley on April 22, asking him to correct the violations. Timbers, used to hold up the roof of the mine, had become dislodged and were left lying by the main roadway; rock dust (powdered limestone) was not being applied as required to the walls, roof, and floor of the mine close to the working areas, with the result that too much potentially explosive dust was being allowed to circulate in the air; the mine exhaust fan was not housed properly to protect it from damage in an explosion; there was insufficient fresh air circulating through work areas; explosives were being improperly handled and stored; the roof-bolting machine wasn't grounded and someone had wired around the safety fuse so that it wouldn't automatically disconnect the machine in case of trouble; and no protective covering had been built over the mine entry to protect men against rock-slides from the hill above.

"In the interest of safety," wrote the commissioner, "we expect you to carry out these recommendations immediately and notify this Department when you have complied."

Nothing in the Department's records indicate that Finley did so, nor is there any indication that the Department contemplated any disciplinary action against the Finley Coal Company (under the Kentucky Mining Law, for example, Commissioner Kirkpatrick could have revoked the mine's permit until the violations were corrected).

Conditions worse

No state inspector was seen on Hurricane Creek for four months, until August 20, when inspector Albert Alexander visited both the No. 16 and No. 15 mines. From his report—which is limited in detail—it appears that the "recommendations" of April 22 were being ignored, that conditions in No. 15 were in fact worse than they had been earlier, and that No. 16 was no better. In No. 16 the inspector found these dangers "of a serious nature":

Roof bolts, required by law to hold loose slate in place above the miners and prevent it from dropping unexpectedly on them (the primary cause of mine fatalities in Kentucky), were being placed at intervals wider than the law allows;

Safety jacks were not being used to hold the roof up in the working sections, as required by law;

Dangerous accumulations of loose highly explosive dust were being allowed to remain on walls and in roadways;

Explosives were being improperly handled (the inspector did not elaborate);

The mine supervisors were not keeping daily records;

Miners were not being required to wear safety shoes.

No. 16 mine, of course, had not been previously inspected by the state. No. 15 had, and conditions there were even worse:

Roof bolts were improperly spaced, as in No. 16;

Loose dust was accumulating;

Rock-dusting was haphazard and insufficient;

Ventilation was insufficient;

Explosives were being improperly handled; Electric switch-boxes were not protected against shock;

Cutting and loading machines were improperly wired and were not grounded;

Worn-out, temporarily spliced electric cables were being used to connect machines to the power supply;

The roof-bolting crew was not wearing respirators (required to protect them from dust released as bolts are drilled);

A sprocket chain on a loading machine was left exposed—a potential danger to an arm, leg, or life;

There was no protective canopy over the mine entryway.

Despite the combined total of 17 violations of law found at the Finley operations on this inspection, Commissioner Kirkpatrick dispatched the same mild message. In this case it seemed even more polite, in view of the fact that eight days previously No. 15 mine had suffered a serious accident which the state unaccountably chose not to investigate [the accident is described in the next section of this report], despite the fact that management apparently was responsible for it.

Regardless of the circumstances, the message to the Finleys was the same. There was the same reply: none. There was the same follow-up by the state: none.

From then until December 30, there were no further state inspections of the Finley mines. From then on, the only time a state inspector visited Hurricane Creek was after someone had been killed.

THE FEDERALS

"If there was any real danger," Charles Finley said, a couple of days after his mines had exploded, "the federals would have closed my mines down instantly."

"The federals" he was referring to are the mine inspectors of the Bureau of Mines, Department of the Interior. Under the terms of the 1969 Federal Coal Mine Health and Safety Act, they are charged with inspecting each working mine in the nation four times per year. The same law gives them—in theory—broad power to close mines which operate in violation of the law.

The Bureau operates out of district and subdistrict offices throughout the coalfields. The Finley mines came within the purview of the subdistrict office at Barbourville, Kentucky. The office has responsibility for inspecting 300 mines, more or less (the exact number fluctuates constantly as new mines open and old ones close); it has a staff of 27, some of whom work out of so-called "satellite" offices in Harlan and Hazard. At the Barbourville office there are four inspectors, according to the subdistrict manager, T. R. Mark. At any given time, they are checking up on 70 to 90 mines.

Theoretically, the Bureau inspectors keep track of every mine that operates in the state. In actuality they may or may not. No law requires an operator to notify the Bureau when he is about to open a mine; instead the Bureau relies on lists of licensed mines received periodically from the state Department of Mines and Minerals. The inspectors check through the list, when they have time, looking for mines that are unfamiliar to them. When they find one, they make a note to inspect it, next time they have a chance. There is no special system for guaranteeing that each mine will be inspected at such-and-such a time or with any special frequency—despite the federal law requiring four full inspections for each mine every year. Would it be possible—Mr. Mark was asked—for a man to open a mine and run it, say, a year, without ever seeing a federal inspector? "The way things are now," he said, "it would be possible. I'd say so, yes."

Charles Finley, however, saw federal inspectors with some frequency during the year. They made six inspections and investigated two accidents, one of which resulted in the death of a miner. During the entire course of the year, however, they did not make a single comprehensive inspection of either No. 15 or No. 16—which, since they were interconnected and ran coal on a single

conveyor belt, might reasonably have been considered one mine, and inspected as such. That way, an inspector would not have had to drive all the way out to Hurricane Creek to look at one mine, only to have to drive out again sometime soon to look at the other. The Bureau records showed the Finley operation as two mines, however, and that was how they were treated.

Inspector C. E. Hyde visited the No. 15 mine for the first time on June 19, 1970, and conducted a so-called PBR investigation. The letters stand for "Partial But Representative" and are used to describe an inspection in which the inspector thoroughly checks one part of a mine but does not visit the rest. The idea is that the inspector gets enough of a feel of the mine to evaluate its safety, but has adequate time left to check out other mines that he would miss if he spent the time in each mine necessary to check out every square foot. That's the idea; it was a concept that was not included in the new federal law by Congress, and many critics of the Bureau, including several inspectors, believe that there is no such thing as "partial but representative" in a mine.

One of the inspectors who reports to Mr. Mark explained it this way: "If you go in on a PBR they know right off which section of the mine you're going to check. They can move things to other sections, they can hide stuff from you, they can stay ahead of you and make sure everything's pretty where you're going to be, because they know you aren't going to be running all around. What you see is what they want you to see. And all the inspectors I know, they have to think sometimes about what's going to happen if a mine blows after he's been there, and it was in a section he never looked at. How could you call that partial but representative?"

Federal violations

If the Finleys or their employees were hiding things on the day Inspector Hyde visited No. 15, they overlooked a number of items. He found 14 violations, ranging from minor to major to potentially disastrous. On the minor side, there was no drinking water underground and there were no toilet facilities either above ground or below. The mine map was insufficiently detailed and no map of the mine's electrical system was available. In the medium-serious range, there were no daily examinations being made of the fan; no weekly inspection for hazardous conditions; no weekly ventilation examinations. Power connection points were improperly located. There was no evidence that qualified people were maintaining the electrical equipment. In the danger range, there was electrical equipment being operated without grounding; and management had provided only nine self-rescue devices for the 39 men underground.

Self-rescuers, as they are commonly called, are small gas masks designed to help a miner survive the "afterdamp" of an explosion—the period afterward when oxygen is low (because of being consumed in the blast and fire) and carbon monoxide is high (because it replaces oxygen in such a situation). The older models provided 30 minutes of breathing time. Newer models provide 60 minutes.

The most serious violation that Hyde found was what he reported as "dangerous accumulations of loose coal and coal dust" along the roadways. Along with that, rock dust had been insufficiently applied, so that the dust was present in explosive quantities in the air. To make matters worse, Hyde found that "trailing cables were run over unnecessarily"—i.e., machine operators were driving back and forth over their power cables, running the risk that the cables would snap and start a fire in the loose dust. "Evidence of smoking was present," Hyde noted; that made matters even worse. He found further that there was no short-circuit protection on the equipment in the working areas, and that

trailing cables on the mining machine and mobile drill contained three uninsulated splices apiece—an invitation to trouble. Beyond that, no one was testing for gas—a fundamental precaution even in a supposedly gas-free mine. Citing Section 104(a) of the mine law, which permits an inspector to close a mine if there is an "imminent danger" of explosion or fire, Hyde ordered the men out of the mine and issued a penalty notice to the Finleys.

Theoretically the closing of a mine under such circumstances can have serious economic consequences for an operator. The Finleys' mine was closed for two days; at 600 tons of production per day, that meant a tonnage loss of 1200, which could amount to about \$5,000 worth of coal. Theoretically an operator who had just lost \$5,000 because of a sloppy mine operation would be greatly motivated to clean it up, and to keep it clean. In this case, however, theory and fact got in each other's way, because Inspector Hyde closed the mine over a weekend, when it would not have been producing coal anyway. The clean-up crews did their work, and on Monday, June 23, Hyde permitted the Finleys to open mine No. 15 again.

Blast injures two

A little less than two months later, early in the evening of August 12, Inspector Gordon Couch got a call from Charles Finley, who reported that there had been an explosion in mine No. 15, and two men were injured. Couch and another inspector, H. A. Jarvis, went to the mine two days later and conducted an investigation that was completed August 19. On the afternoon shift of August 12, they reported, a mobile-drill operator named Rufus Whitehead and his assistant, Mack Collins, were moving their drill from one location to another when it became caught on a high place in the floor of the mine. Wrestling with the machine, they snagged it on its trailing cable, and the cable short-circuited. The arc "ignited coal dust, lubricants, and other combustible materials" on the drill. Collins and Whitehead went to one of the mine entries and asked to have the power shut off. Then they went back to the drill and put out the fire, using rock dust, which they poured over a burning container made out of an inner-tube. When the container stopped smoking, they settled down to wait for a repairman to come and fix the cable.

Suddenly there was a blast, and "metallic fragments and other materials were blown into the face, chest, and right arm of Whitehead," according to the report. Collins was luckier, suffering only a ruptured eardrum and a few cuts; he went for help for Whitehead, who was blinded and had been badly injured in the chest and right arm.

Miners came for Whitehead and got him out to an ambulance that took him first to the Frontier Nursing Service hospital at Hyden, where a doctor found that his injuries were too serious to deal with there; he was taken over the grim mountain roads on an agonizing two-hour ride to the University of Kentucky Medical Center at Lexington, where doctors found that he had suffered serious damage to both eyes—nearly total and probably permanent blindness—and had a compound fracture of the arm serious enough to make amputation likely. Later the arm was saved; the eyes were not.

Hyde and Jarvis could not find the rubber inner-tube and no one seemed to know where it was or what had been in it. But Charles Finley told them that "in the past he had observed detonators in prepared explosive charges being transported on the drill" and had told the crews that it was a dangerous business. He "believed this practice had been discontinued," according to the inspectors' report. The inspectors assumed that the container had been on the drill and that even after being rock-dusted by Whitehead and

Collins had remained hot enough to set off the explosives. The blast severed hydraulic hoses connected to the drill, and sent pieces of hose and drill smashing into Whitehead.

In the opinion of the inspectors, the principal cause of the explosion was "improper handling and transportation of explosives" and "failure to protect the trailing cable." But they also noted a "lack of proper supervision in the mine." In their recommendations they warned against letting coal dust accumulate on electric equipment.

More violations

Couch visited Hurricane Creek again on October 19 to make a "Partial But Representative" inspection of No. 16 mine. This one produced a long list of violations—20 in all.

No one was taking dust samples to determine if the mine was conforming with the new law's requirement that dust be kept below 3.0 milligrams per cubic meter; Couch ordered this violation to be corrected by October 26.

Roof bolts were too far apart;

Ventilation was so poor in some parts of the mine that air currents could not be measured; Couch told Charles Finley to correct this violation by the next day, and it was corrected;

Coal dust was being allowed to accumulate along the conveyor belt; Couch ordered it cleaned up and rock-dusted, and a week later it was;

Water was not being used to wet down the coal dust as required, in working sections; Couch ordered this to be corrected by November 17;

No one was rock-dusting within 200 feet of the work areas in one entry; Couch ordered that done, and it was;

No qualified people were maintaining the electrical equipment; Couch ordered that corrected by November 17;

Trailing cables were held together by temporary, uninsulated splices; Couch ordered them fixed, and they were, according to his report;

Explosives were being improperly handled—carried underground in their shipping cartons—and Couch ordered that corrected; it was;

Charles Finley was not providing training for his miners; Couch ordered him to begin doing so by November 17.

There were other less serious violations, many involving deadlines for ventilation plans and similar items required by the new law. Couch spelled them out and ordered them corrected on a variety of dates. He checked back at the mine on October 26, made a spot inspection, found some of the earlier violations corrected and others not, and cited the mine for an additional violation: there was no plan for emergency medical assistance, an item considered important by Congressmen who knew that mines are often remote from towns and hospitals. Couch ordered Finley to put together a plan by November 17, and went back to Barbourville.

About 8 o'clock on the evening of November 9, the Barbourville office got another telephone call from Charles Finley. It was about another accident. This time a miner was dead.

Miner killed

Inspectors Hyde and Couch took down the details and went out to the mine the next day. Joined by Everett Bartlett, district supervisor of the state Department of Mines and Minerals, they conducted an investigation which they completed November 13 and submitted to their supervisor, T. R. Mark.

The dead miner was Charlie Wagers, who had been working for Finley in the No. 15 mine for three months. The evening he died, he was operating a battery-powered tractor used to tow a trailer with coal from the work

areas to the conveyor belt. He was 24; he had been mining coal about three years; he was married, no children.

There was nothing very complicated about the accident, as Hyde, Couch and Bartlett soon found. The tractor that Charlie Wagers was using was operating defectively and giving him trouble: when he put it into forward, it went backward. (The inspectors looked at the machine and found accumulated coal dust in the electrical contacts, indicating that the machine had not been properly maintained; they found also that it had been re-wired and the safety fuses removed, and there was no protection against short-circuits. Checking other tractors, they found several without safety fuses and two with defective brakes. Citing the tractors as an imminent danger, they ordered them taken out of the mine. Again, it might seem that this would serve as a spur to the operator to train his men and keep the mine in shape, since the loss of the tractors meant that coal could not be moved to the conveyor belt. But the order was written on a Friday; the mines were not working over the weekend, while the tractors were repaired; and they went back into use on Monday, so there was no loss of production.)

Wagers had trouble with his tractor three separate times on the shift. The first two times, a repairman came and tried to fix the machine, but it kept acting up. The third time, Wagers was trying to negotiate a corner with his trailer coming behind, and got stuck. He tried to maneuver out. After backing and filling a couple of times, he was about free of the obstruction—the coal wall—and put the tractor into forward gear. It lurched backward, catching his head between the end of the tractor and the coal wall, and crushing his skull and killing him.

Accident reports differ

The federal inspectors minced no words in defining the cause of the accident: "Management's failure to take the defective tractor from service for repairs, and to assure that the battery-powered equipment was in good mechanical condition before being placed in service." They ordered Finley to institute a maintenance program and stressed that "mine officials shall use closer and more strict supervision at all times in this mine." Other than ordering the tractors out of the mine for repairs, however, they took no other action against the mine operator.

Bartlett, the state inspector, wrote a separate report which he sent to Commissioner Kirkpatrick. It was quite different. There was no suggestion that the operator was at fault. Instead, Bartlett simply observed that the tractors had been removed from service, and wrote out in long-hand, as his solitary recommendation:

"Operators of mobile equipment must face the direction of travel."

Presumably Inspector Couch was due back at mine No. 16 on November 17, since he had set the day as the deadline for several important safety measures designed to protect the men in the mine against disaster. But he didn't get there. Two days later, however, he stopped off at the No. 15 mine and made a spot inspection of two sections. This time he found five violations, and some of them had a terribly familiar ring:

In one section, dust-sampling revealed that there were 33.9 milligrams of respirable dust per meter in the air—11 times the permissible limit. Couch ordered this corrected by December 22, but Charles Finley decided instead simply to stop working in that section.

There were no qualified people maintaining electrical equipment. Couch ordered this corrected by December 22.

Electrical equipment was not grounded. This, too, Couch ordered corrected by December 22.

There were no toilet facilities; Couch ordered them installed by December 22.

There were no self-rescue devices provided for the miners underground. Finley told Couch they were on order but hadn't come yet. Couch ordered Finley to have them in the mine by December 22.

December 21—the day before Finley was to meet Couch's deadline, if in fact he intended to meet it—Inspector Hyde dropped in at the No. 15 mine, apparently only to check and see if Finley had prepared a dust-control and ventilation plan, as required some months previously. Hyde found that he had not; wrote out a notice of violation, requiring that Finley submit a plan by January 4, 1971; and left.

The next day, neither Couch nor Hyde visited either of the mines, so there was no check to see whether Finley had met his deadline at No. 16 on all or any of the violations.

In fact, there were no more visits from federal inspectors until the afternoon of December 30. Then, they came hurrying to the mine because their office had received a telephone call from Charles Finley. There had been an accident, he said, and this time—this time it was not going to be one man blinded, or one man with a crushed skull. This time there had been some kind of explosion, and 38 men were inside the mine, and he was pretty sure that all of them were dead.

When Inspector Couch arrived at Hurricane Creek he joined the rescue effort, and later in the afternoon he was among the men who found the bodies. The first miner he found was his uncle.

Three days after the explosion, Charles Finley was talking about it with a friendly reporter.

"If all this enforcement continues," he said, "I don't know if I can continue . . . I'll bet we've spent \$60,000 on equipment already . . ."

"And we've had more inspections than ever."

DISASTER

On the morning of December 30, 1970, 39 men went underground in Finley Coal Company's mines No. 15 and 16. It was cold that day; there was a prediction of snow. The men had been shivering as they waited in the early morning gloom to be shuttled into the mine. They went in at about 7 a.m. and divided up according to the work they were doing that day: some of the miners were cutting and shooting coal—undercutting it with a machine, then blasting it loose with explosives—and others were loading it, via an electric loading machine, into shuttle cars which took the coal to the main conveyor belt and sent it on out of the mine.

Far inside mine No. 16, foreman Walter Hibbard and explosives man Walter Bentley were at work on a different job. Charles Finley had decided to build a conveyor belt to connect the working sections of No. 16 with the main belt in No. 15, and it was Bentley's job to blow a hole—actually, a recession—in the roof of the mine so that the conveyor belt could be installed. Otherwise, without such a hole, there was not enough height in the narrow seam of coal to allow room for loading coal on the belt. The hole, called a "boom hole" by miners not because of the noise made by the blasting but because of the fact that it was designed to accommodate the loading boom on the end of the conveyor belt, would raise the roof two or three feet. Blasting it was not a particularly difficult job for a man familiar with explosives, and Walter Bentley had something of a reputation locally for that kind of expertise. He had blasted boom holes before for Charles Finley, in No. 15 and in earlier Finley mines, and he had done blasting on the strip-mine jobs, which were under the direction of Charles Finley's brother, Stanley.

Over in mine No. 15, A. T. Collins, a sad-eyed wiry man who looks very much like his English coal-mining forebears, had responsibility for seeing that the conveyor belt operated properly, which meant that on each shift he had to crawl along in the cramped space alongside the belt to check the rollers under it, keep them in place, remove loose coal from the workings, and generally watch for trouble.

Sometime around 11:30, A. T. Collins worked his way along the belt until he came out of the mine, not far from the mobile trailer that Charles Finley used as an office. Collins recalled later that he needed some supplies; while he was out, he decided he might as well have lunch before he went back in. In the trailer, Finley was having lunch, too, as were many of the men underground. It was muddy around the entry to the mine, and the air was cold and dry and the sky was grey, and the prediction of snow seemed likely to come true.

The explosion

It was between 12:15 and 12:20, as nearly as he can remember, that A. T. Collins started to go back into the mine. He was standing next to the belt, 10 or 20 feet from the entrance to the mine. Suddenly—it happened too fast for him to remember it all that precisely now—there was a sound from the inside the mine like nothing he had ever heard before: "maybe like what a tornado would sound like, you know?" And then out of the entry came a great blast of hot air and smoke and flying coal and coal dust and scraps of wood; and the steel rollers from the conveyor belt tore loose with the rest of the debris and came flying out too, catching A. T. Collins in the back and sending terrible pain through his body; he was picked up by the force and flung through the air until he "hung up" on something—he is not sure what—and the windstorm tore his watch loose, right off his wrist, and then tore him loose too, and threw him still further, into the roadway some fifty or sixty feet from the mine. He lay there, stunned, half-conscious.

Finley remembers that he heard nothing and felt no tremors, but then suddenly there was the ungodly roar—"I heard something like a windstorm"—and when he looked toward the mines he saw debris coming out of all the entries. He went out of the trailer and found one of the surface workmen and sent him to check the fans—two of them, located at opposite ends of the mine entries, one each for mine No. 16 and No. 15. The man reported that both fans were still operating. Dense smoke was being pulled through them, and all around there was the smell of burning.

Finley went back into the trailer, to call "the federals" at Barbourville. He tried to call the state inspectors, too, but no one answered the telephone.

Rescue effort

By mid-afternoon the rescue effort was under way, technically under the direction of Commissioner Kirkpatrick, since he was the senior state or federal official at the scene; actually his safety director, Jed Mosgrove, was in command. There were a couple of dozen men involved.

In Washington, Rep. Ken Hechler of West Virginia was speaking in the House of Representatives, calling the attention of Congress to the fact that the 1969 Federal Coal Mine Health and Safety Act was one year old that day. The law—which Hechler, more than anyone else in Congress, had made a personal crusade—was, he believed, the best and toughest legislation of its kind, but he also believed that the Nixon administration was not interested in enforcing it; he believed, in fact, that the law was being ignored by the White House, the Department of Interior, and the Bureau of Mines. He called on the House to demand responsibility. Sometime during the afternoon, someone brought him

the word about the men trapped in the mines on Hurricane Creek, and Hechler was stunned.

It was getting dark when the first bodies were recovered, and snow was falling; the state police had to barricade the main highway, a mile or two from the mine, because so many people were coming. Among the earlier arrivals had been some of the men who worked the second shift at the mine; they knew what had happened when they drove down the dirt road, and saw the state jeeps and the ambulances. James Collins first heard about the disaster that way—coming to work, and discovering with awful shock that there was no work to come to. He had not been a Finley employee very long—two or three months. Before that, he had been up in Dayton, working for General Motors in its giant Frigidaire plant, but the plant had felt the recession; new men were laid off by the hundreds, James Collins among them, and he came home to Leslie County and found a job in the mines. He arrived that afternoon and saw what had happened and thought he was going to collapse, not because he was out of a job, but because his brother Lonnie was part of the first-shift crew, and was inside the mines.

Death from carbon monoxide

Dr. William B. R. Beasley, medical director of the Frontier Nursing Service, heard about the explosion within a few minutes after it had happened, and arrived at the Finley mines before the first bodies were brought out. He looked at them when they were pulled out of the mines, towed in a trailer behind a tractor, and he accompanied the bodies as they were removed to a temporary morgue in the Hyden Elementary School. By that time—toward 6 o'clock, as he remembers it—nobody believed that anyone was alive in the mines. The rescue crews had encountered heavy concentrations of carbon monoxide; they had had to come back out for gas masks, and could not go back in until brattices—heavy cloths hung across openings in mines to control ventilation—had been arranged to suck the gas out. Even if any of the men had survived the first blast, they could not have lived more than a few seconds in the poisoned atmosphere unless they were able to put on self-rescuers; and even if they were able to wear self-rescuers, the little breathing devices would long since have ceased to filter the air for them. Widows wept in the glare of television lights, and Dr. Beasley went with the bodies to the morgue, staying there overnight and long into the next day, until the last of the bodies had been brought in.

He gave each miner what he later described as a "superficial" examination in order to determine the cause of death—since there was no one else at the scene who was medically qualified to do so. He was quite sure that 31 or 32 of the men had died from the blast; the shock wave it generated would have traveled through the narrow coal seam like bullets through a gun barrel, and death was instant. One man he was not sure about; the man was soaking wet when he was brought in, and when Dr. Beasley pressed on his chest, water came out of his mouth and nose. It was gruesome to see, and perplexing; it appeared to Dr. Beasley that the man must have drowned, somehow—as though he had been able to find water to take refuge in from the heat, but then, trying to breathe, had taken in only carbon monoxide and had fallen back, still trying to breathe, and his lungs had filled with water.

There were five men who Dr. Beasley was quite sure had not died from the concussion. They were among the last to be brought in, and Dr. Beasley believes they had been some distance from the explosion. Their skin was red, a distinctive red that Dr. Beasley recognized as the color that human beings turn after being poisoned by carbon monoxide. That meant to Dr. Beasley that five men, at

least, had survived the blast long enough to try to breathe. The discovery was a shock, because Dr. Beasley knew that the state inspector, Everett Bartlett, and commissioner Kirkpatrick were already telling reporters that everyone had been killed in the blast. Dr. Beasley could see that this was not true. He was not sure what the significance of this was; he was concerned at the time—as he still is—with the greater question of what, if anything, could be done by anyone to try to prevent more disasters in the future. But he did know that five men had been alive after the blast. Not for more than a few seconds, perhaps, or a few minutes at the most; but they had been alive.

Like everyone else who stood outside the mines and watched, the reporters shivered in the cold falling snow, feeling their feet turn to blocks of ice as they talked to widows and miners and tried to understand the terminology of mining, as explained to them by Commissioner Kirkpatrick and the others. The Finley brothers were helpful and friendly, seemed not to be especially upset, and said they had plenty of insurance, and were covered by Workmen's Compensation; the widows would not be left without support. Other miners—sometimes within earshot of the Finleys, sometimes not—told reporters that Charles was all right to work for. George Wooten, the Leslie County Judge, said the county would dig the graves and save the widows that expense, and wondered aloud: "Why did it have to happen here?"

Next day the reporters were beginning to ask Charles Finley about the mine—how it worked, what kind of explosives they used, details like that. And also, whether he knew of any violations of the federal law that his mines might have had. "Minor violations, yes," Charles Finley said.

AFTERMATH

On December 31, President Nixon encountered Senator John Sherman Cooper of Kentucky at a bill-signing ceremony in the White House. They spoke briefly together about what had happened the day before in Leslie County. "That was a terrible thing," the President said, shaking his head. He told Senator Cooper that he had planned to go personally to the mine, but couldn't because all the airports were closed by the snowstorm. The President said he was going to do everything he could for the widows and children.

A check of the nearby metropolitan airports—Bristol, Tenn., Roanoke, Va., Huntington, W. Va., and Lexington, Ky.—indicates that all of them were open and functioning at the time the President said they were closed. But that was just the first of many confusing questions that would be stirred up, in Washington and in Eastern Kentucky, as the men were being buried and the agencies involved were cranking up their bureaucratic machinery, to help the survivors or to investigate the tragedy.

There were reports from the White House that a "Presidential Task Force" headed by Robert Finch, former secretary of Health, Education, and Welfare, would go to Kentucky to supervise the government's involvement. It was then reported that George Schultz, former Secretary of Labor and present director of the Bureau of the Budget and Management, had been placed in charge of a program to insure "all possible federal aid," as Rep. Tim Lee Carter, who represents Leslie County in Congress, put it to reporters. Finally, it developed that the White House was dispatching a relatively unknown member of Schultz's staff, William Boleyn, as its on-the-scene representative, and he left for Kentucky within a day or two after the disaster.

No central plan

Similar confusion developed at the Bureau of Mines. There, Dr. Elbert F. Osborn, who had been Bureau director only since October,

discovered to his dismay that the Bureau had no central plan for what to do after a mining disaster. It was not that inspectors at the scene did not know what to do—they did; but in Washington, the highest officials of the Bureau were not sure what they were supposed to do. "Secretaries were phoning around, trying to find out what airlines fly to Kentucky," a Bureau official said later. "It was as though it were some foreign country. People had road maps out, trying to find Hyden. Other people were arguing about who should go. When they got that settled, the question came up of who was in charge of purchasing airplane tickets." The tickets were, perhaps, a minor problem, but as Dr. Osborn discovered, there was something almost beyond belief about the fact that there was no blueprint on hand for how to investigate a disaster, how to coordinate a rescue, how to do anything constructive. A reporter later put it succinctly: "They've had 61 years over there to toss the ball around," he said. "You would think they'd have come up with something by now." Dr. Osborn made it very clear to his staff that he wanted a disaster plan developed, and wanted it soon. Then he turned his attention to the situation in Kentucky.

Congress concerned

If there was any question in his mind that the disaster would be troublesome for the Bureau, it must have been dispelled promptly by the arrival of three telegrams from members of Congress. Sen. Henry Jackson, chairman of the Senate Committee on Interior and Insular Affairs, and Sen. Harrison A. Williams, chairman of the Senate Committee on Labor and Public Welfare, jointly asked Acting Secretary of the Interior Fred J. Russell to convene—"immediately"—a public hearing in which the Bureau of Mines would take testimony from mine officials, miners, and widows. The cause of the explosion must be fully explored, they said: "The public has a right to know."

Rep. Ken Hechler, better versed than anyone else in Congress on the problems of mine safety and the sources of mine information, had already demanded copies of the Bureau's inspection reports on the Finley mines and was dismayed at what he read. Noting the relentlessly persistent pattern of violations from the time the mines opened until the day of the tragedy, Hechler, too, demanded a hearing, but stressed that it "must not be limited to just the cause of this accident. It must cover all aspects of the operator's actions since the mines were opened, and the degree to which the operator failed to comply with the law."

In Kentucky, meanwhile, Osborn's assistant director for mine health and safety, James Westfield, was at the scene and the Bureau's investigation was beginning, in cooperation with the state. "We will start without previous thoughts or prejudices," Westfield said, "but the cause of the explosion will be so apparent that even a child can see it." (Earlier, the state inspector, Everett Bartlett, had been more explicit: "Either they were shooting coal in there, or it was a blown cable." On both possibilities he would turn out to be wrong.)

Dynamite illegal

Within hours after the disaster, rumors had been going around that there was something unusual going on in the mine that day—a bigger-than-average explosion of some sort that had been planned. It was quickly revealed that the force of two dozen state and federal inspectors were concentrating their attention on the vicinity of the boom hole in No. 16. That was where Walter Bentley, the explosives expert, and Walter Hibbard, the foreman, had been working when the explosion occurred. There were other rumors: that Walter Bentley was "a great dynamite shooter" who knew how to blow one hell of a hole in a mine roof and

was thus considered invaluable by mine operators.

The problem with blowing one hell of a hole in a mine roof is that it involves the use of large quantities of dynamite and is thus illegal on two counts; first, because dynamite is forbidden by law in underground mines, and second, because the detonation of large quantities of any explosive underground is also forbidden by law. Explosives are used in thousands of mines, but the restrictions on their use are explicit. They are also widely ignored, in the informed view of many mine operators, inspectors, and salesmen of explosives.

On January 2, after completing their first tour through the mine, the inspectors said they had not found any evidence of dynamite, but they were going to keep looking. Most of them were, at any rate; Commissioner Kirkpatrick spent only an hour in the mine, and told reporters after he emerged that he didn't need to stay in longer because "I've seen everything I need to see." For the being, he would not elaborate further. The next day, however, Kirkpatrick and Westfield released a joint statement:

"We have examined all areas of the No. 15 and 16 mines following the explosion, and we believe the explosion was initiated by blasting at a boomhole in the No. 1 entry of First Left off the main entries in the No. 16 mine. The explosion was propagated by coal dust. Our investigation is continuing."

The announcement was deceptively low-key. It told nothing about the nature of the blast, but it told much about the condition of the mine. The verb "propagated" is traditionally used by the Bureau in its reports to describe the means by which an explosion that might otherwise be localized becomes general and widespread when it ignites loose coal dust—dust either circulating in the air, or accumulated on the walls and floor of the mine. An explosion that had not been propagated by coal dust would almost certainly not have killed 38 men. It would probably have killed Bentley and Hibbard, and it might have killed men nearby. But the majority of the men in the mine (who should not have been there in the first place, since it is a requirement of both federal and state law that they be removed before a blast of that sort is set off) would have been spared.

Insufficient rock-dusting

"Propagated," in this context, became an important word. It meant, in effect, that the mine was not properly rock-dusted—an offense for which Charles Finley had already received numerous violations and warnings from both state and federal inspectors.

It may have been pure coincidence, but at this point in time Charles Finley began to volunteer to reporters a version of the disaster that was his and his alone. "I'm just wondering," he said. "Was there too much ventilation? From my viewpoint the requirement that we have more air in the mine maybe stirred up the dust more."

Finley was referring to a regulation in the new federal law that requires operators to keep a certain volume of air moving past the coal face (work area) at all times. The idea behind the regulation is that the air must move at considerable speed and in considerable volume in order to get the dust level down to the point considered tolerable by U.S. Public Health Service studies—which is 3.0 milligrams per cubic meter. There is, in the view of some operators and inspectors, a small germ of plausibility to Finley's suggestion; in winter, they point out, the fans draw cold, dry air through the mine, dehumidifying it and increasing the volatility of coal dust. But the answer is to increase the application of powdered limestone (rock dust) to suppress the coal dust, and to increase efforts to make sure that machinery is free of spark-producing de-

fects, and to step up the training of miners—especially inexperienced miners, like so many of the men in the Finley mines—in safety practices. Nothing in the state or federal records indicates that the Finleys did any of these things, but there is much in the records to indicate that they did not.

(The likelihood that the mine was not properly rock-dusted in the vicinity of the boomhole—which was within 100 feet of the face, and the mines had been cited for not being rockdusted as far back as 200 feet from the face—was confirmed on January 22 by the superintendent of the Bureau's Barbourville office, T. R. Mark, in a telephone conversation in connection with this report. He was asked if the nature of the explosion meant that the area of the boomhole had not been properly dusted, and he said, "That's right." Asked to comment on whether the explosion would have been more confined—to the point where most of the miners would have survived—if the mine had been properly maintained, he said he thought it would.)

Primacord found

On January 4 reporters learned that investigators had found in the No. 15 mine a large quantity of Primacord—a trade name for an explosive that comes in rope form, on 1,000-foot spools. It is an explosive widely used in building roads, and sometimes on strip mines. "Say you have a rock you want to bust up," a highway engineer explained. "You can take a few sticks of dynamite, tie them to the rock with Primacord, and set the whole mess off. The cord explodes and detonates the dynamite, and off goes your rock." The only problem with Primacord is that, like dynamite, it throws a considerable flame when it detonates, and for that reason its use is banned underground. The fact that a supply of it was found in No. 15 suggested something to the investigators, and no one was surprised when they found pieces of Primacord near the boomhole.

At first there was speculation that perhaps the boomhole itself had been blasted successfully but that the size of it—it was about 25 feet across and 30 feet long—had knocked a gigantic section of roof down into the mine where Bentley and Hibbard would have had to break it up. The idea of lying on their sides smashing away at the rock with sledges would not have appealed to them, so this theory went, and they might have tried to break the rock with Primacord alone or with Primacord and dynamite. Either way the results could have been fatal.

But investigators moved away from this theory as they discovered more and more about the boomhole. It appeared that something like 100 sticks of dynamite had been placed in holes bored in the roof, and then set off simultaneously by connecting the holes with Primacord. Possibly Bentley had done that kind of blasting before, without bad results. But it was a terrible risk. Mine experts like to point out that mine explosions take place because the right (or wrong) combination of circumstances are present. One of the investigators at the mine site explained it: "Most any of these small mines are potential killers. You know that game, Russian Roulette? Well, it's a lot like that. You get the right combination, you get killed." On his fingers, black with coal dust, he ticked off some of the elements of the combination: dry air . . . loose dust . . . an electric spark, or a flame . . . too little rock dust . . . a drop in barometric pressure, which liberates dust or (in gassy mines) methane—and which invariably occurs when a cold front moves into an area, as it did in Leslie County on December 30, just before the snow began to fall.

"My guess," he said, smiling, "is that they'll pin this whole thing on Walter Bentley."

The Bureau of Mines scheduled a hearing for January 6 in Hyden, and while federal

and state investigators were preparing for it, the much-publicized drive to provide "all possible aid" for the widows and children got under way under the direction of Mr. Boleyn.

On January 4, many of the miners' dependents were assembled at the VFW Hall in Manchester to hear condolences and suggestions from Mr. Boleyn and from representatives of the insurance companies who served Finley Coal Company; officials of the Social Security Administration, the state Department of Workmen's Compensation, the state welfare department, and various other individuals who wanted to make themselves known, including a young man who said that Senator Cooper would be there if he could, and Judge Wooten, who said that the women and children were going to be looked after. He tried to smile at them, sitting ranged in front of him in slatback folding chairs beneath the merciless gleam of four television quartz lights, and they stared back, expressionless for the most part. When one of the women began to sob quietly into a handkerchief, a young ABC-TV cameraman was there in an instant, zooming in on her from three feet; she would fill the screen that night behind Howard K. Smith. Judge Wooten, too, looked strained and old. He is a handsome man, normally cheerful in the universal way of back-country politicians, but on January 4 his face was drawn, and one of his hands was bandaged; the day before, provoked by a coal operator who had taunted him about the stupid federal mine law and the outside agitators who were coming in to stir up trouble, the Judge had punched the operator in the face.

LOW WIDOWS' BENEFITS

Ranged at tables in the back of the hall, bureaucrats from the various agencies sat, poised, with stacks of application forms in front of them. The idea, as William Boleyn explained it, was that they would "cut through miles of red tape" by processing the widows' welfare benefits right there. For his part, the insurance company representative was eager to help, too; he had brought checks already made out, and all the widows had to do was sign a form and they could have them.

The actual dimensions of the all-out aid effort began to emerge fairly quickly. Reporters soon learned, for example, that Kentucky has a rather unusual workmen's compensation law that allows coal operators to insure themselves for damages up to \$25,000; in situations where damages exceed that amount, the companies can join a "pool" of companies whose liability is spread among many insurance companies. The state maintains a minimal surveillance over the whole operation, and the insurance companies undertake a rather minimal liability. The only drawback is that the compensation payments are somewhat low, as many people discovered on January 4. It had been estimated that there were 33 widows left behind by the disaster, and 97 children; five of the miners were bachelors, and officials simply assumed that they had no dependents—ignoring the common habit among young miners of living with parents and paying part of each paycheck toward their support (and the support of younger brothers, sisters, and cousins).

The Workmen's Compensation Fund paid each widow a lump-sum of \$500 for burial expenses, and guaranteed a weekly death-benefit payment of \$48 for a period of 400 weeks, after which there would be no further payment. Thus, in the eyes of the Workmen's Compensation Fund at least, each miner was worth \$19,700—about what he would have earned in three years of mining. In the case of a young miner in his twenties, who might have worked twenty-five years if he had lived and would have earned more than \$200,000 during that time (if times were reasonably good), the financial discrepancy was fairly blatant. Most of the

widows, however, were not in a mood to quarrel over dollars; they were not mourning their husbands' wallets. Later, trying to get by, they might have to.

Social Security, it appeared, would also pay a burial benefit of \$225. The survivors' benefits, according to a Social Security official, would range from \$200 a month to \$375, depending on the wages and work record of the individual miner. The payments would continue as long as there was a child in the home under 18 (22 if the child was a full-time student, of whom there are few in Leslie or Clay counties); after that, the miner's wife could apply for retirement benefits if she was 60—or at 50 if she was disabled.

No explanation of legal rights

No one, including Mr. Boleyn, explained to the widows anything about their legal rights, and nothing was said to them about what they might be signing away. No one seemed concerned about that, except for a few old Eastern Kentucky hands who remembered that the state had gone through several Workmen's Compensation scandals in recent years. But it was learned later that the women had, by signing for compensation payments without the aid or assistance of a lawyer, waived their right to apply for a 15 per cent increase in payments under a clause covering situations in which negligence is proved on the part of the employer. Since neither the state nor the federal government had yet issued a report on the mine explosion, the question of negligence could not yet be answered—not officially, anyhow—and there might have been an argument for waiting a few days on the payments; in the interim, perhaps, the White House could have developed a short-term disaster-relief plan that would have provided support for the survivors. The argument was not made (the government's all-inclusive aid plan apparently did not include inviting participation by OEO Legal Services lawyers who were working in Barbourville).

On January 12, the Social Security administration announced that it had honored Mr. Boleyn's mandate to cut through red tape and was making its first payments. There were 34 checks in all. Most were to young or middle-age widows with children, but there were some snags—a result of regulations. Thus there was one widow under 60 with no children who received only \$225, for the burial of her husband, and no regular payments thereafter. Two payments went directly to funeral homes, because there were no dependents—so the agency said. Two claims were denied, because the miners involved, one of whom was 20 and the other 19, had not been working long enough to qualify.

This, it seemed, was the sum of the Presidential promise to do everything possible for the survivors. Not long afterward, it developed that some of the men—perhaps as many as 10—had filed claims for pneumoconiosis (black lung) compensation, for which they might have been eligible under the health provisions of the 1969 Federal Coal Mine Act. For the time being, however, they were not, because they had been buried without autopsies and there was no way to know the condition of their lungs. That meant that their widows could not receive benefits (up to \$270 per month) that might have been available. Perhaps it would all be straightened out in time. Meanwhile, the undertakers were submitting their bills. Some were as high as \$2,200. Privately they were telephoning widows and threatening court action to get payment; publicly, they looked and sounded much like undertakers everywhere. "I tried to keep them from buying the most expensive caskets," one of them said, "but you can't reason with people at a time like this. They came in, in their grief, and they said they wanted the best."

Public hearing a shambles

On the morning of January 6, the Bureau of Mines and the Kentucky Department of Mines and Minerals jointly convened their hearing in the circuit courtroom of the Leslie County Courthouse in Hyden. It was widely expected to be the climax of the investigation. Some people, including at least two federal mine inspectors, believed the Bureau would accuse the Finleys of criminal negligence. Others, remembering the telegrams sent to the Bureau and the Interior Department by Rep. Hechler and Sens. Williams and Jackson, assumed that the scope of the hearing would be broad, and that a close look would be taken at the operations of the Finley mines since the time they first began to run coal. Still others attended the hearing out of sheer curiosity and expected nothing in particular.

Only the last group was not disappointed. Despite the presence of Bureau director Osborn and a covey of Interior Department attorneys, the hearing was, in its way, a direct parallel to the less-than-total aid effort two days previously at the VFW hall in Manchester. Much was expected; little if anything was delivered.

The courthouse—a bleak brick-and-concrete structure that was painted pale green inside, once long ago—was jammed with spectators: reporters, television crews, widows, miners, local politicians, students, lawyers. Several visitors had also arrived from Washington to oversee the Bureau in its work. They included Rep. Carl D. Perkins of Kentucky, chairman of the House Education and Labor Committee; Rep. John Dent of Pennsylvania, chairman of Perkins' Subcommittee on Labor, which had shepherded the 1969 mine law through the House; Rep. Tim Lee Carter, whose 5th Congressional District includes Leslie and Clay counties; and the ubiquitous Rep. Ken Hechler of West Virginia.

The witness list, distributed as the hearing convened, gave some indication of the narrowness of the inquiry to come. Despite the specific Congressional requests for a broad hearing, there were no widows on the list; the names of Inspectors Couch, Hyde, Sexton, and Alexander were not there; nor was the name of Dr. Beasley, the physician who had examined the miners' bodies and could have given expert testimony on the cause of death.

Dr. Osborn opened the meeting and set an ugly tone immediately by rudely silencing an attorney from the Appalachian Research and Defense Fund who attempted to inquire politely about the scope of the hearing. After a short exchange, the lawyer began to ask: "Then, do I understand that—" "You don't understand anything from me," Dr. Osborn snapped. "Sit down."

Once the hearing was underway, Dr. Osborn took the role of an observer, leaving the questioning to his assistant director, James Westfield, who had also directed the Bureau's efforts at the mine site. Commissioner Kirkpatrick took a similar role, leaving the questioning to Jed Mosgrove, a veteran Eastern Kentucky miner who serves as safety specialist for the state.

Ponderous questions

Westfield has a reputation for considerable expertise in technical areas of coal mining, but as a hearing examiner his credentials were notable by their absence. Through the day he led the witnesses through a totally unimaginative list of ponderous questions which seemed almost calculated to reveal as little as possible about the Finley mine. And despite the presence of the Interior Department lawyers, who hovered solicitously behind Westfield's shoulders, he could not seem to remember basic legal procedure, with the result that Charles Finley was the only witness of the day who was advised of his rights—including the right to remain silent.

The other witnesses, most of whom had been or still were employees of Finley's, were not so favored, and there were indications later in the month that some of them might have walked into possible perjury charges.

Finley, who was the first witness, described the operation of his mines in highly generalized terms, and then got into trouble whenever there was a need to be specific. It was hard for him to remember how often he actually went underground to supervise the operation. He could not remember what instructions he had given to the shot-firer, Walter Bentley, about the use of explosives, although he did recall giving him instructions. He said he purchased only permissible explosives for use in the mines, but did not remember the name of one of the dealers who had sold them to him. He said he had bought Primacord for use outside the mine—mainly for building a roadway—but couldn't remember how much he had bought. He said he had hidden it in the mobile trailer, under a bench (thus contradicting an earlier recollection, when he replied, in answer to a reporter's question about whether he kept explosives in the trailer: "Not to my knowledge").

Finley said he didn't know that investigators had found Primacord inside the mine, and was surprised. Then he was asked if the shooting of 50 to 100 shots simultaneously would be permissible. For anyone who knew the law—which imposes a limit of 20 shots—there could only be one answer: No. But Finley's answer was: "Depends on conditions." Westfield did not pursue him further on that point.

Finley told the investigators he owned two rock-dusting machines but had had mechanical trouble with both of them, and had decided to keep one operating and the other for parts. He was not asked whether it was possible for one machine to dust both mines adequately, especially since it operated only on the third shift each day.

And—more importantly—he was not asked any questions about the previous operations of No. 16 and No. 15; nor about the 38 violations for which he had been cited by federal inspectors; nor about the previous accidents which the mines had suffered.

The Leslie County coroner, Dwayne Walker, followed Finley to the witness stand, and was asked only to give the cause of death, which he identified as: "Blast, causing suffocation and carbon monoxide poisoning." The statement, though cryptic, was in itself revealing, since up until the day of the hearing Kirkpatrick and his aides were still telling reporters that all of the men were killed instantly. This could not have been the case if some of the men died of suffocation or carbon monoxide poisoning; to do so, they had to have been breathing after the explosion—even though they might not have breathed for more than a few seconds before they were overcome, either by a shortage of oxygen or by an excess of carbon monoxide. No amplifying questions were asked of the coroner, however; nor was he asked about his credentials as a medical expert. If he had been, he would have had to explain that he is a funeral home operator with no medical training and that he could not have told one symptom of death from another. That, in turn, might have produced the revelation that Dr. Beasley had examined the bodies and had concluded that some of the men lived. But this fact did not come to light until, a week later, *The Mountain Eagle*, a weekly newspaper in Letcher County, interviewed Dr. Beasley.

There was considerable significance to the discovery, since it raised another question which Westfield did not see fit to explore at the hearing. Finley had been cited in November by federal inspectors for failing to provide "self-rescuers" in the mine; he said they were on order. After the explosion, in-

investigators found a steel box in No. 16 containing 21 self-rescuers—which were not enough to go around, and would have been useless in any case, since the men would not have had time to reach the box. Some critics of the Finley Coal Company felt that this in itself was demonstrable negligence, especially if it was the case that some men lived and might have lived longer had they been supplied with the devices as required by law. A reporter from *The Mountain Eagle* went out to the mines during the afternoon of January 6, while the hearing was still in progress, and took a look inside the mobile trailer; he discovered several self-rescuers, still in their packing boxes and covered with dust. From the standpoint of anyone contemplating criminal action against the Finley Coal Company, it would have been useful to hear Charles Finley explain what the self-rescuers were doing there—even more so, since the very next week he told another reporter that he had not put any self-rescuers in the mine (apparently forgetting the 21 that had been found there) because there weren't enough for all of the men, and he was afraid that if there were trouble, men might fight over them. "They might even kill to get them," he said. He did not have to add that if he had complied with the law in the first place, that wouldn't have been necessary.

Finleys Stare at Witnesses

Throughout the day, Charles Finley and his brother Stanley (who, though partner in the company, said he had never been in either No. 16 or No. 15, and was thus spared any questioning of importance by either the state or federal investigators) were permitted to sit at a small table next to the witness stand, where they watched each witness. Stanley in particular seemed eager to communicate with his employees; not only did he stare at them as they answered Westfield's questions, but from time to time he went into the jury room where the next witnesses were waiting and talked with them. Some spectators reported that he was threatening them, and others said he was buying them off; neither report was confirmed, but the fact that Finley was even being permitted to go talk privately with witnesses before and after they testified was enough to cause concern among many members of the audience. It did not seem to bother anyone from the Bureau, however; when a representative of the Kentucky AFL-CIO got up and complained privately to Dr. Osborn, Osborn simply looked over in the direction of Stanley Finley—who was talking with Ernest Hoskins, foreman on the second shift and a key witness—and frowned slightly. Finley's back was turned, he missed the frown, and Osborn took no other action.

Illegal explosives

Despite the possibility of intimidation, however, a number of Finley employees testified that explosives had been used illegally before the December 30 disaster. A. T. Collins, the sole survivor of the underground first-shift crew, said that he had found some pieces of Primacord in the mine just before Christmas and had asked Walter Hibbard, the foreman, about them. "Ain't that a little dangerous?" Collins said he asked, but Hibbard simply told him to hide the Primacord behind a coal rib. Collins also recalled that on the morning of the fatal explosion, Hibbard told him there would be a couple of explosions—just light ones; but there was something about the way Hibbard said it, nudging Collins with his elbow and winking at him, that made Collins suspect the explosion was going to be big.

The allegation that Primacord had been seen in the mine just before Christmas was interesting, because an earlier boom hole had been blasted on December 22, at the point where No. 16 and No. 15 met [see map, Appendix] and there was at least a possibility

that Charles Finley had personally supervised that operation. It took place at a time when the mine was not producing coal—for a couple of days before and after Christmas, work supposedly consisted mainly of maintenance and extending the conveyor belt—and Charles Finley had already told his questioners that he had spent some time in the mine at that point. If he had, he might have known about the Primacord, might even have authorized its use; but no one asked, and no one asked A. T. Collins if he had seen Finley or talked with him about the Primacord.

James Collins—whose brother Lonnie had been killed in No. 16—testified that he had seen something unfamiliar in the mine about two weeks previously (i.e., about December 22) and had asked Ernest Hoskins, the second shift foreman, what it was. He said Hoskins told him it was Primacord. Later, "I helped out wiring with it," Collins said, adding that he had seen 50 holes detonated at a time with Primacord. Hoskins, who had already testified that he had never seen anything other than permissible explosives used in the mine, was recalled to the witness stand after James Collins' testimony, and not surprisingly repeated his previous statement. But Hoskins, like Charles Finley, had trouble recollecting details—for example, he was not sure whether there were self-rescuers supplied to his shift—and expert questioning might have shed some helpful light on the question of who was telling the truth. Expert questioning, however, was a commodity that all of the witnesses were spared.

Inspectors not questioned

Since there was no questioning of federal mine inspectors, there was no information obtained about their personal views of the Finley mines. (A state inspector, Albert Alexander, said later that the mines were "about average," and a federal inspector said that "all these damned truck mines are death traps—but I guess we aren't supposed to say that in public." Apparently not, since neither he nor Alexander was asked to testify.) Nor were any questions asked about why the federal inspectors had not returned to the Finley mines on December 28 as they were scheduled to do. In the January 6 edition of the *Louisville Courier-Journal*, staff writer Ward Sinclair was reporting that inspectors had received a memo from Washington on December 9 directing them to give priority to ventilation and dust-control plans, which, according to Rep. Hechler, effectively barred them from making inspections for other hazards. It would have been helpful to hear the inspectors' own views on this matter—but either Westfield et al. hadn't read the *Courier-Journal* that morning, or else they were not interested in probing the questions raised by Sinclair's story (a possibility, since the memo in question had apparently been written by Westfield).

One witness, Mack Collins, failed to appear when he was asked to testify, and a search of the courthouse revealed that he had disappeared. He was located during the following week (friends said he was in a state of rage as one employee after another testified that they had never seen Primacord in the mine and wouldn't recognize it if they did), and in testimony given in a sheriff's office he said he saw Primacord being used several days before the December 30 explosion; he said also that he had seen dynamite, tamped with paper, used for underground blasting—a double violation of law, since the use of a combustible material to tamp an explosive is illegal. Another witness who had not been asked to appear at the hearing corroborated Collins's story and said he had used dynamite to shoot boomholes at an earlier Finley mine, No. 12. Thus there was the possibility that the use of illegal explosives was a commonplace part of the Finley operations—but the questioning on January 6 did nothing to substantiate the possibility, or, for that matter, to disprove it.

WIDOWS NOT CALLED

To some reporters, it was a matter of great mystery that no widows were asked to testify. (After the Farmington disaster that killed 78 men in 1968, the widows could recall in detail their husbands' fear of the mine—a justified fear, since it had had five fires and explosions already, and taken the lives of 39 men—but then, too, they were not questioned by Bureau investigators). Two or three days later, Commissioner Kirkpatrick explained it: "In that kind of hearing," he said seriously, "what workmen tell their wives when they come home just doesn't stand up."

But if Kirkpatrick had been able to accept the notion that a widow might know something, he might have been willing to hear testimony from—for example—Mrs. Betty Lee Wagers, whose husband had told her generally that "the mine was dangerous, and he wanted to quit," and had also told her about an accident that took place in the mine some weeks prior to the fatal explosion.

The accident that he described to her involved a miner named Sam Henson, and as mine accidents go, it was nothing spectacular. According to Mrs. Wager's husband, a temporarily spliced trailing cable ruptured next to the machine that Henson was operating, ignited coal dust, and caused a brief, fierce fire that burned Henson's legs badly. Mrs. Wagers remembers that her husband was upset, because the accident wouldn't have happened if the cable had been properly spliced and correctly insulated—but it wasn't, he said, because the company didn't want him taking the time to do the job right, not if it would mean losing production. That kind of thing was what bothered him about the Finley mines: cutting corners, letting the loose dust build up, letting the maintenance wait.

If Sam Henson was a victim of company negligence, there was no way that the Bureau could have found out about it at the hearing. The investigators had not only decided not to call any widows, but had also called fewer than half of the men who worked for the Finleys. Sam Henson was not among those called. Without calling him—or Mrs. Wagers—the Bureau could not have found out the details of his accident, one of which was that it was never reported to the Bureau by the company. In fact the accident would not have become public at all if Mrs. Wagers had not happened to talk about it to a Coal Miners Legal Defense Fund attorney working on an investigation for this report. The attorney checked further and found that Sam Henson is still disabled by his injury and drawing workmen's compensation. Like so many others, he might have had something to tell James Westfield at the hearing; but like so many others, he was not asked.

Two weeks later, back in Washington, Bureau of Mines director Osborn admitted (to the *Louisville Courier-Journal's* Sinclair) that January 6 hearing in Hyden had not been all it could have been. "About all we had to go on was tradition," Osborn said, explaining that among the other things missing at the Bureau is any plan for conducting a hearing. "We learned a lot from this experience," Osborn said. "Some of us who were there learned there has to be a plan for the Bureau to follow . . . we will develop a better system, although we're not sure what it will be."

But Osborn did not feel that the scope of the hearing should have been broadened to include questioning federal inspectors and others about the past record of the Finley mines. He seemed to feel that that would have been like having a trial, and that, he said, was not the purpose of the hearing. "We were after explosion information. And our explosion findings will lead to further regulations. But it is not our job to levy criminal penalties against the mine operators."

From critics, there was speedy reaction to both comments. One of Osborn's inspectors

asked what good new regulations would do "until they let us enforce the ones we've got now." And one of the lawyers who helped draft the 1969 Federal Coal Mine Health and Safety Act pointed out that Section 109(b) provides a fine of \$25,000 and imprisonment of up to one year for any operator "who willfully violates a mandatory health or safety standard." He suggested that it is the Bureau's job to make sure operators take Section 109(b) seriously—and then added, with considerable gloom: "On the other hand, Dr. Osborn's only been there three months. Maybe he hasn't had a chance to read the law yet."

The January 6 hearing came to an end with a reminder that the record would remain open for 20 days to receive additional testimony and comments, and that the Bureau of Mines would make known its findings and conclusions before February 1. Soon it appeared that the hearing had in fact been the climax of the investigation, in a bizarre way. Afterward, the investigation continued, but without melodrama. In the Finley mines, federal and state inspectors concluded their work and left the mines to clean-up crews; there was speculation about when, if ever, the mines would open again. In Lexington, Commissioner Kirkpatrick and his staff went to work on the state's report. Those who remembered the commissioner's comment after a single hour in the mine—"I've seen all I need to see"—and his previous public statements on mine safety assumed that they could predict what the state report would say.

Sketchy State report

They were right. On Thursday, January 21, Kirkpatrick released the official report and answered questions from the press. The report was brief, sketchy, and unmistakable in its conclusion that the sole responsibility for the death of 38 men in mines No. 15 and 16 lay with Walter Bentley, the explosives expert, and Walter Hibbard, the foreman. There was no suggestion that part of the responsibility might lie with the coal operator. Furthermore, Kirkpatrick seemed to attach little importance to the question of whether Finley had known, or approved, of the technique by which Bentley and Hibbard planned to blast the boom hole. "I don't know whether the owner was cognizant or not," Kirkpatrick said. "The main thing is that the mine foreman has the responsibility under the law, and the superintendent, and they were both killed."

In fact, Kirkpatrick was quite possibly wrong. First of all, it was not true that both the mine foreman and the superintendent were killed. The foreman, according to Finley, was Walter Hibbard, and he is indeed dead. But the superintendent of No. 16 mine, according to the state's own records, is Dill Finley, first cousin to Charles and Stanley Finley, and he is very much alive. The superintendent of mine No. 15 is also alive, if state records are correct: he is a man named Monroe Mitchel, who reportedly has been ill for some weeks and living at home near Barbourville; he was not asked to testify. He testified at the January 6 hearing but was not asked about his responsibilities as mine superintendent, perhaps because he allowed himself to be identified as "general foreman on the second shift." If, as the state records show, he is actually the mine superintendent, then it might have been assumed that he discussed explosives and other matters with his cousins, and the hearing should have included questions to this effect. It did not, and Kirkpatrick's apparently inaccurate remark further clouded the subject.

Second, when Kirkpatrick said that "the main thing is that the mine foreman has the responsibility under the law," it was not clear—and is not clear yet—what law he was talking about. Under the federal law, the operator of a mine has responsibility for its safe operation. And in order to receive a

permit, under the Kentucky law, to operate a mine within the state, the operator must swear that he "will be responsible for the safe operation of this mine." Charles Finley was so sworn—with his signature duly witnessed—on separate applications for licenses for each of his mines, both in 1969 and 1970: a total of four declarations of responsibility. Just as it is possible that Elbert Osborn has not had time to read the federal law, it may be that Harreid Kirkpatrick has not kept up with Kentucky's, either.

Hearing reopened quietly

It was widely reported that the Interior Department attorneys went back to Washington filled with concern. Throughout the hearing they had been well aware that Congressmen Perkins, Dent, and Hechler were watching them with more than routine interest. Perkins had already announced that his House Committee on Education and Labor would hold hearings on the disaster in February, soon after the 92nd Congress convened. Although the Congressman had said only that he would bring the committee to Kentucky for "a day or two," the Interior attorneys were afraid that he would probe into areas where their hearings hadn't gone (this meant practically any area that Perkins could think of), and they took steps to remedy the situation. Waiting until the television crews were gone and the Findley Mine Disaster Story was no longer front-page news, they returned quietly to Leslie County and "re-opened" the hearing. This time, however, there was no audience; if the public was not exactly excluded, it was not informed that the hearing was continuing. When a *Courier-Journal* reporter finally cornered one of the attorneys, he said that they were "building a case"—a remark he later denied having made.

Whatever they were doing, it was expected to become clear when the Bureau released its report. Meanwhile, however, their confidential approach to their work seemed to conflict with the language of the federal mine law, which calls for public hearings when coal mine accidents are investigated. Perhaps the lawyers felt that, having held one disastrously amateurish public hearing, there was no need to humiliate themselves with another. It was possible to sympathize—briefly—with such a view, but by cloaking themselves in secrecy the attorneys left themselves no defense against charges that they were attempting to arrange facts so that the federal report, too, could be as kind as possible to two brothers who just happened to have a mine blow up through no fault of their own. Already that seemed to be the attitude of Bureau director Osborn, who refused to criticize the long record of federal violations at the Finley mines, and said in fact:

"I'll bet many mines have just as bad records as the Finley mines. Don't criticize the Finleys."

THE SCENE OF THE CRIME

Monongah, W. Va., 1907: 362 dead. The worst explosion in American coal mining history was followed, in short order, by a series of other major mine disasters that left hundreds of miners dead and slowly aroused national concern. State inspectors refused to consider the possibility of operator responsibility, and the operators refused to deal with the United Mine Workers, echoing the famous statement by George Baer, president of the Philadelphia & Reading Railroad, during the 1902 coal strike: "The rights and interests of the laboring man will be protected and cared for, not by the labor agitators but by the Christian men to whom God in his infinite wisdom has given control of the property interests of the country." God gave the same men control of Congress, and when the Bureau of Mines was created in 1910 it was given no authority whatsoever—except to spend federal money for research

into safer mining methods which could then be adopted by industry, if industry so chose to do.

The immediate task of the Bureau was to test various kinds of explosives to determine which ones were relatively safe to use in coal. Those that passed were classified "permissible," and their use was encouraged. From time to time the Bureau also offered suggestions to coal operators, as in 1912: "... Mines should be kept as free as possible from coal dust... the dust should be kept continually wet..." The Bureau had no power to enforce its recommendations, and they were generally ignored.

Major explosions took the lives of nearly 6,000 miners between 1910 and 1940; this was of interest to the Congress, but not enough to produce any legislative action. In 1940 and 1941, however, after two relatively quiet years, a series of blasts killed 379 men, and God relinquished control of a couple of committees, which succeeded in drafting legislation which passed Congress and became the Coal Mine Inspection and Investigation Act of 1941. This law gave federal inspectors the right to enter mines and inspect them, but no power to enforce their recommendations. It was nevertheless branded as sheer Communism by many mine operators. The Bureau of Mines became, in the years that followed, very professional at investigating disasters caused by practices it had recommended against.

Other mine disasters

West Frankfort, Ill., 1951: 119 dead. A series of explosions in 1951 resulted in the introduction in Congress of various bills designed to give regulatory power to the Bureau of Mines. They were blocked by coal industry lobbyists until the Orient No. 2 mine of Freeman Coal Company (now a General Dynamics division) blew up four days before Christmas and killed 119 men. John L. Lewis pointed out that the same number of men had been dying every 17 days in coal mines since 1910. In the Congressional hue and cry that followed, the Federal Coal Mine Safety Act of 1952 was passed, giving limited enforcement powers to the federal inspectors—but leaving so many loopholes that President Truman found it necessary to call attention to them as he signed the bill into law.

Robena No. 3, Ill., 1962: 37 dead. The explosion of a U.S. Steel mine created a mild stir in Congress and some suggestions for new legislation by the Kennedy administration. There was no action.

A series of fires and explosions in small mines in 1964 and 1965 spurred the Congress to amend the 1952 law so that federal inspectors were given enforcement power in small mines employing 15 men or less. The Bureau of Mines was also directed to study the problem of mine health and safety and produce recommendations by 1967 for further action. Indications are that the Bureau was exceedingly reluctant to recommend anything, and had to be goaded by members of the Johnson administration's White House staff.

River Queen, Ky., 1968: 9 dead. An explosion in Peabody Coal Company's River Queen mine in western Kentucky resulted in a handful of Congressmen and safety crusader Ralph Nader demanding new federal mine legislation. Their campaign appeared to be doomed...

Farmington, W. Va., 1968: 78 dead. Less than three months after the River Queen disaster, the No. 9 mine of Consolidation Coal Company blew up in Farmington, West Virginia, on November 20, killing 78 miners. For the first time, television crews filmed a mine disaster and the public was treated to such spectacles as watching United Mine Workers president Tony Boyle praising Congress just before it was learned that the mine had been found in violation of safety regulations 25 times since 1966, and had been

cited for failure to rock-dust in every federal inspection since 1963. For most people in the country, it was the beginning of a realization: that there were actually people running around who still mined coal, and that they were being killed at their jobs by profit-hungry operators, a corrupt union, and a government that couldn't care less. The reaction was swift and nationwide.

But it was not unanimous. While Lyndon Johnson's Interior Secretary, Stewart Udall, was scheduling a national coal-safety conference and finding out that 5,500 miners had died since the 1952 law was passed (not to mention some 220,000 who had been maimed or seriously injured), the principal spokesman for the industry, George Judy of the Bituminous Coal Operators Association, was warning: "I don't think you can legislate safety." With the kind of logic familiar to many businessmen, he said: "I'm horrified at the disaster, but let's not go off half-cocked. Are you going to take airplanes out of the sky because they crash and kill 78 people?" When the Johnson administration introduced a new safety bill, Judy was asked what parts of it he could accept. "I don't know as I like any of it," he said. "We've got adequate laws."

West Virginia "black lung" strike

Large numbers of people disagreed—principally miners. In West Virginia, the leading coal state and one of the most backward politically, 43,000 miners went out on an unauthorized strike in February, 1969, hoping to force the state legislature to pass a bill providing compensation for Coal Workers Pneumoconiosis—"Black Lung." They had been learning about the disease from a trio of West Virginia physicians who stumped the state and defied not only the operators and the legislators but the union leaders as well, who red-baited them and, when that failed, tried to take credit for the health-and-safety crusade—despite the fact that, although Black Lung was recognized as an occupational disease in 1913 and had been compensable in England since 1934, the United Mine Workers had never acknowledged its existence until 1968. When the West Virginia miners struck, it was over the fierce opposition of their own so-called leadership. UMW vice president George Titler reassured the West Virginia Coal Association: "The boys'll be back tomorrow." The boys, infuriated, stayed out for weeks, and on the last day of the legislative session, a compensation bill cleared the lobby-dominated legislature.

It was probably the closest thing to grass-roots populism that West Virginia has ever witnessed. But Charleston is surrounded by coal-mining counties and Washington, D.C., is not; and there was evidence that Washington would not yield without a fight. The Bureau of Mines was part of the Interior Department, and the Interior Department had been staffed by men whose first allegiance was to the oil industry, and the oil industry had moved in recent years to take over the coal industry—and, by absorbing the half-dozen largest coal companies, had taken control of more than half the coal produced in the United States. The oil lobby put out the word that it would accept some sort of mine health and safety legislation; how much was unclear.

The opposition

A small band of Congressmen, backed up by the growing militance of miners who knew that they had the power—if they had to use it—to shut off every electric light in the country, went into the first session of the 91st Congress heavily armed with the strongest health and safety legislation ever drafted in the United States. They faced a wide variety of opposition:

The giant oil-coal complexes, represented principally by Consol's president, John Corcoran, who served as chairman of the National Coal Association. The NCA operated on

the familiar theory that by supporting limited reform it could avoid having major reform forced upon it by the combined weight of Congress, coal miners, and public opinion.

The medium-size coal companies, represented in Washington by the Bituminous Coal Operators Association. The BCOA's technical staff provided pro-industry Congressmen with facts and figures to refute the safety crusaders, but as an organization BCOA was outranked by NCA and was of limited lobbying effectiveness because its membership was not unified on goals.

The small coal operators, whose Washington lobbyist, John Kilcullen, was in bad odor among many Congressmen but was still able to operate an impressive holding action on behalf of his clients, most of whom belong to the National Independent Coal Operators Association.

The United Mine Workers, whose lobbyists could barely find their way to Capitol Hill without help. The UMW plumped for separate health and safety bills, assuming one or the other might pass if the wind was right. Meanwhile the organization concentrated on its internal struggle as reformers led by Jock Yablonski challenged the machine of President W. A. Boyle. Boyle allegedly used millions of dollars of union funds to beat Yablonski; his vice president, George Titler, demonstrated support for safety crusaders by calling Rep. Ken Hechler "the small end of nothing, shaved down to a point." (That was his mildest epithet.)

The Nixon administration, which gave lip-service support to a mine health-and-safety bill but gradually shifted over to opposition as it became clear that the bill might actually become law. In the White House, the staff man responsible for holding the line on progress was Richard Burress, a former FBI agent. He lobbied hard among pro-industry Congressmen and Senators, and was aided from time to time by cabinet members like Labor Secretary George Schultz, who opposed black-lung compensation at the federal level because, in his view, it rode roughshod over states' rights.

Fighting against passage of the feeble Coal Mine Act in 1941, the National Coal Association culminated that it would mean nothing but "more red tape, more reports, a higher cost of doing business, less tonnage produced, less work for all unconcerned . . . more relief funds . . . more unemployment . . . The coal industry needs help from the government rather than a law . . ." By 1969 the lyrics had changed a little but the melody was familiar; NCA president Stephen Dunn said that "everybody, including the coal industry, wants a good bill" but stressed that if the bill failed to meet his definition of good, it would undoubtedly "close thousands of coal mines and threaten a power blackout which would be devastating not only to the economy but to the public safety." This kind of thing had its effect, as did dire warnings from John Kilcullen, lobbyist for the small operators, that a new law would cost 100,000 jobs. Kilcullen could give precise (if undocumented) figures for any part of the country—Eastern Kentucky, for example, would suffer the loss of 15,480 mining jobs—and Congressmen from already depressed areas listened and fretted.

Strengthening the mine safety bill

The administration's bill, introduced in March, might have been watered down beyond recognition if a small group of Congressmen—Hechler, Dent, Phillip Burton of California—had not fought to strengthen it in the House, while Sen. Williams fought for it in the Senate. It was notable that neither Williams nor Burton were from coal-mining states. For the most part, coal-state legislators either stayed out of the fight or weighed in with the operators. A few months after the UMW and Consolidation Coal had been convicted of an anti-trust conspiracy in Kentucky, for example, the UMW pushed its

separate-health-and-safety-bill idea via Sen. Jennings Randolph of West Virginia; some months later, it developed that Consol lobbyists had written Randolph's proposals, presumably with UMW cooperation. The administration supported the idea of retaining the Coal Mine Health and Safety Board of Review, which had always been operator-dominated and had built a record of non-enforcement of penalties under the 1952 act; in 1969 the Board was headed by Dennis McElroy, a Consolidation vice president. In March, 1969, the administration lobbied to relax coal dust standards which had been proposed by the U.S. Public Health Service after an exceedingly cautious 16-year study. In April, Sen. Marlow Cook of Kentucky introduced a health-and-safety bill which turned out to have been written jointly by Kilcullen and a group of state mine inspectors; it would have permitted indefinite continued use of obsolete electrical equipment and would have left the regulatory power in the hands of Congress, where it would almost certainly have been left unused.

Although some key provisions of the bill were lost en route to a vote—for example, a section giving miners the right to sue operators in cases of negligence—the bill went through House and Senate hearings, floor arguments, and a conference committee without being gutted, thanks primarily to the fact that the key Congressmen stayed with it and were supported by the kind of staff legal and technical expertise that is rare enough at any time but especially when occupational bills are being enacted. The House cleared the bill late in October by a vote of 389-4; the Senate had already approved it, 73-27; it emerged from a conference committee in mid-December. Meanwhile the administration, having struggled unsuccessfully to gut the bill, remained sullenly silent, but on December 17, after the Congress had culminated nearly a year of debate by accepting the bill, the White House sent over word that the President might veto it. Secretary of Labor Shultz (who had recently refused on three occasions to intervene in the bitter UMW election) sent letters to all Congressmen arguing that the Black Lung compensation section of the bill constituted "an undue invasion of the states' traditional prerogatives in conducting workmen's compensation programs" and suggested that it would cost more than it was worth. One of the bill's principal sponsors, Sen. Harrison Williams, charging the White House with "a callous disregard for human suffering," said that "the administration has once again tried to delay and defeat the legislative process while publically proclaiming that Congress is doing nothing." For two weeks the mine law remained in uncertainty on the President's desk. When a delegation of widows from the Farmington disaster came to see him, the President refused to see them. Finally, on December 30, 1969, the President signed the bill—foregoing the traditional bill-signing ceremony—and when the White House announced the fact he was already in mid-air en route to a vacation in San Clemente. Thus the Federal Coal Mine Health and Safety Act became law.

New mine law

For the first time, coal operators were required by law to protect the health as well as the safety of their employees. The mine law provided tough requirements for the reduction of respirable dust in mines and set up a full-scale Black Lung benefits program that put the federal government into workmen's compensation for the first time.

The law also spelled out in great detail the increased enforcement powers of federal inspectors and provided a schedule of fines up to \$25,000 for operators who failed to comply. The law required that particularly dangerous mines must be inspected every five working days, and spelled out mandatory

safety standards that the operators would be required to meet.

But unquestionably the most important feature of the law lay in its administrative language, particularly in the use of the verb, "shall." Administration of the bill—and enforcement of its stringent safety provisions—was the province of the Secretary of the Interior, but Congress was explicit in outlining his functions. Most bills leave much to a Secretary's discretion, through language which states that "the Secretary may authorize . . ." "the Secretary may appoint . . ." and so on. In the federal mine law, in section after section, Congress specified that "the Secretary shall appoint . . ." "the Secretary shall promulgate . . ." and went still further, giving him exact deadlines—31 in all—within which he was required to implement this or that feature of the act. No one from the Interior Department had suggested to Congress that this could not be done, and the Congressmen most responsible for the bill assumed that their instructions would be followed.

It was an unsafe assumption, as they were soon to discover.

Coal miners who believe in omens knew that 1970 would be a bleak year as soon as the word reached them from Pennsylvania: Jock Yablonski, his wife and daughter Charlotte had been found shot to death. "You guys just wouldn't believe how corrupt this union was," Yablonski's son Chip told reporters; now, belatedly, reporters and government investigators began overturning the rocks in union district offices and headquarters, and watching the bugs scuttle away from the daylight. There was abundant evidence that the Boyle machine had simply bought its way to re-election in 1969 and might have squandered as much as \$20 million in funds from union dues in the process—as well as potentially bankrupting the miners' Welfare and Retirement Fund. And as the arrests of Yablonski's alleged assassins were made, there loomed the further possibility that someone high up in the union had ordered him killed. A year later the case would still be waiting to go to trial, and union reformers who could watch the speed with which the government moved against an Angela Davis or a Daniel Berrigan could only wonder what it would take to stir up a similar interest in their leadership. (Meanwhile, as their leadership sank deeper and deeper into a quagmire of self-congratulation and shady deals with coal companies, they found that any organizing in the coalfields would have to come from them. In West Virginia—already well organized—this was possible, but in Eastern Kentucky, where the union had quietly pulled up stakes half a generation ago, there was no one looking out for the rights of men working in nearly a thousand small mines—like Finley Coal Company No. 16 and 15.)

Throughout 1968 and 1969, critics of the Bureau of Mines—watching its sluggish performance before the Farmington disaster, and its seeming inability to make constructive suggestions—wondered whether it should be moved to the Department of Labor, or reorganized from the roots up, or done away with altogether. But the Bureau's director, John O'Leary, a Johnson appointee who had been in office only four weeks when the Farmington disaster happened, seemed to be the first man to hold the job who understood that the Bureau was supposed to be a regulatory agency and not just the Washington office of the coal industry. There was hope that he could make the new law work—and O'Leary, for his part, seemed to believe that the administration would support him; in January 1970 he told reporters that "there is every indication that the administration will forcefully enforce this law. There is no effort of any kind to hold back." So saying, he settled down to draft the complex new safety regu-

lations required by the law—regulations due to go into effect at the end of March.

Oil lobbyists

But like many other people, O'Leary may not have fully appreciated the extent to which the Interior Department had become the captive of men who saw its function in life largely as a support for major industries—principally the oil industry. The Secretary, Walter Hickel, had been chosen for the job of an oilman (Robert Anderson, president of Atlantic-Richfield) and could do no wrong for the oil industry until it began to coat the oceans and beaches with sludge. The undersecretary, Fred J. Russell—who would become acting secretary after Cambodia had cost Hickel his job—was a real estate tycoon and Chamber of Commerce booster whose only known qualification for his job was his alleged status as leading fundraiser for Nixon during the 1968 campaign. Russell's deputy Hollis Dole, was an Oregon state geologist whose fondness for the oil industry deepened when he became co-chairman of a long-range energy-planning "advisory" committee with John McLean, chairman of Continental Oil—which owns Consolidation Coal, largest company in the coal industry. Dole's principal aides, in turn, are Gene Morrell, an oil lobbyist before entering the nation's service, and Harry Moffitt, who went to the government from a lobbying job with the American Mining Congress.

To critics of the Nixon administration it seemed that the Interior Department simply was a branch of industry. And faced with a Bureau of Mines that had just been empowered by Congress to regulate industry, the Interior leadership seemed to know exactly what to do. Their text might well have been taken from Richard Olney, a railroad lawyer who became attorney general under President Grover Cleveland. Olney's old friends approached him in 1892 to ask what to do about the newly created Interstate Commerce Commission—they wanted to attack it, but Olney, with a wisdom appreciated ever since by generations of lobbyists, suggested another tack:

"The attempt [to attack the ICC] would not be likely to succeed," he said. "If it did not succeed, and were made on the ground of the inefficiency and uselessness of the Commission, the result would very probably be to give it the power it now lacks. The Commission, as its functions have now been limited by the courts, is—or can be made—of great use to the railroads. It satisfies the popular clamor for government supervision at the same time that that supervision is almost entirely nominal. Further, the older such a commission gets to be, the more inclined it will be to take the business and railroad view of things. It thus becomes a sort of barrier between the railroad corporations and the people, and a sort of protection against hasty and crude legislation hostile to railroad interests . . . The part of wisdom is not to destroy the Commission but to utilize it."

If you went back through the above paragraph, substituting "Bureau of Mines" for "Commission" and "oil-coal industry" for "railroads," you couldn't ask for a more precise definition of what happened to the Bureau of Mines in 1970. Accordingly, you might be close to knowing why it was that 38 men died in a clearly avoidable mine disaster one year to the day after the 1969 Federal Coal Mine Health and Safety Act was signed into law.

Like all Democratic appointees, O'Leary had submitted a pro forma resignation on January 20, 1969, as the government changed hands. The resignation had never been acknowledged. Throughout 1969, there had been rumors that he would be fired as soon as the new bill became law. But in January and February of 1970 there was no sound of an axe falling from the White House. On

February 28 O'Leary was working in his office, drafting safety regulations scheduled to go into effect the following month, when a messenger arrived from the White House with a letter accepting his resignation. He was given 24 hours to clear out.

In short order, key O'Leary aides found themselves frozen out of office—rarely fired outright, since it was only necessary to deprive them of staff, or funds, in order to get rid of them. Henry Doyle, assistant director for health, found himself squeezed out for the high crime of having pushed Public Health Service studies on dust control. David B. Brooks, O'Leary's chief economist, found himself without a staff after he ran studies on the actual vs. propagandized costs of mine safety; Brooks was promised jobs in both the Bureau of the Budget and the Appalachian Regional Commission, but both offers fell through under White House pressure, and Brooks ultimately went to Ottawa to become chief economist for Canada's department of mines. In all, some 31 Bureau of Mines jobs were in midshuffle by mid-April—exactly when the Bureau needed to be able to assume its heaviest load of administrative and regulatory responsibilities under the new law. (There was, perhaps, an omen of things to come in a Bureau reorganization manual which described the agency's objective as "a close and confidential relationship between the Bureau of Mines and all levels of industry.")

Foot-dragging bureau

Those who remained at the Bureau began to demonstrate the kind of foot-shuffling approach to mine safety that Congress had so recently tried to legislate out of existence. In March, for example, Henry P. Wheeler, Bureau deputy director for health and safety, went before the House Appropriations Committee and lamented the new law because it made demands on industry that could not be fulfilled because the technology was not available; he noted that the law required automatic brakes on mining cars when no such brakes were being manufactured, and protective covers above the heads of machine operators. This kind of thing, of course, was grist for the mills of the small operators, who were still using equipment that had been classified nonpermissible 20 years previously (they had been able to get away with it thanks to one of the countless loopholes in the 1952 law) and were not interested in newfangled ideas like automatic brakes and protective canopies. It was helpful to them to have allies like Wheeler; of course, if Wheeler had thought hard about the new law before he went running to Capitol Hill to complain about it, he might have discovered that its language was drafted carefully to allow the development of equipment regulations that would become binding on coal operators only when technology made the new safety features available.

Technology was not the biggest problem facing the Bureau. March was the month when the new inspection schedule was supposed to go into effect (four full inspections of every U.S. mine per year), and when the Bureau was supposed to publish a penalty schedule coordinated with the different types of violations that inspectors might impose. There were countless indications that the Bureau would miss its legal deadlines; it had already done so in the areas of dust-control and other regulations, and there was maximum confusion among the Bureau's inspectors. O'Leary had been bringing them together in cram courses on the new law when he was fired; the cram courses were cancelled, and the inspectors waited for instructions that didn't come.

They may have been prepared to inspect every mine four times a year, but the Bureau was not going to authorize them to do so. Late in March Wheeler devised a system of "Partial But Representative" inspections

(PBR), under which, as he described it, "we would inspect enough, but only enough, of a mine to be representative of the entire mine insofar as health and safety are concerned." What that meant was anyone's guess; within two weeks after the PBR system went into effect (directly contradicting the Congressional mandate), one man was killed and three others injured in an explosion at a Pennsylvania mine that had been PBR'd two days previously.

Wheeler and other Bureau officials claimed that the agency had not nearly enough inspectors to meet the requirements of Congress. (The actual number that the Bureau does have is something of a mystery. According to figures supplied by John O'Leary, the Bureau had 248 inspectors on the job in 1967 and 1968. That number seems to have declined, although it is hard to know: at various times in 1970, Bureau spokesmen said there were 230 inspectors, "less than 500," 425, and so on. In a letter to Ken Hechler written last August, Interior deputy secretary Dole said there were 220 working inspectors and 54 trainees. On January 1, 1971, the Bureau said it had 231 men inspecting, and 151 in training, for a total of 382. The Bureau's budget authorizes 506 inspectors—and apparently has for some time. Dole said the Bureau needs 440 inspectors to make four full inspections per year of each mine as required by law. The new director, Elbert Osborn, said shortly after his appointment that the Bureau needs 1,000 inspectors; and so on . . . In any case, if the Bureau currently has 231 inspectors, that is only 124 more than it had in 1940, which must certainly qualify the Bureau for some sort of award as the most slowly expanding bureaucracy in Washington.)

Court suit to force compliance

Late in March, angered at the inability of Interior and the Bureau to meet the time schedules passed by Congress, Reps. Hechler, Dent, and O'Hara (Democrat, of Michigan) joined a tough UMW reformer named John Mendez and went to court to try to force compliance with the law. The suit became bogged down in details (nine months later, when a federal judge got around to ruling on it, he concluded that the plaintiffs did not have standing to sue, and denied the suit) and the health-and-safety situation continued to deteriorate. While the Bureau went into its second month without a director, Interior undersecretary Russell put into effect an arbitrary penalty schedule which flatly ignored the law (which required that penalties be worked out case-by-case, using several criteria) and was declared effective as soon as it was published in the Federal Register: that was on a Saturday, and inspectors were told to collect fines the following Monday, even though not a single coal operator had been given copies of the penalty schedule or provided an opportunity to comment on it. The operators had not, in fact, even received copies of the law.

In mid-April, representatives of the small operators from the National Independent Coal Operators Association went to Washington and met quietly with Senators Cook and Cooper of Kentucky. They were predicting "economic ruin" if the new law were enforced; they said they were considering testing the law's constitutionality. Over at the Interior Department, they met with an attorney named William Gershuny, who had drafted the penalty schedule. Gershuny—who later told a member of Hechler's staff that he knew the schedule was "illegal" when he drafted it, but needed to get something in writing—apparently encouraged the idea of testing the law. With no need for further encouragement, the operators filed suit in a federal district court in Abingdon, Va., charging Interior with "arbitrary and capricious" enforcement of the law and asking for a restraining order against many of the safety regulations—and the penalty schedule.

The federal government's performance in its own defense in the courthouse at Abingdon was remarkable. The Justice Department lawyer who handled the case was either unfamiliar with the mine law or uninterested in it. He ignored Section 513, which states that ". . . no justice, judge, or court of the United States shall issue any temporary restraining order or preliminary injunction restraining the enforcement of [any mandatory health or safety] standard pending a determination of such issue on its merits."

No such determination was made—and it could hardly have been made, because back in Washington, undersecretary Russell expressly prohibited any Bureau of Mines technical or legal experts from attending the Abingdon hearing (in at least one case, an airplane reservation that had already been made was cancelled at Russell's order). Thus the government offered no defense against the NICOA operators, and the judge granted a 10-day temporary restraining order. Although the Bureau still had the authority to make inspections and close mines in cases of imminent danger, all Federal inspectors were ordered back to their offices over the following weekend to await "instructions" from Washington. The next week, the government waived its right to a hearing on a permanent injunction. The injunction was issued, and trial was set for November. Included in the injunction was Interior's penalty schedule—and, in Interior's view, this meant that no fines would be collected for at least the next seven months. The collective sigh of relief among small operators was audible all across the coalfields.

Petty-cash fines

(Actually, Interior undersecretary Russell did—under some Congressional pressure—issue a new penalty schedule in May, but to most people, inspectors and operators alike, it was too ludicrous to believe. Russell's schedule stipulated that as long as the operator paid \$4 for each penalty within 30 days after receiving a notice of violation, he could not be assessed more at some future date when and if Interior got a new schedule past the courts. As Congressman Hechler pointed out, this completely ignored the question of operator negligence, which, if determined, carries fines up to \$10,000 under the law. Russell's petty-cash schedule remained in effect until September 30; Bureau records indicate that no money was collected while it was in force.)

All through the summer, inspectors—feeling like federal yo-yos as they were hauled up and down by the Bureau, Interior, and the courts—visited mines and issued notices of violation which they knew would be ignored since no penalties were being collected (although other federal judges suggested that the Abingdon injunction was valid only in that district, Interior chose to apply it everywhere, arguing rather incredibly that to enforce the law against some operators, while others enjoyed immunity under the injunction, would be "unfair"). Other violations they were forced to issue "for information only," since they pertained to health or safety standards barred from enforcement by the court action.

At Finley Coal Company's Mines No. 16 and 15, all 38 of the violations issued by federal inspectors during 1970 were thus nullified.

Meanwhile, despite the concern for coal miners expressed by the President when the mine law was introduced in 1969 (attacking fatalism, he said, "The time has come to replace this fatalism with hope, by substituting action for words"), the office of Director of the Bureau of Mines continued to remain vacant. Here again, the NICOA and its lobbyist, John Kilcullen, saw an opportunity. They persuaded Gov. Linwood Holton of Virginia to suggest to the President the name of J. Richard Lucas, director of mineral engineering at Virginia Polytechnic Institute.

Lucas unqualified

Lucas was duly nominated in May, and immediately he became something of a poor man's Carswell for the administration. No sooner had his name been offered to the Senate for confirmation than Rep. John Saylor of Pennsylvania attacked him as "totally unqualified." This was embarrassing not only for Lucas but for Boyle and the United Mine Workers leadership, which had promptly endorsed Lucas in the UMW Journal. Saylor broadened his attack with charges that Lucas had been "moonlighting on the side" as a highly paid industry consultant, an accusation that gained credibility when it was learned that Lucas had a portfolio of more than \$200,000 in stocks, many of them in mining companies. The FBI, conducting an apparently routine check on Lucas, reported that he had plagiarized part of his 1965 doctoral thesis. For all of these reasons, said Saylor, Lucas lacked "the objectivity, training, and desire to protect the public interest." As it did later with Carswell, the administration staunchly supported Lucas, but in July, after he realized that the Senate was not about to confirm him, Lucas "voluntarily" withdrew his name from nomination. It was perhaps the only victory that the critics of the Interior and Bureau could chalk up all year.

After the Abingdon decision, inspectors had retained the power to close mines for "imminent danger," under Section 104 of the act, and there was evidence as the summer wore on that they were using Section 104 to discipline flagrantly unsafe mines that could not be penalized any other way—at least not until Russell's attitude changed. Word got back to Washington that the inspectors were cracking down, and word went back to the inspectors—from Russell and his deputy, Henry Wheeler—that no mine was to be closed until the inspector had telephoned Washington for approval. No one in Congress was notified of this policy, and when it was discovered nine weeks later, Wheeler said they had kept it secret because that was the only way it could be "effective." What he meant was not totally clear, but the policy was abandoned when it became public. Inspectors knew, however, that any mine closings for "imminent danger" would be closely reviewed in Washington, and that if too many came in with a particular inspector's name attached, he might find his territory shifted or his workload doubled.

Law ignored

The law required every mine in the country to begin dust-sampling programs in June; none of them complied. After prodding from Congress, the Bureau finally sent out orders in October requiring that they comply before November. By then, however, only 43 mines out of more than 3,000 in the United States were in full compliance, and only 159 mines had even begun their sampling program. No action was taken against them, however, even though dust sampling is crucial as a means of determining both how much coal dust the miners are breathing, and how much volatile dust is in circulation, waiting to be exploded by a spark or a flame. Wheeler seemed unconcerned but perplexed; in what must have been one of the great understatements of the year, he said: "Many of the small mines adopted a wait-and-see attitude. I guess they just couldn't believe it [the law] was really going to hit them."

For three critical months the President suggested no new name for Bureau director to replace Lucas's. Then, in early October, he proposed Dr. Elbert Osborn, vice president for research at Pennsylvania State University. Dr. Osborn had been offered the job twice before, in 1966 and 1968, but had declined both times, reportedly because the Bureau was such an "impossible can of worms," as another nominee put it. This time, however, Interior deputy secretary Dole told Os-

born that he would not have to spend all day every day worrying about health and safety; that would be handled by Wheeler, and Osborn could devote himself to research in areas that interest him, such as gasification of coal—a technique which also interests the oil companies and was one of the principal motivations for their wholesale absorption of major coal companies in the late 1960's. No sooner had Dr. Osborn been confirmed by a battle-weary Senate than he began talking about the need for more federally-financed research in such areas, to the apparent pleasure of oil industry leaders who look forward to marketing products whose development has been paid for by the taxpayers.

But Dr. Osborn was, of course, spokesman for the Bureau in the field of health and safety, and here, too, he seemed pleasing to the coal operators. After an inspection tour of the coalfields, Osborn told reporters that some of the regulations of the new law did not need such "rigid" enforcement, a remark which puzzled mine inspectors. The NICOA's lobbyist, John Kilcullen, "seemed pleased," according to *Business Week*, and said: "We definitely made some points." The magazine reported with approval that Dr. Osborn had shown "a flexibility that contrasts sharply with the unyielding, anti-industry stance of his predecessor, John O'Leary."

A few days later, the Abandon suit was dropped by the NICOA, five days before it was scheduled to come to trial. The executive secretary of the NICOA said that relations between the small operators and the Bureau of Mines were characterized by "an atmosphere of cooperation," but said the suit would be re-instituted if the new law became "a burden on the small operator in any way."

Penalties withheld

There is evidence that the Bureau did not intend to impose any unnecessary burdens on anyone—except possibly on their inspectors, and on the 96,000 men who mine coal underground in the United States. On November 10, the day before the NICOA dropped its suit, Bureau assistant director James Westfield wired his district managers advising them that the suit would be dropped, and telling them not to impose any penalties for violations; inspectors were to inform operators "orally" that the penalty, if any, would be imposed later, "when the Bureau announces its policy for assessment of penalties."

A few days later, Westfield wired the field offices again and ordered inspectors to give priority to studying roof control plans and getting them approved by February, 1971. Since the law had required such plans to be submitted by July 1, 1970, and since hardly any mines had complied, it was reasonable—if unusual—for the Bureau to be concerned. But Congressional critics have contended that the order effectively sidetracked inspectors and prevented them from checking mines they had been planning to re-visit after Christmas. In effect, this seemed to be what happened on Hurricane Creek in Leslie County. The federal inspector who was due to check the Finley mines on December 28 did not appear. Two days later, on December 30, the mines were shattered by the worst disaster since Farmington, and it was James Westfield who left his desk in Washington to go to Kentucky and see what, if anything, had gone amiss with the 1969 Federal Coal Mine Health and Safety Act.

While Bureau investigators were in Kentucky, sifting through the wreckage of the Finley mines and questioning survivors, Interior Acting Secretary Russell went to work drafting a new penalty schedule. (Russell, who had become Acting Secretary after the firing of Walter Hickel, was reportedly going to resign when the new Interior Secretary, Rep. Rogers Morton, took office, and this was to be one of his last executive acts.) The

previous year, Russell had drafted the penalty schedule more than 30 days late and had put it into effect over a weekend, without first notifying the operators or giving them time to comment. Promptly they had gone to court and persuaded a judge that Russell's schedule had been promulgated arbitrarily and capriciously, with the result that it was enjoined from enforcement.

It came, therefore, as something of a surprise to Bureau and Interior critics when Russell released his new set of penalties. They were more stringent (the first set imposed a \$500 fine for a first violation resulting in "imminent danger;" the new set raised the ante to \$5,000), and this in itself guaranteed a reaction from the NICOA or other coal operator groups. But the fines themselves were well within the limits of the law. What startled Congressman Hechler and others was the fact that the new regulations were put into effect over a weekend, without first notifying the operators or giving them time to comment.

THE "ENFORCER"

Although reports from Kentucky and Virginia indicated that operators were meeting with lawyers to discuss the attractions of another court action, there were also reports that this time they might wait and see. They were curious about a newly-created position in the Bureau (part of Russell's new plan) which was tentatively entitled Assessment Official ("enforcer" became the more common word). The assessment official would determine the size of the fine, and if he determined that the operator was not at fault—i.e., didn't know about the violation—there would be no fine at all. Clearly, this position, which carries a \$30,000 salary, not far below Dr. Osborn's, would be the most sensitive politically in the Bureau. There was a mixture of surprise and outright fatigue when the man named to fill it turned out to be a Republican fund-raiser and lobbyist named Edward Fallor. He had never been near a mine.

EPILOGUE

In April, 1970, reflecting on the reasons why he was being forced out of his post as Chief of Mineral Economics for the Bureau of Mines, David Brooks thought he knew the answer.

"The downfall of the Bureau, sad to say, was simply analytic thinking," Brooks said. "It wasn't anything radical by any means—no sudden thrust to introduce human values, or put people above industry; what really came in under O'Leary was simply rational thinking. Rational thinking demolishes many of the coal industry and oil industry arguments. You don't have to step outside the framework of conventional economic theory. You need only two things: analytic thinking, and some kind of notion that the Bureau of Mines is there to serve the public interest.

"One of the most graphic memories I have," Brooks said, "is of going to staff meetings when I first joined the Bureau and sitting there bored to death while the director talked about how our goal was to serve the public interest. To me, that was a simply a truism, and it took me a long time to realize that he was enunciating a new policy.

"Rocking the boat was encouraged for a year or two, and very slowly and timidly people began to think in those terms. People out in the field had never gotten any support from Washington—then they began to get it, they could close the dangerous mines and make it stick. Now we're moving toward a policy where you spot a violation and say to the operator, 'Gee, you really ought to fix this up.'

"The Bureau of Mines still doesn't know it's a regulatory agency," Brooks said. "We came very close, for a while. We almost made it."

FINDINGS AND RECOMMENDATIONS

1. The fatal explosion was caused by the use of illegal explosives to blast a boom-hole in mine No. 16. Since the explosives were purchased by the mine operator, and since the operator made no attempt to keep them under lock and key, he is responsible for the fact that they were used, and must be prosecuted under Section 109(b) of the Federal Coal Mine Health & Safety Act, which provides for a maximum fine of \$25,000 and imprisonment for up to one year for "willful violation" of any mandatory health or safety standard.

2. The state report, which blames the disaster on employees of the Finley Coal Company and absolves the operator of any responsibility is wholly inadequate, inaccurate, and deceptive.

(a) The state report completely ignores the responsibility of the mine operator to train employees, prepare a dust and ventilation-control plan, maintain records, and correct violations of law found by both state and federal inspectors in every inspection of the Finley mines. The Finley brothers are open to prosecution under Section 109(b) of the federal law for refusal to comply with orders issued by the inspectors under Section 104. Under the terms of the Kentucky Mining Law, the Commissioner has the power to revoke their mining permits for the uncorrected violations of the state law (6, 7). His failure to do so is inexcusable and a clear abdication of responsibility.

(b) The state report, in assigning blame to Finley's employees, completely ignores the state's own mine-permit regulations, which require the operator to assume personal responsibility for the safe operation of the mine.

(c) In statements to the press throughout the investigation, Commissioner Kirkpatrick misrepresented the cause of death for at least five of the miners (17, 27) in an apparent attempt to gloss over the fact that the operator had not supplied his miners with rescue equipment required by law.

3. With respect to the use of self-rescue devices in mines No. 16 and 15, Charles Finley may have contributed directly to the death of 5 men. He was cited by a federal inspector in June for placing only 9 self-rescuers in mine No. 15 for an underground work force of 39. Five months later a federal inspection of the same mine indicated that there were no self-rescuers underground. Finley said they were on order and was told to have them in the mine by December 22. After the explosion, a box of 21 self-rescuers was found in Mine No. 16 (situated where they could not have saved any miners) but there were none in No. 15, indicating that Finley had not complied with the federal order. However, some of the men who died in No. 15 were found to have lived for some time after the explosion and the state report later indicated that some of them had crawled some distance—probably less than a hundred feet. Although Commissioner Kirkpatrick discounted the importance of this discovery, to crawl 100 feet in a 30" seam of coal under conditions of extreme emergency indicates the possibility that some men were capable after the blast of attempting to escape the "afterdamp" (carbon monoxide) that followed. They had to have breathed many times in the course of crawling 100 feet (or even 50), which indicates that there was at least some oxygen in the mine atmosphere—a probability, since the fans were still operating—and the possibility exists, even though it might be remote, that they might have survived longer if self-rescue units had been supplied to them as required by law. A week after the disaster a reporter found a supply of self-rescue units in a trailer outside the mine; meanwhile, Finley had explained that he had not put any self-rescuers into the mine because there weren't

enough, and in an emergency "they might even kill to get them." This decision by Finley to play God indicates not only his refusal to abide by the regulations of the Federal Mine Health and Safety Act but may be grounds for prosecution for criminal negligence. However, neither the federal nor the state investigations dealt with the question of the self-rescuers, and the only individual who could have provided expert testimony on the cause of death, Dr. William Beasley, was not summoned to the joint federal-state hearing on January 6. He was not questioned until Interior Department lawyers visited him two weeks later and questioned him privately, and his opinions, as provided to them, have not been made public prior to the publication of this report.

4. The state failed entirely to investigate one serious accident at the Finley mines and later fixed responsibility for a fatal accident on the operator of a defective machine who could not possibly have prevented his death by following the state inspector's ludicrous "recommendation." These failures on the part of the state suggest gross incompetence so fundamental that state inspections may be of no practical value to either operators or miners, and should be discontinued when and if adequate numbers of federal inspectors are trained by the Bureau of Mines.

5. A serious accident took place in the Finley mines some weeks prior to the December 30 disaster, and they did not report it to the Bureau of Mines, despite the fact that the accident disabled a miner and was caused by an illegal electrical splice for which the mines had been previously cited. A similar electrical failure had resulted in the blinding of a miner, and when this later accident occurred the mines could have been closed for "imminent danger" under Section 104 of the federal law—if the Bureau of Mines had known about it. However, the Bureau did not know of the accident, and as of the filing date of this report, still did not know about it, although the injured miner could have been questioned at the January 6 hearing.

6. Despite a federal requirement that each mine in the country must be thoroughly inspected four times a year, it is possible for an operator to open a mine and run it indefinitely *without being inspected at all*. While the probability of this happening may be small, the mere possibility raises doubts about the Bureau's ability to administer an adequate inspection program even when and if it develops an adequately large inspection force.

7. Although the Finley mines were visited eight times in 1970 by federal inspectors, two of those visits were to investigate accidents, and the remaining six were either spot inspections or so-called "Partial But Representative" inspections. (The federal report indicates that the inspection of October 19 was a full inspection, but Bureau personnel in Barbourville classified it as PBR at the time, according to information supplied for this report.) Thus the Finley mines were never completely inspected in 1970, although, since the two mines were classified as separate (though connected), they should have had eight full inspections, one of which might have detected the illegal blasting practices which were apparently in use before the December 30 explosion. The PBR policy which was made in Washington undercut both the language of the law and the effectiveness of the inspectors working out of Barbourville, and those responsible for the PBR policy must also accept partial responsibility for the disaster.

8. Although federal inspectors found 38 violations of law in their visits to the Finley mines, on the single occasion when either mine was ordered closed for "imminent danger," the closure was scheduled over a weekend when the mine would not have been producing coal anyway. Thus it had absolutely no adverse economic effect on the op-

erator. This practice completely negated the value of the "imminent danger" section of the federal law and contributed to the operator's obvious belief that the law could be ignored.

9. Despite the presence of Bureau of Mines director Osborn and a supporting staff of Interior Department attorneys, the January 6 hearing constituted an astonishing display of downright incompetence that casts doubt on the ability of the Bureau to investigate any matter relating to mine safety. Moreover, the hearing violated fundamental rules of legal procedure, which may have invalidated the use of testimony for subsequent court proceedings. Furthermore:

(a) Although Section 103(d) of the federal law provides for public hearings during the investigation of an accident, the Bureau of Mines ignored the law. After thoroughly botching the public hearing on January 6, Bureau personnel and Interior lawyers went back to Kentucky two weeks later with no public announcement to take additional testimony from witnesses who had been overlooked before. This unusual action was prompted by criticism in the press, but the press was not advised when the lawyers returned and was not permitted to hear the additional testimony, which covered such fundamental areas as Dr. Beasley's examinations of the miners and Charles Finley's alleged failure to maintain required records. Thus the Bureau in effect compensated for its first display of incompetence by concealing what might have been its second. This unquestionably violates the spirit if not the letter of the federal mine law.

(b) The hearing completely overlooked key Finley personnel who might have provided an insight on the operation of the mines. Rufus Whitehead, the miner who was blinded in a previous accident was not asked to testify, despite the fact that he had recently been discharged from the University of Kentucky Medical Center, and despite the fact that he had lost a brother, Decker, in the December 30 explosion and might have wanted to talk candidly about the operator's policies. Perhaps more importantly, the Bureau did not summon the superintendent of mine No. 15, who had been recently laid off and it allowed Dill Finley, first cousin to Charles and Stanley Finley and a man who presumably knew what the operators' policies were, to represent himself merely as second-shift foreman, although *state records clearly show him as superintendent of mine No. 16*, which was where the blast occurred. (This information, which appears here for the first time in public, was of course available to the Bureau through the Commissioner of Mines and Minerals, Mr. Kirkpatrick.)

(c) Throughout the hearing, and despite protests, the presiding officer, Bureau director Osborn, permitted Charles and Stanley Finley to converse with witnesses in the supposed privacy of the witness room both before and after their testimony despite the obvious possibility that the witnesses might thereby be intimidated; but Dr. Osborn rudely silenced an attorney who attempted to question him about the scope of the hearing. This blatant display of bias completely destroyed any credibility that Dr. Osborn might have had as an impartial hearing officer and further corrupted the hearing as a legal procedure.

10. The administration's widely publicized plan to provide "all possible federal aid" to the wives and children of the disaster victims has thus far been completely inadequate. Although a White House aide went to Kentucky to preside over the federal effort, he failed to advise the widows of their legal rights and left them at the mercy of the medieval state workmen's compensation law. The amounts paid to the widows by both state and federal agencies were ridiculously low and guaranteed that the victims' fami-

lies will be kept in poverty—with the apparent approval of the White House. The federal aid performance served only to vindicate those who have abandoned all hope for the incumbent administration in Washington.

11. Throughout the year, the overworked, understaffed force of federal mine inspectors was brutally sabotaged by the policies of the Department of the Interior. If the blame for the clearly avoidable Hurricane Creek Massacre can be laid at any single door, it must be that of Fred J. Russell, Acting Secretary of the Interior. Mr. Russell's refusal to allow the Bureau of Mines to defend itself in court last April constitutes an obvious, deliberate and willful obstruction of the law which he was constitutionally obligated to administer, and his subsequent acts built a record of such demonstrable dereliction that he should, in our opinion, be sued for massive damages by the widows and dependents—not only of this disaster, but of any accident in which Bureau records indicate that a miner died because of a failure by the operator to abide by the law. Mr. Russell could hardly have been more explicit (unless he had rented billboards) in letting coal operators know that the Interior Department would not try to enforce the law. Mr. Russell did a disservice to all of the Bureau's inspectors, who were reduced to ineffectuality by the Interior Department's failure to provide them with the enforcement tools specifically created by Congress, but far more importantly he effectively nullified one of the most significant laws passed by the 91st Congress. There is, in our opinion, a direct cause-and-effect relationship between his actions and the death of the miners in Kentucky on December 30. We believe that the survivors should seek a court order directing immediate compliance by the Interior Department with the law, and a judgment that Interior has not in fact abided by the law at any time since it went into effect. They should proceed from that point to sue Interior for damages, with the amount based on the estimated earning power of the men who have been killed while the law was administratively sidetracked.

12. We call upon the Senate Labor Subcommittee and the House Education and Labor Committee to conduct thorough, wide-ranging investigations of the Leslie County disaster, not limited to the immediate causes of the explosion but encompassing the behavior of the Interior Department during the past year, and probing the extent to which former oil and coal industry lobbyists have succeeded in making Interior a Washington headquarters for their industries. As a bare minimum, both committees should seek to determine the credentials, if any, that Interior officials Hollis Dole, Lewis Helm, Gene Morrell, and Harry Moffett have brought to their jobs, and ask them to explain in what ways, if any, they have served the public interest.

13. We call upon Edward Fallor to resign immediately as Bureau of Mines "Assessment Official," and request Congress to ask for his resignation if it is not offered voluntarily. No one without considerable experience in mine safety could serve adequately in a position which requires the ability to differentiate between violations that might look identical on paper but could be relatively harmless in one instance and potentially disastrous in another (since conditions vary from mine to mine and from one coal seam to another). As a former lobbyist and party fund-raiser, Mr. Fallor cannot be expected to deal firmly with corporations from whom he may have solicited money, and any effort on his part to put on a brave show of force will be seen by miners with the utmost cynicism. The Bureau of Mines has already forfeited their trust and is ill-served by this political appointment.

14. Presumably the President of the United States is beyond prosecution; but, by ap-

pointing lobbyists and party fundraisers to high-ranking Interior offices, and by leaving the Bureau of Mines leaderless through most of 1970, he bears a large share of the responsibility for the disaster of December 30. There is blood on his hands; it will not go away, and it will not be forgotten.

15. The disaster in Leslie County is, finally further proof (if any was needed) that the system under which coal is mined in this country is beyond justification and must be radically altered. There is no excuse any more for a 19th century attitude which allows men in the boardrooms of giant corporations to continue to profit from the labor of other men whom they never see and for whom they feel no sense of responsibility while those men risk their lives in mines which the corporate dignitaries never even visit. This is bad enough with those corporations which mine their own coal, but it is even worse in the case of those who simply own vast blocks of coal and derive revenue from it while the people who live above the coal are mired in utter poverty. It would be one thing if, in return for collecting vast royalties from the coal he owns in Leslie County [p. 1], Henry Ford had to stand outside the Finley mines and watch as the broken bodies were brought out. It would be one thing if he had to keep vigil while other miners cough themselves to death from the dust in the coal that makes the steel that makes Ford cars. It is quite another thing for him to go free while they die, and it is not tolerable.

Mr. Speaker, the following letter appeared in the Mountain Eagle, Whitesburg, Ky., January 14, 1971. It is included in this report because it expresses the view of a Kentucky coal miner with nearly 40 years of experience—who has also spent nearly 6 years working with Federal efforts in antipoverty in eastern Kentucky.

To the EDITOR:

I have worked in the coal mines for some thirty odd years. I hold a first class certificate from the State of Kentucky and I have several safety awards from the U.S. Bureau of Mines.

Before federal inspection, every mine in Perry County was a potential disaster area. After federal and state inspection, every mine appears to remain a disaster area.

There was no mystery surrounding the Finley mine explosion. The potential was there for everyone to see. A man-made condition created by gross and criminal negligence.

The U.S. Bureau of Mines and the Kentucky Department of Mines and Minerals failure to abate known violations is primarily responsible. The hunt for clues to establish responsibility is not necessary unless those seeking clues are ignorant of the history of coal mining.

The political farce of setting aside provisions of our state constitution which forbids restrictions on recovery for injury or death, so that coal operators can maim, cripple, drown, smother to death, electrocute and slaughter their employees is part of the history of coal mining.

Industry as a whole values human life in the hundreds of thousands of dollars, while the mining industry through its well-heeled lobbies, places the value of a human life, in their created disaster areas, at a measly \$19,000 minus \$2,000 for burial.

In general practice a contract in violation of law is nonenforceable but an agreement to violate the constitution for a special interest group will be enforced.

The question of certified supervision has not been cleared up. Evidence uncovered by the committee leaves a reasonable doubt that the mine was legally operated.

The implication of a 100-hole detonation

for clearance of a loader conveyor denotes the lack of legal and adequate supervision.

The rush to obliterate as much of the evidence as possible, and the rush to sign up the widows and orphans is almost too much for humanity to bear.

Nothing but a federal grand jury investigation of all phases of this disaster, including the constitutionality of the inhuman Workman's Compensation Act, will soothe the nation's conscience.

The Nixon and Nunn policy of non-enforcement of the laws negates the use of enforcing such laws.

The principle of Congress loopholing laws to death must be stopped.

The selection of administrators partial to privileged classes is detrimental to the administration of just laws.

The policy of permitting the coal operators to make themselves the beneficiaries of miners insurance policies should not be tolerated in a civilized country, as it encourages instead of abates accidents.

A state mining law that gives an uncertified superintendent the right to veto the purchase of supplies by a certified mine foreman promotes rather than deters accidents.

We will continue to bury the dead as long as those responsible for law enforcement cater to the whim of those who are dedicated to the proposition that they have the God given right to destroy the earth and all that's within it. The laws of nature dictate the preservation of life; the laws of man dictate his destruction.

EVERETT THARP.

HAZARD, KY.

[From the Charleston (W. Va.) Gazette, Jan. 9, 1971]

MINERS DEFENSE FUND IS FORMED (By Mary Walton)

Twenty lawyers have banded together in a "Coal Miners Legal Defense Fund" to render free legal assistance in selected cases to miners who are unable to pay.

The group includes Joseph and Kenneth Yablonski, sons of the slain challenger to Tony Boyle in the 1969 United Mine Workers of America election. Other lawyers are from West Virginia, Kentucky and Washington, D.C.

The fund's purpose, explained Richard M. Bank of Charleston, its director, is "to institute a bank of legal talent available when issues emerge in the coal fields that involve the rights of miners on the grass roots level, whether these rights be in conflict with companies or their own union."

Bank emphasized that the fund is "not a legal services program for disabled miners." Rather, the nonprofit association will attempt to counter "the ability of large companies to amass legal talent" on a moment's notice, he said.

Bank is counsel for the Disabled Miners of Southern West Virginia, against whom temporary injunctions were issued during wildcat strikes last summer. The coal companies "always had four or five lawyers in the courtroom every day and obviously had a lot more out in the field taking depositions and doing research," he observed.

So far the group's only funds are a \$1,500 pledge from John D. Rockefeller IV and a commitment to match another \$1,500 if they can raise it. They plan to file incorporation papers shortly.

While the defense fund is still a fledgling organization which has undertaken no specific litigation, several cases are under consideration, Bank continued.

One involves a "conspiracy on the part of a coal company and the UMW to discharge an employe who has been active in the miners' involvement," he said.

Another, which has "fantastic ramifications," is a coal company's refusal to rehire a miner whom x-rays show to have the early

stages of pneumoconiosis or "black lung," thus avoiding disability compensation.

A third possible case is a U.S. Bureau of Mines' training program which will recruit Spanish-speaking migrant workers, Cuban refugees and American Indians.

The training for both coal and metal miners will begin early in 1971 at centers in Richland, Va., Butte, Mont., and Leadville, Colo. According to the bureau, it is aimed at mines which employ fewer than 15 men because large companies have their own training facilities.

Appalachia already has a tremendous amount of unemployment, Banks pointed out. "Why don't they train people who are out of work here?"

Further, small nonunion mines are unsafe and pay low wages, he said. "It's not reasonable they should be subsidized by the federal government."

Besides Bank and the Yablonski brothers, other fund lawyers are Harvey and Naomi Cohen, Michael B. Glomb, James Haviland, Davitt McAteer, John Boettner Jr., and Ray Ratiiff, Jr., all of Charleston; John McOwen, Huntington; Joseph Martorella, Barboursville; Donald Pitts, Beckley.

Joseph F. Flynn, Chuck Gillette, Steve Clark and Steve Cawood, all of Barboursville, Ky.; Thomas M. Place and David H. Wilderman of Prestonsburg, Ky.; Clarice R. Feldman, Washington, D.C.

INFLATION AND THE RESIDENTS OF PARKCHESTER

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. SCHEUER. Mr. Speaker, every Member of Congress is intimately familiar with the many harsh pressures caused by the current state of the economy. We all see their effects on our constituents when we return to our districts. Recently, I have learned of one particularly unfair pressure that has been brought to bear on a group of my constituents. I am including in the RECORD the text of my press release of January 28, describing this development:

Congressman James H. Scheuer (Dem-Liberal, NY) today accused the Parkchester Management Corporation of a concerted and attempted attempt to force long-term residents of the development to move by seeking to increase rents far beyond their ability to pay. "It would be unconscionable to raise again the rents for a community made up of many retired senior citizens and working people living on fixed incomes," he said. He indicated that his vigorous opposition to new rent increases was based on the fact that "developments like Parkchester were established to provide reasonably priced housing. The new management of Parkchester has callously disregarded this fact by continually applying for rent increases. This is the second increase that has been applied for by the corporation since the property was sold by the Metropolitan Life Insurance Co. in December, 1968, and follows right on top of a rent increase which was granted in July, 1970." Representative Scheuer went on to point out that the Parkchester Management had submitted a set of figures to the Rent Control Office that did not reflect the recently granted increases and were confusing to the tenants. He promised the tenants his full cooperation in their fight to prevent this additional and unjustified rent increase.

QUALITIES OF LEADERSHIP

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. BLACKBURN. Mr. Speaker, an intriguing question was raised, and I think answered, on the Wall Street Journal's editorial page on Thursday, January 21. Referring to the qualities of leadership in government, the article states:

The real question, though, is whether our best people have been taught to cherish the wrong virtues.

For the information of my colleagues, I am hereby inserting that editorial. Following that is another article which appeared the same day entitled "Politics: Image Over Performance"—is this not a perfect example?

The material follows:

CAMELOT REAPPRAISED

Ten years after the dawn of Camelot, a number of liberal commentators have been looking back on the Kennedy Administration and discovered they do not like what they see. Gerald Clarke in the New Republic and Anthony Lewis in the New York Times both recall President Kennedy's "Jingolistic" inaugural address, and see him making the initial mistakes that led to Vietnam and subsequent agonies.

Yet both Mr. Clarke and Mr. Lewis cling to the belief that had President Kennedy lived he would have found some way or other to lead us out of that agony. For was he not so amply endowed with vigor, grace, eloquence, idealism, flexibility, and brilliance—all of the virtues which our best people cherish?

The real question, though, is whether our best people have been taught to cherish the wrong virtues. The most fateful mistakes of the Kennedy years were made not despite that Administration's virtues but because of them. They were the mistakes of too much vigor and too little restraint, too much grace and too little earthiness, too much eloquence and too little thoughtfulness, too much idealism and too little realism, too much flexibility and too little patience, too much brilliance and too little common sense.

The virtues of the Kennedy Administration were the virtues of the intellectual as opposed to those of the common man, the virtues of a high civilization rather than a democratic one. Now, we happen to much admire intellectual virtues, and to sympathize with the thirst for a higher level of taste and culture. But we fear that the nation's "best people," having achieved a level of education and intellectualization that is high but not profound, have come to overlook the value of more pedestrian virtues and to ignore the dangers of the higher ones.

Intriguingly, this question is recognized by one liberal looking back, columnist Joseph Kraft. He recalls the influx of intellectuals into Washington during and after the Kennedy inaugural, how brainy academics replaced businessmen, generals and bureaucrats. He records the results:

"The academic economists nudged demand ahead of production to the point of severe inflation. The defense intellectuals, working under the illusion they could calibrate the application of force in precise doses, got their comeuppance in the Vietnam war. And the efforts of the sociologists to make minority groups stand up for their rights

yielded the riots of 1966 and 1967 and the reaction that set in thereafter.

"Off that record the Kennedy intellectuals now shape up as chief candidates for the role of heavy in the 1960s. Much of what passes for thought in both conservative and radical circles these days is merely a snappy putdown of their errors."

Mr. Kraft thinks in time history will be kind to this group of intellectuals. In economics, he argues, they left legacies that will lead to scientific management. In defense, their concepts pointed toward arms agreements with the Soviets. In domestic affairs, they identified the impact of Federal policy on the racial question.

What passes for a defense of the intellectuals leaves us unimpressed. Mr. Kraft seems to agree that the agony of Vietnam, the racial riots and the subsequent domestic discord can be laid at the door of the Kennedy intellectuals. If that is so it was a high price to pay for such unexceptional lessons as that Government deficits can heat up an economy, that disarmament is a good ideal and that this nation has a racial problem.

But let it pass; we can pick up those arguments with Mr. Kraft some other day. For the moment the main thing is that he recognizes the issue in a coming debate over the lessons of the 1960s. And it is a far more important debate than merely one about the reputation of the Kennedy Administration and its ideological successors. For in a significant sense Mr. Kraft is right; as we face the problems of a modern world we will be forced to do what the Kennedy intellectuals tried to do—lean heavily on the power of rationality.

Precisely because we have no other choice, we must understand that rationality can mislead, that elegant logic can be fragile, that brilliance of mind is no real substitute for wisdom of experience. If we can learn that much from what we have gone through, then the torments of the '60s will not have been entirely in vain.

POLITICS: IMAGE OVER PERFORMANCE

(By Amital Etzioni)

A recent Gallup poll provides incontrovertible evidence that the American people do not take their politics seriously. How else can one explain that a national sampling conducted last November placed New York Mayor John Lindsay not only as a Presidential front-runner but also as a more attractive candidate than any other person except Senator Edmund Muskie?

Americans, of course, have often been quite willing to give the Presidential nod to a Congressman, Senator or other politician whose executive ability is largely untested and therefore largely unknown. Mr. Lindsay's position as a prime contender for Chief Executive is surprising because he does have an administrative record, in the job he characterizes as the second toughest in America, and because it is a record that might charitably be called less than brilliant.

While the rest of the country may have forgotten, New Yorkers remember only too well that Mr. Lindsay opened his tenure in City Hall on Jan. 1, 1966, with the first strike in the history of New York City to encompass all public transportation (except the ferries). The strike was long and bitter. When it was over, most experts in labor relations concur, the city had to pay more than if the settlement had been reached much earlier. Most observers of the New York scene agree that a major cause of the transportation strike was Mr. Lindsay's distaste for bargaining and his dislike of traditional labor leaders and other politicians.

The stage was set for other employees to extract high settlements from the city over the next several years, with one union using

the other's increases as the basis for its demands, in an escalation that is still spiraling.

By the end of 1970 the accumulative effects of labor's demands were such that the city simply could no longer respond to them. The unions, conditioned to fantastic raises, could hardly slow down without a fight. Whatever the result of the negotiations, New Yorkers have already paid the price of a severe curtailment (or "job action") of services by firemen and policemen, of several work stoppages by taxi drivers, and are facing threats of similar disservice by others, especially the sanitation men.

When normal work is finally resumed New Yorkers will pay the city employees substantially more, with little assurance that the productivity, quality or honesty of the services will be improved.

THE LINDSAY YEARS

In the Lindsay years welfare rolls in New York City have grown more rapidly than the city's population, the census of children or the number of unemployed. The city has been overwhelmed by a rising, soaring, multiplying deficit, which reached \$300 million a year by 1970; a police department whose corruption is largely unchecked; a bureaucracy that is demoralized both despite and because of several regroupings into supra-agencies; and a school system fraught with strikes and parent-teacher conflicts over control.

It would be senseless to blame the mayor for all this. Many American metropolitan areas have similar problems; New York is simply bigger than any of these, and, hence, is in more of a mess. It is unclear whether city governments can improve unless larger amounts of tax revenue, in large part Federally collected, are made available to them, and unless the inhibitive effects of crime and rent control are overcome. But one thing is clear: Mr. Lindsay's executive record will not embarrass the mayors of other large cities.

It is often rather difficult to predict a political leader's success at the White House on the basis of his previous career. But if one can project the New York experience on the nation, under President Lindsay, one must expect rising taxes and a swelling national debt, a greater welfare snarl, administrative reshuffling instead of reforms, an uneasy and tense relationship with the Pentagon (a situation that now prevails in the mayor's relations with the New York Police Department, and—God forbid—a reluctance to deal with anyone, from the Russians to Congress).

The majority of New Yorkers, of course, did not vote for Mr. Lindsay during the 1969 election. In what is considered the most liberal part of the country, he squeaked in with about 40% of the votes cast, while his unskilled, barely known, unimaginative conservative opponents conveniently—for the mayor—divided the anti-Lindsay votes between them. But still, about 40% of the New York voters, and many others across the nation, favor the mayor.

Most of the reasons given by his supporters reflect Mr. Lindsay's image. He has an excellent television presence; he looks clean-cut and handsome. (London's Daily Sketch ranked John V. Lindsay as the sexiest man in the world, ahead of Tom Jones and Paul Newman, and characterized him as "the sexiest politician since Clark Gable turned down an offer to play George Washington.") He gives the appearance of being too rich to be corruptible and too much of a WASP to lose his "cool" in most situations.

Beyond that, the main appeal of the Mayor's political image is well-meaning liberalism. Mr. Lindsay and Sen. Fred Harris were among the architects of the Kerner Commission Report (in retrospect, a fine piece of rhetoric that contains few durable pro-

grams). He is active in the Urban Coalition, a civic group in support of liberal causes. Mr. Lindsay has also called for an immediate, unilateral cease-fire in Vietnam and has "walked the streets of Harlem" to ward off potential riots. The fact that he nominated Spiro Agnew to be Vice President is usually overlooked in liberal circles, while his support for Arthur Goldberg and Sen. Charles Goodell is remembered.

The mayor's image is comparable to that of John F. Kennedy. While his speech writers are not as potent, and his delivery is less convincing, there is a great similarity in the political posture of the two men, and in the groups that find it appealing—black and Spanish Americans, reform Jews, intellectuals, ladies, and those under 30. And, like President Kennedy, who in the more than three years in the White House produced many more memorable speeches than programs, the mayor has compiled much more applause for intent than for performance.

Whatever one's political leanings, one admires the mayor's willingness to go out on a limb for a moral or philosophical principle. Mr. Lindsay risked censure in Albany by earnestly seeking state support in balancing the city's budget in line with Republican doctrine. Having lost his battle and having alienated Governor Nelson Rockefeller and upstate politicians in the process by his persistence, Mayor Lindsay went on to fight for a Civilian Police Review Board. To him, opposition to the Board was a sign of bigotry, although the evidence available suggests that the establishment of such a board makes little difference. The fact that the mayor lost the battle and much in the battling does not detract from one's admiration for a politician who is willing to go that far for his beliefs. But this is not necessarily the quality one seeks in a potential head of state.

THE CURSE OF THE AGE

The curse of this age of mass communication is the politicians' tendency to deal in images instead of issues, with the politics of the situation rather than with the situation. Political leaders, who get almost as many kudos for announcing a program as for implementing it, rapidly learn the short cut of replacing worn-out slogans with new ones, huffing and puffing while the government machinery remains mired. Before we can seriously begin to handle our grave problems, we must learn to face them, training ourselves as citizens to discount speeches, declarations and plans, and to look at actual achievements and the financial and human costs involved.

Our problems are not all administrative; there is a need for leadership in building morale, confidence and unity instead of a sense of crisis and division. But even these are best served by a responsible rhetoric, related to actual, concrete programs.

Between the wars, as long as industrialization was the main national effort, most decisions were made locally by the captains of industry, community leaders and later, by union leaders; the Presidency was relatively unimportant. The damage or good the White House could do was small, at least in comparison to the potentialities of our present age. Nuclear weapons, the guidance of the economy, and the availability of national mass media all give the Presidency unprecedented capabilities. Thus, the President's personal qualities and integrity are of unprecedented importance.

If the top political leaders of the '70s are carefully selected, first of all according to the reality of their vision and the responsibility of their projections, the image-maker from New York City may be left behind. But imagine where such criteria would leave most other contenders.

NATIONAL URBAN COALITION'S STATEMENT OF NATIONAL PRIORITIES

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. GREEN of Pennsylvania. The national debate over the direction of our country, where the United States places its emphasis in terms of programs and policies, and over the utilization of our resources continues to grow and intensify. This debate is most welcome for it is useful to question, to demand justification of our expenditures, and to make decisions that reflect the needs of our population.

The Urban Coalition's summary sheet provides the outlines of an interesting and thoughtful statement of problems and possible proposals to affect those problems.

I commend to my colleagues this statement on national priorities:

STATEMENT ON NATIONAL PRIORITIES INTRODUCTION

Almost a year ago, the National Urban Coalition embarked upon a project that no other private organization had ever attempted. We decided to explore in some detail the reordering of national priorities that is so widely felt to be an imperative for America. We decided to do this for two reasons: first, because we shared the conviction that a shift in priorities is needed; and second, because the National Urban Coalition encompasses, perhaps uniquely, many of the disparate and often competing elements of American leadership that must ultimately be drawn together if an altered agenda is ever to be achieved. If a consensus on national priorities could be reached within this microcosm, it was thought, then perhaps a real reordering would be possible in the larger world outside.

The past two years have witnessed a tremendous amount of talk about reordering national priorities, most of it vague and undisciplined. Nevertheless, the message from all of that talk cannot be denied: the American people want to change emphases. It is now time to take a careful look at how that could be done, for without precise analysis there is little chance of really achieving a desirable reordering of priorities.

The idea is not new. Both the Johnson and Nixon Administrations have emphasized the need for explicit consideration of where we wish to go as a nation. Last July 20th, President Nixon's Committee on National Goals called for "constructive public discussion of alternative goals, priorities, and policies, with all groups of people participating." The fruits of such discussion, the committee said, "should be incorporated into policies aimed at alleviating the problems or enhancing the opportunities." Three years earlier, President Johnson's Commission on Budget Concepts (whose chairman, David Kennedy, President Nixon's first Secretary of the Treasury) recommended that a private organization attempt to project national needs over a five-year period, basing its revenue assumptions on a high-employment economy.

Both of these recommendations are consistent with the approach taken here. When the staff of the Coalition's National Priorities Project first addressed this task, they decided to use the federal budget for their analytical framework in devising a five-year

projection of program and dollar requirements to meet national needs. Unread as it may be, the federal budget is the single most important instrument for the setting of national priorities.

The budget's importance cannot be overstated. Federal outlays will probably exceed \$210 billion in this fiscal year. The choices made within it reflect our national values. In addition, the budget helps to determine national economic policy.

But there are deficiencies in the way that the budget is shaped—deficiencies which, in the absence of reform, reduce the prospects for achieving significant change in our arrangement of priorities. One of the flaws is that budget allocations all too often determined through what might be called the let's-see-what-we-gave-them-last-year-and-give-them-a-little-more-this-year approach. This practice militates against new ideas and tends to preserve programs which may no longer serve their original purposes.

Another flaw is the lack of openness from beginning to end of the budget process. Secrecy reigns. There is little public participation. The annual federal budget is issued each January after months of internal debate and negotiation at every level of government. At no time along the path is the budget open to public scrutiny. It continues in Congress, where the substantive committees and the appropriations committees examine individual segments of the budget, often behind closed doors. At no time does any one body in the Congress consciously and deliberately scrutinize the budget as a whole, with an eye toward setting overall priorities.

We suggest that the budget process be opened to broad public participation and that the executive and legislative branches of government create mechanisms through which the choices facing America can be consciously and regularly examined.

In using the federal budget as a framework, the National Priorities Project staff evolved a draft National Priorities paper. It took the form of an alternative budget covering the fiscal years 1972 through 1976. It circulated widely. The staff convened meeting after meeting to review and revise it.

They discussed it at length with leaders representing business, labor, local government, Blacks, Mexican-Americans, American Indians, white ethnics, religion, education, youth, women, local Urban Coalitions, and social-welfare organizations.

The statement which follows—developed from that draft paper—has the general support of the members of the National Urban Coalition's Executive Committee. Like other Americans, each of us has his own ideas of what is right and what is wrong with the nation's current set of priorities. On a subject as complex as this, not all members will agree with every statement made. The choices are difficult.

We do not pretend that we have solved the country's problems or even designed a blueprint for doing so. But it is our hope that this modest beginning will generate discussion and debate throughout the country and lead to precise and disciplined thinking about what "more of this" and "less of that" really implies. That is what we have attempted to do in the program of action which follows.

II. GOALS AND RECOMMENDATIONS

America's malaise—which all of us feel in one way or another—has its roots in the distance between national ideal and national reality.

Our ideal is a country where every American gets an equal chance to perform, where a job exists for everyone who wants one, where health care and personal safety are assured, where we live in harmony with each other and have a decent place to live.

Our reality needs no full recital here. We know that cities are in trouble, that poverty continues in the midst of wealth, that unemployment is high, that malnutrition is widespread, that injustice exists, that tensions endure. In sum, we know that our society is not functioning the way it is supposed to.

But if we solve the greatest of our ills—our paralysis of spirit and will—we can narrow the distance between what we have and what we want. Indeed, we must marshal our good sense and our good will—there is no sensible alternative.

In our view, America must pursue six major goals between now and 1976. It must try to:

Achieve full employment with a high level of economic growth and reasonable price stability—all of our other policy goals depend upon it.

Provide all citizens with an equal opportunity to participate in American society and in the shaping of governmental decisions affecting their lives.

Guarantee that no American will go without the basic necessities: food, shelter, health care, a healthy environment, personal safety, and an adequate income.

Rectify the imbalance in revenues between the federal government and state-and-local government.

Assure adequate national security against military threats from abroad.

Meet our obligations to assist in the economic development of the world's lesser developed nations.

These are the goals. We can move a long way toward them by 1976. We recognize that they cannot be reached without three basic requirements: a reordering of budget priorities, increased revenues through a more equitable system of taxation, and a reshaping of government to assure a more responsive and effective delivery of programs and services. But they can and must be achieved.

Let us briefly examine the validity of each of our goals and explore how they can be met.

GOAL ONE: FULL EMPLOYMENT

The budget should direct the nation back to full employment and a healthy rate of growth and economic activity. The immediate goal should be to reduce unemployment from its present level of approximately six percent. Ultimately, the rate of unemployment should be reduced steadily and carefully until work opportunities exist for all who desire them. A real growth rate exceeding four percent annually will be needed to accomplish this.

With the economy once again operating at full capacity, resources will become available to meet crucial public needs that are not now being met. A strongly growing economy will automatically produce a fiscal dividend in the form of greater revenues, which, in turn, will enable the federal government to provide a reasonable level of performance in essential programs and services now pinched for funds. The additional state and local revenues generated by such an economy will help save some of our cities and states from the bankruptcy they are fast approaching. Moreover, the single most effective program to eliminate poverty is an economy growing fast enough to provide jobs for the unemployed and for new recruits to the work force.

Full employment should be accomplished through stimulative fiscal policy directed by the Administration and supported by the Congress. This should be accompanied by a monetary policy that will assure sufficient liquidity to support the expansion.

To control inflation, the Administration should take effective action to prevent excessive price and wage increases and to remove employment barriers that are both inflationary and unfair.

Even with full employment improved manpower training programs will be necessary, particularly to upgrade the skills of workers now on the bottom of the job ladder.

GOAL TWO: EQUAL OPPORTUNITY

We believe that the *sine qua non* of full participation in American life is the opportunity for a quality education. For many Americans, our educational system falls far short of providing that opportunity.

A part of the reason for this is that education begins—or fails to begin—before children reach school age. Research studies have concluded that about 50 percent of one's intellectual development occurs between birth and the age of five and that such development is heavily influenced by environment. More recently, television's "Sesame Street" has impressively demonstrated the degree to which pre-school children can learn when new knowledge is imaginatively and entertainingly presented.

For these and other reasons, the need for new programs in pre-school education is clear. But since state and local governments lack the funds for such programs, the federal government must provide subsidies in this area so that the opportunity for pre-school education will be available to all children.

At the elementary and secondary education levels, we believe that the federal government should be more zealous in seeing to it that the results of federally funded education programs reflect a minimum standard of performance. For example, Title I "compensatory education" programs should be focused on reading and mathematics because Americans who cannot read and calculate live perpetually on the margin of society. So it is also with those who cannot speak English. Bilingual education should also be expanded and improved.

As for higher education, the federal government must expand the availability of financial aid for students so that no American is denied the opportunity to continue his studies because of insufficient funds.

Other aspects of equal opportunity do not require legislation. They require enforcement. Although the last decade produced progressive laws against discrimination in public facilities, employment, housing, and voting, the achievement was too largely a legislative triumph. The triumph will be empty so long as we lack effective implementation of those landmark laws. To be sure, enforcement agencies need more funds and more staff. But these alone will not suffice. What is needed, above all, is a commitment to enforcement by the national leadership. Without it, these laws will lose much of their meaning.

Finally, if equal opportunity is to be fully achieved, citizens of all races, classes, and income groups must have the chance to help shape the governmental programs and services that affect them. Government, moreover, must be held accountable to the citizens it serves. Here, too, it is a matter of will.

GOAL THREE: THE BASIC NECESSITIES

The United States has the richest, most productive economy in the world. But many Americans nonetheless lack the basic necessities for a tolerable life: food, shelter, health care, a healthy environment, personal safety, and an adequate income.

This need not be so. We can see to it that no Americans are deprived of these necessities.

It almost goes without saying that the most vital of these is an adequate income. A reasonable income allows individuals to purchase most of the other basic necessities with dignity and free choice.

The majority of the income of most Americans comes from productive employment. As mentioned earlier, the federal government

must shape its policies so that the economy will provide maximum opportunities for jobs at a living wage. We favor the following measures to accomplish this:

The use of fiscal and monetary policy to achieve sustained economic growth and high employment. Although effective action should be taken to keep wage and price increases within reasonable limits, we may have to be prepared to accept a somewhat higher degree of inflation than we have been willing to accept in the past.

Increase the minimum wage to an adequate level, and broaden the law to include coverage of more workers.

Creation of a program for public-service employment that would generate jobs at all levels of government as well as in non-profit, public service organizations. These jobs would fill a clear need that cannot now be met because of insufficient revenues. Among them would be such positions as health aide, police and pre-school teacher, and pollution-control worker. All of these jobs should have the opportunity for career advancement built in. The federal government should provide subsidies to cover training costs, as well as a large portion of the workers' salaries. One million of these jobs should be created by 1976.

For some Americans, wages and jobs will not suffice. Employment income must be supplemented by broader and better social insurance and income support programs. Both Social Security and Unemployment Compensation should be changed to provide greater benefits and wider coverage. Unemployment Compensation should become a federally administered program like Social Security, with uniform standards.

In addition, the present public-assistance program, acknowledged to be a failure by virtually every element of American society, should give way to the new initiative for a cash assistance program.

To be more specific:

The federal government should scrap the present Aid to Families with Dependent Children (AFDC) welfare program. In its place it should establish a program which, by 1976, would assure every household an adequate income, whether or not the head of the household is employed. The amount of the allowance would vary according to the number of people in the household. Work incentives would be built into the program; families would be allowed to keep a significant share of each dollar earned. Equally important, the program should be financed and administered entirely by the federal government. This would serve two purposes: it would relieve the financial pressure on states and localities, and it would assure greater equity for the recipients.

Assuring an adequate income would equip all households with the ability to meet the expenses of food, clothing, and transportation. It would not necessarily be enough to enable them to purchase adequate health care and housing—two categories which require further discussion.

Many Americans now lack decent health care because of these major deficiencies:

Inadequate supply and poor distribution of medical manpower and health facilities, with inner-city and rural areas particularly short-changed.

An incentive system that tends to produce a far greater emphasis on high-cost curative care administered in expensive settings (hospitals) than on low-cost preventive care.

As a consequence of these two deficiencies, the cost of health care is very high for all elements of the population. To those in the low and lower-middle income groups, it is often prohibitive.

We feel that any workable remedy must be composed of two essential parts. The federal government must institute a National Health Insurance program—paid for partly

out of new taxes—to assure every American that there at least is no economic barrier to adequate health care. And to make sure that adequate care is really available, it must increase the supply of medical manpower—especially nurses and paramedical personnel—through expanded federal education and manpower-training grants. At the same time, the distribution of health facilities should be widened through a significant expansion of community health centers—staffed in part by members of a Domestic Health Service Corps. As in other fields, community residents should be given a major voice in determining the nature of local health programs.

Housing is similarly flawed. Like health, it suffers from inadequate supply. Thus, even an "adequate" income is no guarantee that a family will be able to find decent shelter at a reasonable price.

In 1968, the Congress set a 10 year national goal of 26 million new and rehabilitated dwelling units—enough to bring substantial assistance to families now living in substandard housing. Six million of these are to be low-and-moderate income units, subsidized by the federal government. After two years, we have hardly begun. Public and private housing starts in 1969 and 1970 fell 650,000 units short of the original 3,675,000 unit goal for those years, as high interest rates pulled money out of the mortgage market. Housing available to low-and-moderate income families ultimately depends upon the condition of the economy. Thus, if private housing starts continue to lag, more federally subsidized units will be the only way to assure all Americans of adequate shelter.

In 1949, Congress and the President declared the goal of a decent home and a suitable living environment for every American. If that goal is to be met, the federal government must:

Assure that substantially increased funds will be channeled into the mortgage market, thereby increasing the total supply of housing.

Appropriate enough funds with sufficient "lead time" to finance effectively the federally subsidized portion of the 10 year goal, as well as additional units if private starts continue to fall short.

Reshape the federal housing programs to meet the social needs of their beneficiaries. This involves increased tenant services, greater provisions for home ownership, preservation of functioning neighborhoods, and assurance that federally subsidized housing will be of high quality.

Broaden the eligibility criteria for participation in federally subsidized programs. Currently the most needy families are not eligible. Neither do families with incomes just above the poverty line qualify for all these programs, even though housing on the private market is unavailable to them at reasonable cost. At the same time we should ensure that families residing in federally subsidized rental housing represent a wider spectrum of income classes.

Simplify (and reduce the number of) housing regulations now strangling federal housing programs.

Another requirement for national and individual well-being is adequate personal safety. Large numbers of Americans at all income levels do not now feel safe. The number of serious crimes reported has increased 148 per cent since 1960. Most of the increase has threatened city dwellers—particularly residents of low-income areas.

Illusory demands for "law and order" have not provided solutions. What we need, instead, is reconstruction of our system of criminal justice—action that will reduce crime without jeopardizing civil liberties. The most effective way to reduce crime is to treat its social, psychological, and economic causes; indeed, many of the programs and

approaches discussed elsewhere in this statement will help to accomplish that. In addition, however, the federal government should take the following action in the field of law enforcement and criminal justice:

Improve the woefully underfunded corrections system. The percentage of "repeaters" is remarkably high; if substantial numbers of offenders were rehabilitated, the crime rate could be cut significantly. Facilities for rehabilitation of drug addicts and alcoholics convicted of crimes should be vastly increased. So should research into better methods of treating these problems. The social costs of our past failure to provide such remedial programs is immense.

Provide funds for modernization of the court system at all levels.

Expand federal aid to local police, but require that the emphasis be on police recruitment, training, research, and salaries, rather than on equipment.

Undertake a concerted effort to diminish organized crime—particularly the dealers in hard drugs.

GOAL FOUR: RECTIFY THE REVENUE IMBALANCE

State and local governments face a steadily worsening financial crisis. Their revenues are falling further and further behind their expenditures, and an increase in state and local tax rates is usually political suicide. By 1976, the gap between expenditures and revenues at the local and state level is expected to be in the area of \$60 billion.

The federal government must respond to this crisis. A revenue-sharing program alone is unlikely to close the gap, since the program most widely discussed thus far would provide states and localities with only \$5 billion per year by 1976. The most important single contribution the federal government can make is to ensure a growing economy that will automatically enhance state and local tax revenues. (Economic growth alone accounted for more than 55 per cent of increased state revenue between 1966 and 1968.)

In addition, the federal government should assume the state and local costs of certain functions which have to do with national problems. We have already recommended a cash-assistance scheme and national health insurance, which would replace the current public-assistance and Medicaid programs, respectively. When our recommended proposals become fully effective, the cost now imposed by these latter programs—\$5.6 billion to states and localities in FY 1970—would be borne entirely by the federal government.

Beyond that, state and local government must place greater reliance on their own tax base and on more equitable tax systems. To encourage this, federal programs should be designed to stimulate greater tax effort, tax reform, and structural change at the state and local levels. With the prospect of additional funds, these governments will be more likely to undertake politically difficult reforms than they would be in the absence of such incentives.

To achieve these goals, we urge:

A revenue-sharing program for states and localities. The program's payment formula should (a) take into account need as well as population, (b) ensure that a substantial portion of the funds will be passed through to the cities, and (c) reward states which make a relatively greater tax effort and which raise a relatively higher proportion of their revenues through a progressive income tax.

A program of general aid to elementary and secondary education, available only to states which assume at least 55 per cent of the costs of such education (in the average state today, the state pays 44 per cent of these costs; local government pays the rest). States paying a higher percentage of these

costs would receive relatively more federal money. By providing an incentive for states to assume a greater portion of the costs of public education, this program would greatly relieve the pressure on overburdened local property taxes, which now provide the revenues to pay the lion's share of these expenses. The funds should be allocated to eligible states primarily on the basis of need.

A revised Model Cities program, adequately funded, which should be changed to focus on entire cities rather than on single neighborhoods. As an incentive for wider metropolitan planning, a single, coordinated application from two or more contiguous communities should, if accepted, be rewarded with funds that would exceed the amount they would have received through separate applications. Also, grants should be awarded only on condition that a specified percentage of funds would be spent in low-income neighborhoods and that citizen participation in decision-making would be assured.

GOAL FIVE: PROVIDE FOR MILITARY SECURITY

America needs sufficient forces and technology to deter foreign attack. However, the advent of the nuclear age has rendered every country vulnerable to military attack, regardless of how much or how little it spends for national security. Any level of spending requires accepting risks. In this setting, the following are needed to meet our national security requirements:

A credible "second strike" strategic capability which will deter military attacks by making it clear to potential attackers that they will themselves suffer unacceptable levels of damage if they should initiate an attack on the United States.

Adequate general-purpose forces to support our commitments to allied nations whose own security is important to American interests.

Sufficient research and development activity to ensure that our military technology does not become outmoded.

These needs will continue to require multi-billion-dollar expenditures, even with prudent reductions from current expenditure levels.

GOAL SIX: MEET FOREIGN ECONOMIC ASSISTANCE OBLIGATIONS

Modern industrialized nations, among which America stands preeminent cannot abandon their responsibility to the developing countries. In recent years, our financial commitment has slackened while the lesser developed nations have grown in their ability to use development assistance funds in a productive way. The first requirement for rapid international development is continued vigorous expansion of world trade. This will be possible only if advanced countries remove many obstacles to the growth of export earnings for less developed economies and encourage the flow of private capital to these nations.

Foreign economic assistance, when granted to help create self-reliance among nations, can also contribute directly to an expanded world economy and to improved prospects for world peace. To be effective, however, our assistance programs must be restructured and redirected. Most fundamentally, the entire program must be based on a less visible U.S. role, and on far more realistic and modest expectations about what our assistance can accomplish. Three specific changes are needed:

The amount of official U.S. development assistance funds should rise from its present level of 0.28 percent of gross national product toward a goal of 0.70 percent of GNP by 1975, as recommended by the Pearson Commission of the World Bank.

The proportion of funds channeled through multilateral institutions such as the World Bank should be substantially increased.

The form of economic assistance should be shifted to greater utilization of grants and soft loans, less of hard loans.

III. REQUIREMENTS FOR ACHIEVING THE SIX GOALS

At the beginning of this discussion, we mentioned three requirements for achieving our goals. These requirements—to repeat—are:

Reordering budget priorities—that is, cutting spending in areas of lower priority and applying those funds to areas of higher priority.

Increasing tax revenues—first through achieving a more equitable tax system, then through higher tax rates.

Reorganizing government structures to bring about more responsive and effective delivery of programs and services.

Perhaps it would be useful to discuss briefly what might be done in each of these areas.

Our analysis of present budget priorities suggests several categories where cuts can be made:

Agricultural subsidy programs could wisely be cut by \$1.2 billion between now and 1976. In its place, however, farm residents should be provided with expanded non-farm job opportunities, backed up by income assurances through the cash assistance program described on page 11.

Federal highway subsidies could be reduced by about \$1 billion by 1976, with these funds applied to the more urgent need for mass transit.

Still more could be saved by reducing expenditures for Army Corps of Engineers public works projects (currently \$1.4 billion), merchant marine subsidies (\$330 million), and the SST (\$275 million).

Dwarfing all of the above, however, is a potential reduction in military spending by 1976 of about \$20 billion, most of which should occur during the next two years. Such a reduction could be achieved through the following actions:

A substantial further reduction from current U.S. military spending in Vietnam, which now accounts for \$13 billion of the \$73 billion defense budget.

Persuading our allies in Europe and Asia to assume a larger share of defense costs in those areas.

Elimination of wastefully duplicative strategic deterrent forces and a cessation of attempts to build unnecessary strategic defense systems, such as Safeguard.

Elimination (without replacement) of systems rendered impotent, and therefore obsolete, by changing technology.

Improved management and operating efficiencies.

All of these reductions can be accomplished without threatening the goal of providing for adequate national security against military threats.

Reduction in defense expenditures should be accompanied by a planned program of reconversion which would provide income assistance, relocation allowances, training and jobs at similar skill levels for workers laid off because of cutbacks in defense spending.

Even assuming that all of these proposed budget cuts can be effected, however, more funds will be needed if we are to move far towards meeting our goals. This brings us to our second requirement—increasing tax revenues. We estimate that a rise of about 10 per cent in individual and corporate income taxes will be needed, assuming that the expenditure cuts suggested above (pages 20 and 21) are made. For every recommended dollar reduction not achieved, taxes will have to be increased correspondingly. These tax increases should not be undertaken immediately because they might interfere with restoration of full employment. But they will be required by the middle of the coming five-year period. Tax increases will become more feasible politically if the public becomes convinced that the tax system is

equitable. Thus, reform of the tax structure—to eliminate the inequities—must become a first line of attack.

As for our third requirement—reorganization of governmental structures—let us first review some of the major reforms already mentioned in our discussion of goals. They call for the federal government to:

Rationalize the process by which the federal budget is assembled and open that process to broader public scrutiny.

Provide financial incentives (a) for states to rely on graduated state income taxes, and (b) for individual communities to join together for area-wide planning.

Place all of the responsibility for administration and financing of the proposed income-maintenance program in the hands of the federal government.

Take measures that would help to achieve a better and more widely available delivery of health services.

Effect changes that would bring more investment funds into the mortgage market and streamline the federally subsidized housing programs.

Other reforms—many of them involving no expenditure at all—must also be sought if the government is to become more effective. Among them would be:

A requirement that municipalities provide housing for low- and moderate-income residents as a condition of their receiving federal aid.

Provisions to allow citizens to participate meaningfully in the design of programs that directly affect them.

Assignment of a higher priority to consumer affairs in the federal government, as well as stronger enforcement of regulations and laws in this area.

Stricter federal legislation against environmental pollution, along with stronger enforcement of existing laws.

A restructuring of the family planning assistance program to ensure that these services can be obtained by all who desire them.

The reforms listed here are meant to be suggestive, not comprehensive. They are intended to demonstrate directions that the federal government should take. Their purpose, in each case, is to assure that programs and laws serve the ends for which they were devised.

Without such reforms, we risk simply throwing money away, or worse, achieving undesirable results. Governmental bureaucracy must be made as efficient and responsive as possible. Most of the major new program initiatives we have recommended which will cost large sums of money—National Health Insurance, a cash assistance program, revenue sharing, including general aid to education—require very simple administrative mechanisms. The federal government role in these programs is almost completely that of collecting and dispensing monies.

Perhaps the most important reform, however, is a change in our attitude towards the future. America must begin to plan consciously for the future needs of its population; muddling through is no longer good enough. Such an emphasis on looking ahead permeates this entire document; this is why we adopted a five year rather than the traditional one year budget framework.

But even five years is a short time. We must embrace the future with a freshness of imagination, a national consciousness open to new ideas and concepts. We must be willing to readjust preconceived ideas to meet changes the remainder of this century will surely bring. Adjusting to these changes, the nature of which can now only dimly be perceived, will require thinking on a new scale—and a greater willingness to commit our vast resources to public purposes.

THE WILL TO ACT

There is little room for doubt about our ability to reach the goals we have outlined.

The economy can supply the resources, while preserving the freedom of enterprise that has made it the envy of the world. The government, properly reformed, can deliver the services. The programs we have suggested are not revolutionary or, in most cases, even new. Most have been discussed in this country for years, and many have long been public policy in Western European nations.

The one remaining question concerns our national will. Whenever there has been the prospect of a budget surplus, Americans have traditionally chosen the fruits of tax reductions in preference to the support of domestic needs with public funds. Will we soon be ready to make the sacrifices—particularly in the form of higher taxes—that will be needed to reach our goals? If not, we may later lament it. We must forge the national commitment and see it through.

REVENUE SHARING

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. PEYSER. Mr. Speaker, the States and cities of this country are desperately in need of financial assistance to meet their needs. The State legislature of my home State of New York is calling upon the Federal Government to make funds available to meet some of its urgent problems. I support that effort and bring to the attention of the House a resolution passed by the New York State Legislature requesting tax-sharing moneys be made available:

JOINT RESOLUTION NO. 2

Joint resolution of the Legislature of the State of New York calling upon the Congress of the United States and the federal government to take prompt action to implement proposals for a system of direct federal tax-sharing payments to states

Whereas, In recent years the challenges of modern-day America have required state and local governments to increase their expenditures at a rate greater than federal spending for domestic purposes; and

Whereas, The growth in state and local taxation per capita has out paced the growth in federal taxation per capita in recent years; and

Whereas, State and local governments are better equipped to determine how their needs can best be met and what formulas should be used in the distribution of available funds; and

Whereas, The federal government is currently taking such a large share of the productive wealth of this nation through federal taxation that state and local governments are increasingly unable to find equitable and non-confiscatory revenue measures to produce the funds necessary to finance programs under their own control; and

Whereas, The burden for innovation in domestic programs, under our federal system, rests with the states rather than with the federal government; now, therefore, be it

Resolved, That the Legislature of the state of New York calls upon the Congress of the United States and the federal government to take prompt action to implement proposals for a system of direct federal tax-sharing payments to the states, so that the state governments will be able to provide vital domestic programs which are now beyond their financial means and so that the states may assist local governments to exercise their proper responsibilities, particularly in the fields of education, transportation, en-

environmental protection and social services; and be it further

Resolved, That any such shared revenues that are provided to the states and local governments not be earmarked for specific purposes and functions; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Majority Leader, Minority Leader and Secretary of the Senate and the Speaker, Minority Leader and Clerk of the House of Representatives of the Congress of the United States, and to each member of the Congress from the state of New York.

REPRESENTATIVE MOORHEAD SAYS BRITISH DEALT WITH ROLLS-ROYCE BETTER THAN UNITED STATES HANDLED LOCKHEED

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. MOORHEAD. Mr. Speaker, the news of the weekend brought us face to face, once again, with a business failure and the name of Lockheed Aircraft Corp.

This time it was the prestigious Rolls-Royce, Ltd., that found itself in receivership, mainly because of its inability to produce engines for the Lockheed Tri-Star airliner.

Rolls had bid for the Lockheed contract and won on the basis of an unusually low bid. Parenthetically, it should be remembered that Lockheed got the C-5A contract on the basis of a very low bid for the mammoth plane.

But the interesting facet of this whole adventure is how the British government of Prime Minister Heath reacted to the financial failure of its largest defense supplier and a firm whose stability and prestige is a cornerstone of the British economy.

Heath moved quickly to take over the operation of the firm. There was no haggling over how much money should be paid to Rolls-Royce to "bail it out" of its problems.

It appears to me as if the British reaction to their dilemma was far more responsible than a similar American response when Lockheed, blending incompetency with greed, proved incapable of fulfilling the C-5A contract and faced bankruptcy.

We are making plans to give money to Lockheed when we should be assuming their assets on the basis of default.

We now own the plants that produce the C-5. I know of defense contractors who would rush to assume the C-5 contract and who would probably do a much better job.

The lesson here is plain, and that is no pun. The British decisive takeover of a failing Rolls-Royce is a much more enlightened, pragmatic, and well-reasoned decision than the Defense Department's scheme to bully Congress into giving Lockheed unknown millions in reward for their failure. We should mirror our English cousins in this regard and not shilly-shally with propping up defense contractors.

EXTENSIONS OF REMARKS

THE CHANGING SMOKING REPORT

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. FUQUA. Mr. Speaker, the column written by Mr. James J. Kilpatrick that appeared in the Evening Star of Washington, D.C., on Thursday, February 4, 1971, is a follow-up to the publicity given a news conference over a year ago regarding the findings of a cigarette research program.

As you know, Mr. Kilpatrick is a highly respected reporter and columnist.

I have long felt that only one side of this question is presented and that much of the statistical data has been misleading, and sometimes of doubtful validity.

Too often we react with haste on the basis of very limited information. I feel that every question relating to basic laws should be carefully evaluated as to their validity. I think the article by Mr. Kilpatrick speaks for itself on this point.

The article follows:

THE CASE OF THE CHANGING REPORT ON SMOKING

(By James J. Kilpatrick)

A year has passed since the American Cancer Society called a press conference at the Waldorf-Astoria, turned on the floodlights, and trumpeted the long-awaited findings of Dr. Oscar Auerbach and Dr. E. Cuyler Hammond on the effects of cigarette smoking on dogs. It is an appropriate time to take an anniversary look.

In the field of lung cancer research, the Auerbach-Hammond paper probably ranked as the most important paper of the year. Surely it was the most publicized. The two investigators had devoted three years to their work; their study had cost some \$750,000, half of it in federal funds; this was understood to be the breakthrough moment the tobacco industry, the consuming public, and the medical profession had been waiting for.

In its press release of Feb. 5, 1970, the Cancer Society said:

"For the first time, scientists have produced lung cancer in a significantly large experimental animal"—and note this next phrase carefully—"as a result of heavy cigarette smoking. The lung cancer was produced in a group of pure-bred beagle dogs by having them smoke non-filtered cigarettes. . . . 'Invasive' tumors (cancer) was found in 12 of the heavy-smoker dogs. . . ."

This flat assertion of causality was front-page news around the world. The attendant publicity contributed to the action of Congress, in March, requiring a more stringent warning on cigarette packages and banning all cigarette advertising from TV and radio. Efforts of the tobacco industry to obtain an independent scientific review of the Auerbach-Hammond findings were rejected by the Cancer Society. After a while the story passed out of the news.

Some curious things have happened. This milestone paper first was offered to the prestigious New England Journal of Medicine, where it was rejected by reason of the Waldorf publicity. Then it was offered to the Journal of the American Medical Association, where it was again rejected, this time, on the judgment of a reviewing panel that the paper did not meet the Journal's standards. On June 24, the authors read their papers before a session of the AMA in Chicago. Finally a much revised version of their report made it to publication in the December

issue of "Archives of Environmental Medicine."

The circumstances of publication were in themselves curious. Dr. Auerbach is a member of the magazine's editorial board.

The final published version is most curious of all. The Waldorf causality has vanished. The two authors make no claim whatever that they "produced lung cancer as a result of heavy cigarette smoking." They no longer say—as they said in June—that such a purpose was even a goal of their research. The 12 "cancerous" dogs of the February press release have gone through a sea change. Early squamous cell bronchial carcinomas of microscope size were detected in two dogs only.

In February, a group of eight non-smoking dogs had been described as "controls." By December, these had become merely "Group N." Remarkably, two of the eight—or 25 percent of those who never smoked at all—developed microscopic non-invasive tumors. The authors acknowledge they were "surprised" at this finding.

A close comparison of the Waldorf version, the Chicago version and the final version discloses dozens of textual changes. The net effect is that of a soft pedal descending on a muffled cadenza. Competent medical critics say that the published paper, while persuasive, simply is not of landmark dimensions. It offers no basis for the extravagant claims of a year ago.

If President Nixon has his way, Congress will earmark \$100 million in the next few years for cancer research. A substantial sum doubtless would be invested in efforts by other investigators to replicate the Auerbach-Hammond study with adequate controls and meticulous animal profiles. In a nation of 45 million smokers, proof of causality is the indispensable first step toward finding the specific carcinogen, if it exists, in the cigarette. Forget the fanfare. We are not at that point yet.

ABDICATION OF POVERTY BY THE MODERN CHURCH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. RARICK. Mr. Speaker, in many instances spokesmen of the welfare activists—the self-appointed poverty leaders and advocates of social justice by force of law, bear titles or identification associating themselves with churches or religious bodies.

The fervor of some of the tax-free religionists to induce higher taxes and enlarge the poverty base by blaming the Government or the working people must be accepted by the people as an admission by the organized church of its inadequacies and capitulation of its charitable responsibilities.

What more pronounced moral role can there be for the church than to minister to the hungry and thirsty? Where should charity begin? Should not all gratitude for gifts go to God and not to Caesar?

If the organized church with its billions of tax-free enterprises were to channel its efforts to aid the poor, the distressed, the sick and needy, there might well be fewer captives in the welfare mire and there would be more popular support for the organized church retaining tax-free status.

For the church and its spokesmen to blame poverty on the people and Government is like the priest washing his hands as a symbol of self-purification and abolition of responsibility.

In lieu of helping to feed the masses, the organized church pursues political action, lobbying, and gigantic building programs which set the stage for nationalization of the faith by acceptance of Federal funds. Some churches now actively engage in name calling and finger pointing to cover up their inadequacies, yet would claim a right to compete with taxpaying free enterprising businesses.

Thus far, to escape Federal controls, the same churches invoke separation of church and state—but for how long, when they allow themselves to be used as political agencies.

Church-supported, tax-exempt schools would accept taxpayers' money for education segregated by faith. Yet, they support legal attacks against independent schools in Southern States to deny tax exemption for education segregated by race. Segregation in one instance is sought to be justified to perpetuate a faith in the other race and custom.

In another example, the tax-exempt status of a religious affiliate is under attack for being under the control of and used as a propaganda pawn of a foreign government.

As some religious organizations and their oligarchic spokesmen turn their backs on the teachings of God, the poor suffer severalfold by the failings of the modern church: inflation induced by the tax-exempt church spendings, and higher taxes.

Where is there a church that can long endure without making its contribution to society by fulfilling its mission to the poor?

The impoverished cry out for help but are told to go see Caesar. Charity is unknown in an ungodly nation.

Though I speak with the tongues of men and angels and have not charity, I am become as sounding brass, or a tinkling cymbal.—1 Corinthians 13: 1.

And now abideth faith, hope, charity, these three; but the greatest of these is charity.—1 Corinthians 13: 13.

The apostate church has revised the Scriptures by concluding that it is more blessed to receive than to give.

Is charity the duty of Caesar or the work of God through His church? See Matthew 22: 21.

I include several related news clippings which follow:

[From the Washington Post, Feb. 7, 1971]

THE WELFARE TIDE—A HUMAN CRISIS
(By Nick Kotz)

Bertha Hernandez supported her family in the slums of Houston, Tex., for 18 years on the strength of her back and her ability to turn out spotless laundry for the ladies in the suburbs. The tiny Mexican-American woman raised three sons by working seven days a week, earning \$30 to \$45 when business was good.

She never went near a welfare office until 1968, for a number of reasons: Under Texas welfare regulations, she made too much money. She knew the state seldom helped "her people." The presence of a husband further disqualified her for public welfare, even though he drifted in and out of the

household and only occasionally contributed a few dollars earned by moving furniture or digging ditches. And she was proud.

But in 1968, a national tide reached Bertha Hernandez.

The tide was a phenomenon of the '60s. The civil rights movement began to show that in many cases poverty was the result of discrimination and therefore not a personal sin. The war against poverty further dramatized the problems. Federal court decisions challenged welfare agencies to justify why they arbitrarily excluded poor families from payments. The easy entry, low-skilled jobs in the central cities began to shrink with automation and the growth of suburbs. Inflation began to make it impossible to raise an urban family of four on \$45 a week. Television convinced the poor that the nation really might care about them.

For Mrs. Hernandez, personal circumstances helped make the decision: her age, a final breakup of her 18-year marriage, the accumulated wear and tear of scrubbing and ironing seven days a week.

"I was too proud before," Mrs. Hernandez says, "but the migraine headaches got just too bad."

She went to the Texas State Welfare Department office that October and signed up for \$38.50 a week under the Aid for Dependent Children (AFDC) program.

Thus the four members of the Hernandez family became a statistic in what President Nixon has called a national scandal—the crisis in welfare.

In Texas, AFDC rolls have doubled in the two years since Mrs. Hernandez's family became recipients. Nationally, in the same two-year period, AFDC rolls have gone from six million to nine million recipients. Today, almost 10 per cent of the nation's children are being supported by welfare. In 1968, AFDC welfare payments cost taxpayers \$2.5 billion. Today, the cost is \$5.3 billion annually, with the federal government paying \$2.9 billion and state and local government footing the balance.

Some state and local officials, unprepared for the new tide or unwilling to appropriate funds to meet it, say the program is pushing them toward bankruptcy.

Similar welfare programs operate for the aged, the disabled and the blind, but the AFDC program, with accompanying Medicaid benefits, accounts for most of the rising cost and numbers.

IN MASS CONFUSION

"Our welfare funding is in mass confusion, our recipient rolls are growing by 10,000 monthly," Texas Gov. Preston Smith told his state legislature last month. His answer: fund the state's share of Mrs. Hernandez's AFDC check for only 10 more months, meanwhile beseeching the federal government to take over the entire program.

The present AFDC program has "degraded the poor and defrauded the taxpayer," said President Nixon. His solution: the proposed Family Assistance Program, "the most comprehensive and far-reaching effort to reform social welfare in nearly four decades."

Mr. Nixon's plan, now before Congress, would provide more federal funds to reduce the state's share (22 per cent in Texas) of Mrs. Hernandez's \$154 monthly welfare check, on which she is supporting Rudy, 17, Philip, 13, and Robert, 10. But the President's proposal would not add a penny to her check, since Mrs. Hernandez's payment already exceeds the \$1,600 annual (\$133 monthly federal guarantee of the program for a four-member family).

In fact, payments to those now on AFDC would rise in only the seven Southern states that now pay less than \$1,600 annually, while 36 other states, including Texas, would continue providing support at less than the official federal poverty line and less than their own established standards of need.

Since all the Hernandez children are of school age the Family Assistance Plan would require Mrs. Hernandez to accept either job training or jobs offered her at a minimum wage of at least \$1.20 an hour. If she found a job, she could still keep part of her welfare check "as a work incentive," but not necessarily as much as present welfare regulations would permit her to keep if she were working now.

\$3,920 MAXIMUM

The Nixon plan also would provide, for the first time, federal income supplements to 12 million persons in families of "the working poor," permitting up to \$1,600 in federal aid to boost their total incomes to a maximum of \$3,920.

In the eyes of many angry taxpayers and politicians, Mrs. Hernandez and people like her are lazy, cheaters, breeders of illegitimate children and riders in welfare Cadillacs. To sympathetic liberals, she is the product of a culture of poverty that has trapped 25 million Americans at the bottom of this most affluent society.

Mrs. Hernandez's life does not fit traditional welfare myths, but her attitudes and recent actions are indicative of the new aspirations of the welfare poor.

Growing up in the generations-rooted poverty of the Southwest's Mexican-Americans, she never finished the sixth grade in school. Of her \$154 monthly welfare check, \$30 goes for rent in overcrowded public housing and \$37 for food stamps "that don't stretch a whole month." When the children need shoes, she bakes and sells pies; when Rudy wanted to study the clarinet, she traded out \$40 worth of laundry work for a used one. She states forcefully that "my middle-class concerns include group therapy," which she believes is helping Philip with emotional difficulties.

And she is no longer ashamed of welfare. Although she doesn't look the part, she is even blossoming as a community leader "to help people get the right to a decent life." Less than five feet tall, a dumpy little woman with long brown hair, she appears older than her 43 years. She wore an apron when timidly attending her first welfare rights meeting. Now she sits on three community boards, is determined that other poor people get on welfare, that benefits be raised, and that the poor be permitted full access to education and all the benefits of an affluent society.

Bertha Hernandez, welfare statistic, symbolizes a new movement in this country—a movement regarded both by critics and advocates as a welfare revolution.

Strangely enough knowledgeable critics of the spiraling welfare rolls and advocates of expanded government aid for the poor agree closely about most of the long-term and short-term causes of the welfare revolution.

Conservative welfare commissioners such as Burton Hackney of Texas and William Sterret of Indiana agree, for example, with much of the analysis given by Richard Cloward, a professor at the Columbia University School of Social Work and resident philosopher for the national welfare rights movement:

A 25-year migration of unskilled black, brown and white poor from rural areas to the cities created a vast pool of eligible poor people who originally came to cities seeking work and a better life. Most worked at menial jobs, survived off the charity of relatives or lived by their own wits, hustling in the swelling ghettos. Their economic plight worsened as unskilled and semi-skilled grew fewer and industry moved out of the central cities into the suburbs.

At this point, unemployed men began deserting their growing families in record numbers and the scene was set for a welfare explosion. And then the political climate forced open the welfare system, which had been tightly guarded until this point by an

ingenious set of federal, state and local restrictive practices.

"The 50's were a period of calm in the cities, so there was no pressure to open the rolls," say Prof. Cloward, "but the riot-torn 60's were a different matter. The federal government responded through its intervention to try to deal with the turbulence in the cities. The political response and the overwhelmingly important force was the anti-poverty program—the Vistas, legal services, community action agencies—that's what spawned the welfare rights movement.

"The recent rise in the rolls is chiefly a political phenomenon, not an economic one. The urban blacks couldn't gain housing, education or jobs, but they now had political power, particularly with the National Democratic administrations, and they did gain welfare. Finally, the present recession came at a time when restrictive (welfare) practices had collapsed all over the country."

The "welfare crisis" today comes in large part because in the past most families technically eligible for welfare were, in fact, arbitrarily excluded for a variety of reasons. In the past few years, court decisions and new federal regulations have taken the position that if a family meets the standard that its children are needy and there is no fraud, it has to be granted welfare status if it wants it.

For the first time, welfare clients had lawyers representing their cause, and restrictive welfare department regulations and practices came tumbling down in a torrent of Supreme Court and lower federal court decisions.

The Supreme Court knocked out the so-called "man in the house" rule, by which welfare departments summarily cut off AFDC families whenever welfare investigators found a man living with or visiting an AFDC mother.

Next, the Supreme Court ruled unconstitutional the one-year residency requirement by which states and counties kept newly arrived migrants from benefits.

The Supreme Court then invalidated the vague "unsuitable home" device by which Southern states had purged thousands of welfare families from the rolls on grounds that mothers were not caring properly for their children and home.

Lower federal courts eliminated the "step-father responsibility rule," under which a stepfather was required to assume financial responsibility for his wife's AFDC-supported children from an earlier marriage.

New HEW regulations, backed up by the federal courts, required welfare departments to act on applications within 30 days, rather than the frequent indefinite delays. The new regulations prohibited cutting persons off the rolls arbitrarily, without first giving them an opportunity for a fair hearing.

Congress, in a little-noticed amendment to the 1967 Social Security Act, required states to update their cost-of-living standards, though not necessarily the actual benefits. Washington, D.C., for example, until last year paid AFDC recipients on the basis of 1953 housing costs and 1957 food and clothing costs.

The District and many states responded by raising the standard, but then paying only 75 per cent of it in benefits. Nevertheless, the higher payment standard made far more families eligible for benefits.

Another provision of the same law for the first time provided a positive "work incentive," permitting families to keep part of their earnings. Previously, all earned income was deducted from welfare payments.

Vista volunteers, Legal Service attorneys, community action agency workers and the emerging National Welfare Rights Organization helped steer the poor through the still formidable bureaucratic welfare jungle. Many of the poor learned for the first time about their legal rights.

Finally, the stigma that had kept many eligible poor away from the welfare office began to lessen as the poor and their allies openly lobbied for welfare benefits as a right, not "charity." And as welfare became more respectable, many of the urban poor began to view it as an acceptable alternative to their traditional dead-end jobs as maids, janitors and kitchen helpers—jobs that often paid less or only slightly more than rising welfare benefits in northern industrial states.

Welfare advocates and welfare critics, in accord as to those root causes, stop agreeing at this point. They differ markedly in assessing the implications of the welfare crisis for American society.

From Columbia Prof. Cloward's viewpoint, "the crisis is really the reform—namely that poor people are finally getting some money. The normal state of the system is that the poor get nothing."

National Welfare Rights Organization Director George Wiley adds: "If this is a crisis, there ought to be a bigger one. My question is not why so many people are getting benefits, but why so few. In a law-and-order society, these people have been denied their legal rights."

Government officials, on the other hand, define the "crisis" as a burden to the taxpayer and to government budgets and as a disruption to the economy.

"The crisis is basically fiscal," said HEW Under Secretary John Veneman in an interview. "State and local governments can't handle it. And the whole [welfare] system is posing a challenge to the wage structure in the country. Seven and one-half million people are working for less than the minimum wage. It's a fundamental challenge to low-wage, marginal employment. It creates an alternative, seriously undermining these jobs."

Within the general public and the government, there has always been angry disagreement over the real characteristics of the welfare poor, Myth blends with fact in efforts to analyze family structure, divorce, desertion, illegitimacy, racial composition, work ethics, welfare fraud, economic and geographic mobility, and living standards of AFDC recipients.

Several facts are clear. Widening access to welfare benefits did not occur simultaneously throughout the country. Numerous states still prevent the vast majority of potentially eligible poor from obtaining benefits, and access to welfare in even the highest-benefit states has not necessarily produced economic security for the recipients.

New York City is the welfare capital of the nation with more than 800,000 women and children receiving the highest AFDC benefits (nearly \$4,000 annually for a family of four). But a critical shortage of low-cost housing, and absence of jobs, and the highest cost of living nationally makes women swear about "welfare hell" in this supposed welfare paradise.

The city's AFDC rolls have risen from 195,000 in 1960 to 809,000 today. The city's share of welfare costs has grown from \$89 million 10 years ago to \$500 million last year, including \$182 million for AFDC alone.

Judith Irby, an attractive 31-year-old black mother of six, would like to know, "Where has all that money gone?" She knows it has not gone for public housing, for which she has been on the waiting list for 10 years, or for adequate child day care facilities, the absence of which forced her to quit work.

Home for Mrs. Irby and her children was a rat-infested apartment with gaping holes in the walls, until the building was condemned. The New York City welfare department moved her family to the Hamilton Hotel, until it also was condemned last month as unfit for human habitation. She's still on a welfare tour of the city's fleabag hotels and says of her recent homes: "I've never lived in hell but I can imagine what

it's like. Believe me, we don't want to raise our kids in filthy slums. This is killing them."

Leaving rural poverty and her husband in Georgia, Sarah Glover came to New York in 1956 with a job as a sleep-in maid. Then she supported her children by caring for invalids. She always considered welfare a last resort, and that came when she had an eviction notice in her hand and only bus fare in her purse. "I went with my children to the welfare department and told them, 'I'm moving in somewhere, if I have to move in with you.'"

A 30-week manpower training course in bookkeeping "gave me hope," says Mrs. Glover. "Then the only job I was offered was \$71 a week as a cashier clerk. I would have lost my Social Security, and with five kids to support, I couldn't take it. So I went back on welfare."

Indeed, a New York AFDC mother receiving an average \$278 welfare check is better off than she would be working at the typical \$274 monthly salary level for which AFDC recipients can qualify. And with Medicaid benefits, she is far better off than many of the city's working poor.

The willingness of women to regard welfare as an acceptable alternative to work appears related directly to welfare benefit levels, HEW studies show. In high-benefit states like New York, only 8 per cent of AFDC women work, but in states like Mississippi, Georgia and Florida where payments are near the bare survival level, more than a third of recipients supplement their welfare checks with low-paid jobs.

In New York City, the question of work is fast becoming academic, particularly for poor men. New York welfare officials estimate the city has lost several hundred thousand unskilled and semi-skilled jobs in the last few years.

"This has become a city of the very rich and the very poor," explains William Johnson, who has just completed a welfare study for New York's Rand Institute. "The jobs and the middle-income people are leaving for the suburbs, and what's left is the trapped migrant, who can't find housing or transportation to follow the jobs. The jobless husband deserts and the family goes on welfare."

"Desertion, sure," says Beulah Sanders, leader of the New York Welfare Rights Organization. "Do you think a man is going to sit there and see his family starve?"

Life may or may not be worse for the welfare poor in Indiana, which, in contrast to New York, pays the lowest welfare benefits of any Northern state (\$150 a month for a family of four) and has the smallest proportion, of its poor receiving AFDC benefits—2 per cent.

"The entire philosophy of welfarism is alien and foreign to the people of Indiana," explains State Rep. Robert Bales, chairman of the House Health and Welfare Committee. "We run a very tight ship."

FIFTY-THREE PERCENT IN A YEAR

But the rolls are rising even in Indiana. The number of people receiving AFDC payments went up 53 per cent last year.

And in contrast to New York, where virtually all AFDC recipients are black or Puerto Rican, 55 per cent of the new welfare poor are native, white Hoosiers who grew up in rural poverty and now are moving to the cities and towns.

Marilyn Schwab, for example, grew up on a farm and moved to Richmond, Ind., where her husband worked in a tire factory. After her husband deserted her last year, Mrs. Schwab says she tried supporting her three sons working at two jobs—a tavern until 2 a.m. and then in a radio parts factory starting at 7 a.m. "I ended up in the hospital with nervous exhaustion," she says, "and for the next six months we lived on a \$12 weekly

grocery order, until they finally accepted me on welfare."

Of her \$150 monthly welfare check, Mrs. Schwab says \$58 goes as rent for an unfurnished apartment. "We make our own clothes or pick up used ones at a church," she said. "I had to call the school to say I didn't have shoes for two boys. This is not right. Children should have new clothes."

Mrs. Schwab's bare living is now endangered by a government and taxpayers revolt. For the politicians in Indiana, New York and Texas are now debating whether to cut the welfare payments of Mrs. Schwab in Richmond, Mrs. Glover in New York and Mrs. Hernandez in Houston.

[From the Washington Star, Feb. 6, 1971]
KEEPING CHURCH, STATE SEPARATE PROVES
DIFFICULT JOB

(By William Willoughby)

Church-state separatists this week showed considerable elation over victories they have won recently in thwarting or at least bringing into question laws which would give public money for church-run schools, but they didn't allow themselves to become carried away with the spirit of triumph.

Instead, delegates to the 23rd national conference of Americans United for Separation of Church and State pondered the long road of battle ahead against increasing pressures to "knock down" or "undermine" the "wall of separation" of church and state called for in the national Constitution.

In a speech at the Silver Spring convention, Dr. Glenn L. Archer, longtime executive director of the organization, said "Every church with a real commitment can maintain whatever institutions it deems necessary to the advancement of its spiritual mission."

"It is true that some church institutions have closed," he said, "but in most instances they have not closed for want of money. The basic cause has been a collapse of support from their own constituency and a crisis of confidence about the church's future."

PRESSURE IS ON

Archer advanced the theory that "two churches" might be emerging on the American scene—one primarily politically motivated and the other spiritually motivated.

"When one contemplates the enormous amount of money, time and energy that is being expended by churches in some 40 states and before the Congress to obtain public taxes, it raises the presumption that we may be developing two churches—the one powerful and political, the other a living church serving the spiritual needs of the people."

The largely Protestant organization received a somewhat unexpected boost from a Catholic laymen's group headed by the Rev. Joseph O' Donoghue, a priest who was disciplined by Patrick Cardinal O'Boyle in 1968 during the dispute centering on interpretation of the birth control encyclical from the Vatican.

O'Donoghue, national director of the National Association of Laymen, which has headquarters in New York City, told the conference his group will oppose any diocesan effort to obtain state and national funds if its schools are not run by lay boards and if the bishops do not make full disclosure of the dioceses' finances.

The NAL is not against state aid per se, O'Donoghue said—at least not for the present. "But we are unalterably opposed to lobbying efforts for tax dollars from bishops who refuse to reveal their own assets."

Much of the thrust of NAL's objective is to know the assets of the church so the degree of its commitment to the goals of social justice can be determined. To date, only a small number of the dioceses have printed financial reports.

CONFIDENCE IS UP

Behind Americans United's elation are referenda decided in November by voters in Michigan and Nebraska which ruled out the use of public funds in those states to aid in financing parochial and other private schools. Local chapters of the organization played important roles in the final outcome of the votes.

Americans United has entered friends of the court briefs on a number of other cases. The United States Supreme Court for instance, this month is scheduled to hear oral arguments on the "purchase of service" plans which are being advocated in several states.

The theory maintains that the state actually is not violating the Constitution in providing funds through the purchase of services which are made available to children in parochial schools. The argument follows that the funds are buying education for children "who otherwise would attend public schools."

Americans United, opposed to this line of reasoning, thinks the balance of strength is on the side of the argument it takes—partially because seven of the nine federal judges who have sat on purchase of service cases have ruled that the practice violates the Constitution.

Archer told the conference that President Nixon is "a great imponderable" on the church-state issue as it pertains to schools because of "the ultimate position he may take on the issue."

He said that when his organization started blowing the whistle on what it felt were violations of the church-state arrangement, it was as "a voice in the wilderness."

He is more optimistic now, even though the battle has thickened. "There has emerged during the last six years growing evidence that the rank and file of American citizens is awakening to the church/state problem."

[From the Washington Evening Star, Feb. 6, 1971]

GOVERNMENT SEEN AS COST BOOSTER IN CARE
FOR AGED

American taxpayers are getting less from the money government agencies put into homes for the aged than the same amount of money would derive in services in most church-operated homes, an American Lutheran Church official charged.

Rev. John Mason, who supervises the big ALC system, told representatives of 13 national church bodies, members of the Senate Special Committee on Aging, the Senate Committee on Banking and Currency, the House Ways and Means Committee and the House Committee on Education and Labor, that allegations of exploitation of America's aged by privately operated nursing homes for the most part do not fit conditions at church-operated homes.

Also present in the meeting were representatives of the Departments of Health, Education and Welfare and Housing and Urban Development, the American Association of Homes for the Aging, the National Council on Aging, and the Gerontological Society.

Mason said that reducing or eliminating tax deductibility for gifts to non-profit homes would be "a real blow at the philanthropy program of our country." There has been talk of such action.

Present policies, he said, discriminate against the funding of church-sponsored homes in that profit-making homes are allowed a percentage of profit. Removing tax exemption from church homes would deny church-operated homes a financial return.

"Is the benevolent dollar contributed by a person with no thought of return or interest earnings less deserving of includability as a cost than the dollar invested by a person who expects not only to get his dollar back but to receive an investment return on that dollar as well?" he asked.

"Somehow it appears difficult, even for legislators, to understand that you can't tax a non-profit home—you can only tax the person who lives in that home."

Mason showed statistics which indicate costs in homes operated by ALC—almost 14,000 residents in 125 homes—are about half what they are in federally assisted (HUD) homes. Further, he feels the Lutheran homes offer a more realistic treatment plan.

Costs in 1968 in the church homes, he said, were nearly \$24 million less than they would have been in HUD homes.

The Lutheran official said the government's "separate and distinct" requirement for care under Medicare increases costs while at the same time giving less satisfying results. Providing medical care in the homes, Mason said, rather than in separate institutions would lower costs.

He cited as an example two stroke victims, who, while requiring different levels of care, were nonetheless confined to a medical care facility. "Cost controls are out," he said, in such a situation, "needlessly increasing" the costs for private care patients.

He explained that under the separate care regulation in force, every patient must be charged the same rate regardless of the level of care, putting a burden on the private-care patient.

Mason suggested that FHA regulations for nursing homes could be changed to "solve that whole problem of providing housing and health care for elderly people at a higher quality of service and at a lower cost to both the private patient and the public treasury."

[From the Washington Post, Feb. 7, 1971]

A CHALLENGE TO THE "ZIONISM" OF
B'NAI B'RITH

(By Paul W. Valentine)

A series of obscure lawsuits here involving what appears to be a humdrum employee-employer dispute over back pay has rekindled long-smoldering questions about the relationship of American Jewish organizations to Israel.

Beneath the mass of dry and technical documents in U.S. District Court lies an accusation that B'nai B'rith, the nation's largest Jewish service organization, has been quietly converted into a tool of political Zionism and a pawn of the Israeli government.

The accusation—normally heard only from the extreme political right wing and vigorously denied by B'nai B'rith—is made by a former high-ranking B'nai B'rith employee, Saul E. Jofes, 56, a quiet widower who lives in Falls Church, worked in the B'nai B'rith International Council for 22 years and was director general of its office of international affairs when he was fired Jan. 5, 1968.

He maintains that B'nai B'rith should not be allowed to enjoy its present tax-exempt status as a charitable, religious and fraternal organization but should be required to register as an active agent of Israel under the Foreign Agents Registration Act.

AN ISRAELI POLICY

At the root of the issue is the traditional Zionist concept of *aliyah*, a Hebrew term meaning the "ingathering" or return of Diaspora (dispersed) Jews to the Palestine homeland. Since the creation of the state of Israel in 1948, *aliyah* has become a basic imperative of Israeli government policy.

Jofes and his attorney, former California Rep. Byron N. Scott, contend through court papers that B'nai B'rith is now organizationally committed to *aliyah* and is undertaking activities and financial obligations which are either directly or indirectly guided by the Israeli government through a labyrinthine apparatus of Zionist organizations and interlocking Zionist and non-Zionist coalitions.

The accusations—now as in the past—raise a semantical windstorm, blurring definitions, obscuring basic concepts and stirring emo-

tions in both Jewish and gentile thinking. When does organizational support, for example, become political activism on behalf of another country?

What is the practical meaning of aliyah in the first place? Is it permanent physical migration to Palestine, or simply a life-sharing visit of a few months? Is it a political or religious concept? Jews in Washington argue it both ways.

What is Zionism? Jews defined it variously as anything from permanent migration to financial and spiritual support of Israel from afar.

Israeli leaders, such as former Prime Minister David Ben-Gurion, have said that Zionism without a "return to Zion" is phony. Yet few American Jews migrate permanently to Israel. Philip M. Klutznick, a former president of B'nai B'rith, explains it this way in his 1961 book "No Easy Answer":

"American Jewry, now deeply and happily rooted, (has) imperceptibly converted its Zionism from a political doctrine to a romantic ideal. The guiding principle of migration to Zion, the heartbeat of the doctrine, was stilled by the hospitality of an American society that gave Jews the freedom to adapt, to be themselves."

Some say that all Jews, by definition, are Zionists. Others say that a Jew is not a Zionist unless he is a dues-paying member of an actively Zionist organization. Definitions have been battered and shifted especially since May, 1948, when the theory of a Jewish homeland suddenly became a concrete reality with the creation of the state of Israel.

"These days, I don't know whether I'm a Zionist or not," says Klutznick in his book. "The dilemma is semantics, not ideology."

"My convictions in the matter have been reasonably consistent since the day, about 30 years ago, when I surrendered my membership card in the American Zionist movement. But that was long before 1948 . . . There is now an abundance of rotating theories on the nature of poststatehood Zionism, what it is, where it leads to. As an exercise in semantics, it generally leads into a philosophical cul-de-sac."

A REGISTERED "LINK"

It is into this sea of imprecision and argumentation that Saul Jofes has launched his four lawsuits against B'nai B'rith over the last three years. As he sees it, the key organization linking American and Israel interests is the Jewish Agency/American Section, Inc.; which is registered with the Justice Department as the official agent of what is called the Executive of the Jewish Agency for Israel, Jerusalem.

The Jewish Agency/American Section is ultimately connected to and receives its instructions from the Israeli government through a network of organizations established under the Status Law of Israel in 1952, Jofes contends. The Status Law designates the World Zionist Organization (WZO) as Israel's "authorized agency" for development of the country and absorption of immigrants * * *

The Jewish Agency/American Section, in turn, is the U.S.-based operation of the Jewish Agency for Israel in Jerusalem. It is through these channels and an intertwined group of ancillary funding organizations that money, propaganda and political policies are transmitted back and forth between America and Israel, Jofes says.

A portion of annual donations by American citizens to the United Jewish Appeal (UJA), for example, is channeled to Israel through the Jewish Agency/American Section. Some of the money, according to court papers, also has passed through other intermediate "linkages," such as the United Israel Appeal (UIA), the Synagogue Council of America and an entity called the Jewish

Agency for Israel, Inc. (a New York corporation not to be confused with the Jewish Agency for Israel in Jerusalem; the New York organization is now merged with UIA).

THE "TIE-INS"

Millions of tax-exempt American dollars go to Israel each year. Some directly subsidize the Israeli treasury for noncharitable purposes, Jofes says, and some are returned to the United States to be spent on Zionist propaganda efforts here. B'nai B'rith is politically and financially tied to this complex apparatus, Jofes contends, in a number of specific ways:

Its hierarchy is honeycombed with executives who serve or have served as officers of the Jewish Agency/American Section, the Jewish Agency for Israel, Inc., the Zionist Organization of America and the Synagogue Council of America. (The last-named was cited as a conduit for funds from the Jewish Agency for Israel by the Senate Foreign Relations Committee in May, 1963.)

B'nai B'rith is a constituent member of the Conference of Jewish Organizations (COJO) along with the Jewish Agency/American Section and the World Jewish Congress, both of which are funded mainly through the Keren Hayesod (Hebrew nomenclature for the United Jewish Appeal), a funding arm of the Jewish Agency. COJO is described as a "consultative" body by B'nai B'rith officials.

B'nai B'rith is a constituent member of the Conference of Presidents of Major American Jewish Organizations, another umbrella grouping which is supported in part by Jewish Agency/American Section funds.

The B'nai B'rith board of governors has endorsed the basic concept of aliyah, according to summary minutes of a report by B'nai B'rith president William A. Wexler at the ninth plenary sessions of the B'nai B'rith International Council (BBIC) here in January, 1969.

Fifteen months earlier, at its annual meeting in Caracas, the BBIC also called on its constituent members throughout the world to promote aliyah.

Court papers filed by Jofes note that there is no reference to Zionism or aliyah in the statement of purpose of the B'nai B'rith constitution. It says in general terms that the organization's purpose is to unite "persons of the Jewish faith in the work of promoting their highest interest and those of humanity . . . of inculcating the purest principles of philanthropy, honor and patriotism . . . alleviating the wants of the poor and needy . . . coming to the rescue of victims of persecution . . . (and) protecting and assisting the aged, the widow and orphan on the broadest principles of humanity."

"MISCONDUCT" CHARGED

Jofes says he was fired because he criticized and resisted what he considered to be a shift from these purposes into Zionist activism. B'nai B'rith officials say he was fired for "gross personal misconduct."

A mass of letters, memorandums and depositions filed in U.S. District Court here show that B'nai B'rith officials were dissatisfied with Jofes' work in the international council for several years. Rabbi Jay Kaufman, B'nai B'rith executive vice president, said in one deposition that B'nai B'rith's overseas lodges "did not always stay alive or thrive because of the manner in which he organized them."

During 1967, in the course of two letters and one memorandum, Rabbi Kaufman charged Jofes with "incompetence," "incapacity" and "malfeasance, misfeasance and nonfeasance." He urged Jofes to resign to avoid dismissal.

Jofes refused. He also sued Kaufman for libel (because of the "incomplete" letters) and thus commenced the first of four tangled

legal actions to bring Rabbi Kaufman and B'nai B'rith into court.

In January, 1968, B'nai B'rith president Wexler wrote Jofes formally firing him for "gross personal misconduct" and citing the libel suit against Rabbi Kaufman as the specific reason. Jofes then asked for some \$24,400 in severance pay. Before any action was taken, Wexler issued a second letter to Jofes reiterating the dismissal but this time specifying "malfeasance, misfeasance and nonfeasance" as the reasons.

The language was significant, because under a written agreement with B'nai B'rith headquarters here, employees are entitled to severance pay when fired for "gross personal misconduct" but not when fired on the more serious charge of "malfeasance and nonfeasance."

Jofes then sued B'nai B'rith for the severance pay. He also sued Wexler and the organization for libel (the "malfeasance" letter) and Rabbi Kaufman for malicious interference with his contract rights.

U.S. District Court Judge Oliver Gasch upheld the severance pay claim, ruling that only the first letter of dismissal was valid. B'nai B'rith appealed the ruling. It lost in the U.S. Court of Appeals, and the Supreme Court refused to review the case last Dec. 21, thus leaving Gasch's original ruling intact.

On Jan. 15, another District Court judge, Gerhard Gesell, ruled against Jofes in the two libel cases, holding that the two letters criticizing Jofes had circulated among only a few entitled persons at B'nai B'rith and were therefore not actionable in court. Jofes is considering an appeal of both cases. There has been no ruling yet in the malicious interference case.

INTERNATIONAL POLITICS

Jofes asserts that as a Jew he is unopposed to and in fact lauds Zionist activity aimed at relieving bona fide problems of Jews, but he says he feels that B'nai B'rith has overstepped the law and its own constitution in its current pursuits.

As director general of the B'nai B'rith International Council's office of international affairs, he says he helped fashion it resurrected post-World War II overseas lodges into units to improve Jewish welfare and encourage Jews to remain in each foreign community—just the opposite of the Zionist precept of migration. Slowly over the years, however, the B'nai B'rith leadership became dominated by pro-Zionists, he says, and began trying to limit his work.

B'nai B'rith now "engages in international politics and more often than not does the bidding of the government of Israel," he says in a court affidavit. "Its leaders make frequent trips to Israel for indoctrination and instructions. I had tried to prevent this change. That is why Rabbi Kaufman tried to fire me."

B'nai B'rith officials will not discuss details of the Jofes litigation because it is still tied up in the courts. In terms of general B'nai B'rith policy, however, Bernard Simon, B'nai B'rith press officer, says, "Sure, we've made statements encouraging aliyah, but does that imply that the whole Jewish community should get up and move to Israel? It's ridiculous."

Says David A. Brody, an attorney and director of B'nai B'rith's Anti-Defamation League (ADL) office in Washington: "Any aliyah action by B'nai B'rith is not at the request or through the control of the government of Israel. Therefore, it doesn't come within the reach of the Foreign Agents Registration Act."

Simon said the Justice Department has never questioned B'nai B'rith about its relationship to the registration act. The Justice Department acknowledged that it has never asked the organization to register but would

not say whether it ever made a preliminary inquiry into the issue.

CONCENTRATED DOMESTICALLY

Simon says that the B'nai B'rith budget is "overwhelmingly, crushingly domestic," with funds going to such constituent activities as ADL, B'nai B'rith Youth Organization, Hillel Foundations, B'nai B'rith Vocational Service, Adult Jewish Education Program and Community and Veterans Affairs Program. B'nai B'rith claims about 500,000 dues-paying members.

"Today," says Simon, "we're a mirror of the Jewish community. We take in the mass moderate middle class."

Many members "have an affinity for Israel," he says, "but take me; I could never call myself a Zionist. I don't belong to any Zionist organizations, and I don't plan to emigrate."

He noted that Jewish emigration to Israel from the United States since 1948 has been small (about 25,000). "B'nai B'rith is just not physically geared up for aliyah," he says.

Simon acknowledged that several B'nai B'rith officials belong to Zionist organizations or coalitions embracing Zionist members, "but that doesn't necessarily mean they're in league with the Israeli government. . . . Many of them often disagree with what the Israeli government is doing, in fact."

The 1965 edition of Who's Who in World Jewry says that B'nai B'rith executive vice president Kaufman is a member of the Labor Zionist Organization of America. He is also a former member of the executive board of the Synagogue Council of America.

The Who's Who says that former B'nai B'rith presidents Label A. Katz and Philip Klutznick are members of the Jewish Agency for Israel. Klutznick is also a former president of the Southwest region of the Zionist Organization of America, and Katz is a member of the UJA national cabinet.

Current B'nai B'rith president Wexler is a life member of the Zionist Organization of America, a cochairman of COJO and chairman of the Conference of Presidents of Major American Jewish Organizations.

POLICYMAKING CITED

Joftes contends that through these various connections, B'nai B'rith, along with other organizations, is intimately involved in the shaping of Israeli policy here. He cites these examples as evidence in court papers:

Rabbi Kaufman said in a memo to Joftes in late 1966: "BB (B'nai B'rith) is now playing a greater role in the fate and future of Diaspora Jewry, assuming tasks which the State of Israel cannot legitimately undertake because it is a sovereign state and cannot intrude on the affairs of other nations."

In a Dec. 3, 1967, report to the B'nai B'rith board of governors, Rabbi Kaufman wrote: "I am personally convinced after the long session that Dr. Wexler and I had with Mr. (Levi) Eshol (former Israeli prime minister) in Jerusalem this summer and with what I have seen and learned subsequently that *there must be aliyah!*" (emphasis original).

"If we are to be serious about aliyah, we will have to enter into a working relationship with the agencies who are undertaking the presently highly intensified effort at winning aliyah. This relationship as I envisage it would have us stimulate the thinking of the vast B'nai B'rith membership toward consideration of regular and extended visits or total life in Israel."

A Feb. 8, 1968, letter from B'nai B'rith International Council director Herman Edelsberg to Sidney Muller, president of the Australian B'nai B'rith lodge, included an \$850 check with instructions to transmit it to the India-Israel Friendship League in Bombay. The league, administered largely by the women's auxiliary of the B'nai B'rith lodge of India, was formed in 1967 to push Israeli

causes, combat pro-Arab feelings and seek diplomatic relations between India and Israel.

The \$850, it is argued in court papers, is thus a B'nai B'rith subsidy of promotional and propaganda efforts in a foreign country on behalf of a third country, in violation of the Foreign Agents Registration Act. Rabbi Kaufman countered in a related court deposition that the money was for "powdered milk, among other matters."

B'nai B'rith, according to several memorandums circulated among B'nai B'rith officials, has implemented a "summertime professional leadership training course" in Israel for selected staff members with seminar lectures on Israeli political and social thought by Jewish Agency, Israeli government and Israeli university speakers. In 1967, "all costs were subsidized by the Merkaz," according to a Jan. 23, 1968, memo by Rabbi Kaufman. The Merkaz is an entity set up to administer the program and funded by the Jewish Agency.

In the April 11, 1969, issue of the Reconstructionist, a magazine of contemporary Judaic thought, Rabbi Oscar Groner, associate director of B'nai B'rith's Hillel Foundations, disclosed that Hillel has been subsidizing a series of lectures on American campuses by Israeli government representatives since 1960.

CONSUL GENERAL INVOLVED

One B'nai B'rith memorandum not included in the court record relates a meeting in December, 1960, between a number of B'nai B'rith executives and Benjamin Eliav, then Israeli consul general in New York. Eliav, it says, outlined Israeli demands to broaden Jewish rights in the Soviet Union and was "particularly anxious that literature on the subject be disseminated to the grass roots of B'nai B'rith."

"It was resolved," says the memo, "that this could be done" by the issuance of B'nai B'rith press releases, distribution of information to Hillel directors, a newsletter to B'nai B'rith "leadership lists" and a program for B'nai B'rith's adult Jewish education department.

Joftes' lawsuits repeatedly return to this theme of B'nai B'rith's relationship with Israel and possible legal implications under the Foreign Agents Registration Act, which requires the registration and public disclosure of records of any agent "engaging in propaganda activities and other activities for or on behalf of foreign governments, foreign political parties and other foreign principals."

The 1938 act defines an agent of a foreign principal as a person or organization who acts at "the order, request or under the direction or control of a foreign principal" or who is "directly or indirectly" supervised, controlled or financed "in whole or in major part" by a foreign principal. Activities coming under its restrictions include public relations counseling, political consulting and fund collecting.

Do any B'nai B'rith activities come within these definitions? How and where are the lines drawn between domestic and international involvement? Questions of this sort are certain to befog and slow any neat resolution of Joftes' already three-year-old court joust with B'nai B'rith.

TAKE PRIDE IN AMERICA

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's

great accomplishments and in so doing renew our faith in ourselves as individuals and as a nation. In 1790, Samuel Slater built and operated the first factory in the United States. With ambition, persistence, and a good memory, Slater struggled to build the intricate Arkwright spinning frame which enabled him to turn out spindles of cotton yarn.

THE VERY REVEREND GONVILLE AUBIE FRENCH-BEYTAGH

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. FRASER. Mr. Speaker, following my brief remarks, I shall place in the RECORD a statement circulated by the gentleman from New York (Mr. REID) and myself. Fifty-five Members of this Congress have subscribed to this statement concerning the arrest and detention of the Very Reverend Gonville Aubie French-Beytagh, dean, the Cathedral of St. Mary the Virgin, Johannesburg, South Africa.

The statement speaks for itself.

Most of us assume that the dean has done nothing that would be judged criminal if done in a democratic multi-racial society. Previous Government treatment of other South African foes of apartheid entitles us to this assumption.

But regardless of the dean's guilt or innocence in this case, he is simply one more victim of institutional racism. The viciousness of the apartheid system is self-evident. The terrorism inflicted upon the black citizens of South Africa and Namibia is monumental.

We protest. Apartheid should be in the dock—not opponents of it.

The statement follows:

CONGRESSIONAL STATEMENT CONCERNING THE ARREST AND DETENTION OF THE VERY REVEREND GONVILLE AUBIE FRENCH-BEYTAGH

The recent arrest of the Anglican Dean of Johannesburg, South Africa, the Very Rev. Gonville A. French-Beytagh, is a cause for anguish to men everywhere who believe in liberty, justice, and due process of law.

The Dean, an outspoken foe of apartheid, was arrested on January 20th under the Terrorism Act and held in solitary confinement, without being charged, for more than a week. On January 28th, he was brought to court and charged under the Suppression of Communism Act with assisting banned organizations and with possession and distribution of literature of banned organizations, as well as other charges. The state indicated that its case was not yet completed and that additional charges may be lodged against the Dean. He was remanded on bond and ordered to reappear in court on February 26th.

Apartheid is repugnant to all men of conscience. Dean French-Beytagh's real crime is to decry openly institutionalized racial separation; to deny a man of the church the right to speak the teachings of his church is an equally reprehensible denial of basic human rights.

Our concern, however, extends also to the manner of the Dean's arrest and detention. The Terrorism Act of 1967 permits persons suspected of subversive activities to be held

incommunicado and without charges for an indefinite period. Some detained under the Terrorism Act have simply vanished, with no information on their fate available to friends and relatives.

The Terrorism Act is a totalitarian measure, abhorrent to any concept of justice accepted by civilized nations. Whether involved against those who seek self-determination for South-West Africa or against an ordained minister who seeks justice for the black majority, the Act flouts the Rule of Law.

The efforts of the South African government to silence one of the church's most outspoken officials is one more sign that Pretoria is isolating itself from the currents of freedom, self-determination, and justice abroad throughout the world.

Only through the courageous efforts of a few South Africans—often at great personal sacrifice—will the hope of liberty remain alive in that country. We earnestly hope that those who are still able to speak out will not be terrorized into silence by the repressive arrest of the Anglican Dean of Johannesburg.

LIST OF SIGNATORIES

Congressmen:

Bella S. Abzug—New York.
 Herman Badillo—New York.
 Nick Begich—Alaska.
 Jonathan E. Bingham—New York.
 Edward P. Boland—Massachusetts.
 John Brademas—Indiana.
 Emanuel Celler—New York.
 Shirley Chisholm—New York.
 William (Bill) Clay—Missouri.
 George W. Collins—Illinois.
 John Conyers, Jr.—Michigan.
 James C. Corman—California.
 Ronald V. Dellums—California.
 Charles C. Diggs, Jr.—Michigan.
 John G. Dow—New York.
 Bob Eckhardt—Texas.
 Don Edwards—California.
 Donald M. Fraser—Minnesota.
 Peter H. B. Frelinghuysen—New Jersey.
 Gilbert Gude—Maryland.
 Seymour Halpern—New York.
 Michael Harrington—Massachusetts.
 Augustus F. Hawkins—California.
 Henry Helstoski—New Jersey.
 Robert W. Kastenmeier—Wisconsin.
 Edward I. Koch—New York.
 Ralph H. Metcalfe—Illinois.
 Abner J. Mikva—Illinois.
 Patsy T. Mink—Hawaii.
 Parren J. Mitchell—Maryland.
 William S. Moorhead—Pennsylvania.
 F. Bradford Morse—Massachusetts.
 Charles A. Mosher—Ohio.
 John E. Moss—California.
 Robert N. C. Nix—Pennsylvania.
 David R. Obey—Wisconsin.
 Thomas P. O'Neill, Jr.—Massachusetts.
 Bertram L. Podell—New York.
 Charles B. Rangel—New York.
 Thomas M. Rees—California.
 Ogden R. Reid—New York.
 Benjamin S. Rosenthal—New York.
 William F. Ryan—New York.
 James H. Scheuer—New York.
 John F. Seiberling, Jr.—Ohio.
 Louis Stokes—Ohio.
 Frank Thompson, Jr.—New Jersey.

Senators:

Birch Bayh—Indiana.
 Edward W. Brooke—Massachusetts.
 Walter F. Mondale—Minnesota.
 Frank E. Moss—Utah.
 Edmund S. Muskie—Maine.
 William Proxmire—Wisconsin.
 John V. Tunney—California.
 Harrison A. Williams, Jr.—New Jersey.

AMERICA WANTS JOBS—NOT RELIEF

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. COLLINS of Texas. Mr. Speaker, as we make the transition from a Vietnam war economy to a stable peace economy, we have disruptions in the employment pattern. The only sound answer is to concentrate on providing job opportunities.

Instead, our Nation is drifting down the road of welfareism. Welfare is growing until it becomes a way of life. Where welfare increases so does the crime rate, drug use, family desertion. But the most unfortunate aspect is that folks lose their self-respect.

The cities are overcrowded and yet we encourage more people to move to the cities and enjoy broadened welfare benefits.

The U.S. News & World Report is always interesting reading. I hope you all read the February 8 article, "Welfare Out of Control." Here are some of the sections that summarize the welfare crisis. From the February 8, U.S. News:

There is little evidence that heavy spending of the past has served to raise the educational level of the poor people in the central cities or to lift the underprivileged out of a dependency status and bring them into the mainstream of the economic system where they can contribute to the productivity and wealth of the nation.

On the contrary, experience of the recent past indicates that there is a stampede to get on a government aid as a matter of "legal right." Second, third and even fourth generations of welfare families in this country are living on relief as a permanent way of life.

In New York City—financial center of the nation—Mayor John V. Lindsay is facing a deficit of 300 million dollars in this year's 7.7 billion dollar operating budget, with a billion dollar shortage in sight for next year. One out of every six persons in New York City is now on relief. Mr. Lindsay is proposing to sue the federal and State governments to strike down spending mandates in social-welfare programs.

And Mayor Kenneth A. Gibson of Newark, N.J., told Congress on January 22 his city has 11 per cent of its population unemployed and 30 per cent on relief. It also has one of the nation's highest real estate tax rates, and an anticipated deficit of 43 per cent of its operating budget.

At the start of the Nixon Presidency in 1969, Milton Friedman, University of Chicago economist, observed:

"The Johnson Administration left a heritage of entering wedges—programs that were started small, but with large increases in spending already legislated for the future."

Now the mounting costs of welfare programs are raising the hackles of the working class—the home owners and wage earners who carry the main burden of property and sales and income taxes at every level of government. Many middle-class workers complain that their standard of living is being whittled away by rising taxes and consumer prices. They blame much of this on government spending on the welfare class, and on the creation of large governmental

bureaucracies serving a growing number of special interests.

The number of persons on welfare has increased far more rapidly than the growth in population. The Census Bureau found a nationwide population growth of 13 per cent in the last decade. In the same 10 years, welfare rolls went up 94 per cent, and the number of recipients of Aid to Families With Dependent Children (AFDC) more than doubled. The trend has accelerated during the recent business slump.

The cost of supporting welfare clients has risen more sharply than the rise in the cost of living. Since 1960, the amount of payments to relief recipients has jumped more than 240 per cent. In 1960, the total relief benefits amounted to 3.7 billion dollars. By 1970, they had grown to \$12.8 billion.

The big controversy—in Congress and among the public—is focused on Aid to Families With Dependent Children.

AFDC has mushroomed into a monster program that accounts for more than two thirds of all people receiving public assistance. In mid-1960 there were 3 million AFDC recipients. Today there are more than 9 million. And costs have skyrocketed from 621 million dollars in 1955 to \$4.1 billion in 1970.

The proportion of children in fatherless homes—where the father has deserted or the children were born out of wedlock—has jumped from 60 to 80 per cent of all AFDC children in the last few years. Few States make much of an effort to trace missing fathers or to hold them legally responsible for child support. Critics claim this amounts to a "baby bonus," which encourages illegitimacy among those who are least equipped to bring up children.

A "U.S. News & World Report" survey shows examples of what is happening around the country—and why so many people are irritated about welfare.

In New York City, the number of welfare recipients has tripled in 10 years. The cost of welfare and social services has gone up 700 per cent. The total of persons on welfare is 1.4 million. The number on AFDC has quadrupled. Costs are going up at a rate of 20 per cent a year.

A big factor in New York's welfare spiral is "desertion"—either the husband leaves home or his wife claims that he does. Another big factor is illegitimacy. A recent study showed that 60 per cent of all out-of-wedlock births in New York are taking place among women on welfare.

"Desertion" and illegitimacy together account for 7 out of every 10 applicants for relief in New York. Social workers call this "fiscal abandonment," for the purpose of getting more welfare money.

"The fact is," said one authority, "in many cases, the father never really deserts. He just stays out of sight so the woman can get on AFDC rolls. In slum areas, everyone knows this goes on. It is widespread in New York City."

The Census Bureau reports that per capita income in Washington, D.C., is higher than in any State of the nation. Yet 1 of every 10 Washington residents is on relief. In the last fiscal year, the monthly welfare bill in Washington went up more than 71 per cent.

Cheating by welfare recipients has been charged in many areas.

The State of Nevada, at the end of 1970, conducted a door-to-door check on welfare cases. On January 8, about 22 per cent of the recipients—3,000 people—were stricken from the relief rolls. State Welfare Director George Miller reported they had been cheating taxpayers out of a million dollars a year through failure to report income from other sources, including unemployment benefits. Mr. Miller blamed the frauds on a federal regulation

that permits welfare applicants to obtain aid simply by stating that they meet all qualifications.

In his message to the legislature, Governor Reagan pointed out:

"The same government that requires a tax-paying citizen to document every statement on his tax return decrees that questioning a welfare applicant demeans and humiliates him." Mr. Reagan blamed the excesses of the welfare system on lax federal regulations.

A spot check of welfare rolls in New York City by the General Accounting Office, reported in September, 1969, showed that 10.7 per cent of all families on relief there did not meet the eligibility requirements, and that 34.1 per cent of those who were eligible were being overpaid.

New York taxpayers recently were angered by disclosures that the city's welfare agency had provided rooms for a welfare mother and her four children in the Waldorf-Astoria, one of New York's most elegant hotels, at a cost of \$152.64 for two days.

The food-stamp plan is yet another welfare program that has grown rapidly in recent years. Now the food-stamp plan is providing food at discount prices to nearly 9 million Americans. The cost of the program has grown from 115 million dollars in 1967 to an estimated 1.4 billion this year, with more than 2 billion authorized for 1972.

Recently, an audit by the Agriculture Department uncovered "irregularities" in one fourth of the welfare cases receiving food stamps in the District of Columbia. Some involved welfare clients "shopping around" among 12 food-stamp offices in the city to get extra food-stamp cards, using false names and addresses and falsifying the number of persons in their families.

Now the Government has discovered that food stamps are being obtained by college students, young people living in "hippie communes," military personnel and workers who are out on strike.

Critics claim that virtually all of the Government programs to deal with poverty, and the welfare program in recent years, have come from the academic community, or special-interest lobbies in Washington—that there has been little visible input from business-management experts.

Soon we will face in Congress the guaranteed income proposal. Originally estimates said that it would increase persons on relief from 10 to 24 million people. And the funds requested by the National Welfare Rights Organization would cost \$40 billion a year. Let us not jump off of the cliff—the answer is to take the road of hard work and more jobs.

The time has come for America to move forward with more job opportunities. Let us send them to the mountains to build fire protection in the forests. Let us clean up the highways. Let us build more water reserve lakes. But let us work.

"CHANGE" IS AN INCH IN 10,000 YEARS

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. BOLLING. Mr. Speaker, "Change Is an Inch in 10,000 Years" is an interesting description of one of our country's most serious problems of understanding.

The column by Coleman McCarthy, Washington Post staff writer, appeared in the Post of February 7. It follows:

"CHANGE" IS AN INCH IN 10,000 YEARS

(By Colman McCarthy)

Not long ago, I addressed the students of a private high school. They were mostly middle- or upper-class, bright, concerned about grades and aware that their parents were spending \$1,500 a year tuition for them to get something out of high school besides themselves.

I talked for half an hour on the need to change the system from within, describing that system as one in which the government often serves private rather than public interests and noting how business often commits antisocial acts, how the schools and churches have lost imagination.

For examples, I pointed out some dirty contradictions: the government pays more than \$2 billion a year to farmers not to grow food while elsewhere in the world 10,000 people die daily of malnutrition; a President who pledged in 1968 to "bring us together" campaigned in 1970 with an apparent plan of trying to divide us; the military—and the politicians who fund it—claim to be protecting Vietnam from Communist assault while destroying one-seventh of the countryside with bombs, napalm and defoliants.

That's the system awaiting you, I said. But no matter how crammed it is with horror and cruelty, the way to change it for the better is to strike out with one's mind and heart, not with more violence. Robert Coles, I. F. Stone, Ralph Nader, Shirley Chisholm and Harry Caudill were among those cited as proof that the work-from-within philosophy works.

The question-answer period began. "You don't understand," said a student, standing awkwardly but sure of his thoughts. "I just read a book by a scientist that said humanity has only 30 years to go before we will all be annihilated. We've destroyed the environment, we're overpopulating and life will be insupportable. How can you tell us to work within the system when shortly there won't even be a system?"

This doom question is not a new one. This generation of American students, or at least a large part of it whose motors of awareness are not stalled on American overcomfort, is observed with despair. The belief of the questioning student that we have 30 years left may be half-mad, but it is full-sincere.

It need not be this grim. That it is for so many of the young may be traceable to a combination of ignorance and arrogance. The ignorance is the unawareness that positive social change, at its best, means moving humanity an inch forward every 10,000 years.

It was only a few thousand years ago that recorded history began, though the planet had been floating in the heavens for an estimated 30 billion years. Six thousand years ago, men in caves began carving symbols on walls, either to please their own sensibilities or to get over a message to the neighbors. This simple act of literacy extended from a simple notion of communication.

Yet 6,000 years later, this supposed simplicity is still so complex that well over half the world is still illiterate. This is astounding to think about, whether one sees man as a little lower than the angels or a little higher than the animals. If it has taken us this long to get only this far with so basic an idea as literacy—reading a series of symbols—how long will it take for deep and profound concepts to spread universally—sharing the wealth, reverence for nature, love among nations?

If we are speedy and put in overtime, 10 million years is a fair guess, although that might be asking too much. No one who works

for positive social change—from the public Savers of Man who keep calling for "moral leadership" to the chanting crowds who demand "peace now"—is able to escape carrying this cross of slowness. Albert Camus, tempted all his life to hopelessness but never yielding wrote: "The important thing . . . is not to be cured, but to live with one's ailments."

There is still the death row fact, however, that in 30 years we may be walking the last mile. As the student said the scientist said, too much pollution and too many people. Isn't it arrogant, though, to transform so easily this possibility of doom into an excuse for despair?

In doing so, one separates himself from the countless millions of the world's poor and victimized, whether in Southwest Washington or Southeast Asia. These wretched of the earth have far better reasons to despair—often no food, no money, no houses, no peace—than a young American in Northwest Washington whose life in most ways has been a study in comfort.

To despair because ones time may be up in 30 years is to cut oneself off from the striving of the man whose time may—with grimmer reasons—be up in 30 days or 30 minutes. If the surviving but still starving people in East Pakistan—Pakistan today, Biafra yesterday, somewhere else tomorrow—are not yielding, who has a right to yield in America?

The 30 years doom argument is in many cases an excuse from action, a self-invitation to the sideline pleasures of classical laziness. This is often true even among the so-called committed young. Dorothy Day, the soul of the peace movement, said once that she receives innumerable letters from students wanting to come to her Bowery headquarters to help her work for peace. Miss Day remarked: "Sometimes it seems that the more volunteers there are around the place, the less gets done. . . . Their interest in peace keeps them from the clothes room, or from the paperwork connected with running an office. . . . These things too are the work of peace, and often seem like a very little way."

At the outset, every generation likes to consider itself "the chosen ones." But when the older generation asks them what they are chosen to do, the chosen ones often don't know. "Poverty, crime and war are matters which the great novelists have treated with due respect for their complexity," writes Edward D. Sullivan in a recent Virginia Quarterly Review. "And their basic assumption is that these are problems which cannot be dealt with simply or quickly, although youthful readers like to believe that such matters can be solved by a relatively simple approach."

By the time many of the young find this out, there is often a spouse and family, and the whole ideal of making a better world is lost in favor of making a better rumpus room in the cellar. What a way for chosen ones to end up! Chosen to go down to the lumber yard on Saturday morning for knotty-pine paneling and coping saws.

Yet there is something good and constructive in that, too, not at all divorced in spirit from the striving of a Third World person who is building a better roof on his hovel. D. H. Lawrence wrote about this union of striving in a poem, "We Are Transmitters":

"Give, and it shall be given unto you
Is still the truth about life.
But giving life . . . means kindling the life
quality
Where it was not,
Even if it's only in the whiteness of a washed
pocket handkerchief."

One hopes that all of us can do better than a handkerchief. But if not, that is all right, too. It is part of the inch.

STUDENTS VITALLY CONCERNED IN
FUTURE OF OUR COUNTRY

HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. RUTH. Mr. Speaker, Mr. Bill J. Briggs, executive secretary of the Southern Universities Student Government Association recently called my attention to an address given by Roger M. Gramling, President of SUSGA, to the Rotary Club in Albemarle, N.C.

The remarks of President Gramling suggest that the majority of the student population in the country today is vitally concerned in the future of this Nation and dedicated to constructive efforts to direct that future. I include the address given by President Gramling in the RECORD:

STUDENTS VITALLY CONCERNED IN FUTURE OF
OUR COUNTRY

(Delivered to the Albemarle-Stanly County Rotary Club, July 16, 1970, at Albemarle, North Carolina)

I welcome this opportunity to appear before you today because I come to speak on a subject which for me has become a cause in itself—a subject, not by its nature a crusade, but one which may well sound as such before I finish this afternoon.

I call to your attention an excerpt from the report of Tennessee Congressman W. E. Brock's Campus Tour conducted in 1969 by Mr. Brock and 22 of his congressional colleagues:

"There is in the campus today a new awareness of potential student power and the emergence of a large group, probably the vast majority of student leaders and a substantial number of intelligent, concerned and perplexed young people, which has genuine concern over what it feels is the difference between the promise and performance of America. While these students have no monolithic leadership or single set of goals, they are fairly united in questioning many of the values of our system. The revolutionaries on campus who desire to destroy our system are few in number. The vast majority of students are not poised on the edge of revolution and have not lost faith in our system."

Yes, there is a majority in our land today—a majority deserving of praise, though often unsung. . . .

An intelligent majority, their appeals to reason listened to, but unheeded. . . .

A sensitive majority, their cries of injustice heard, but unfelt. . . .

An idealistic majority, who challenge in terms of hypocrisy the concept of "the American Ideal" with the single hope that it might come true.

There is a majority in our land today the childhoods of whom were subconsciously scarred by radio broadcasts of screaming jets piercing paths of death within miles of the Yalu River—

A majority conceived in a period of prosperity and hope . . . today facing crisis and, for some, despair.

There is a majority in our land today who do not believe it necessary to wave a flag to be patriotic nor to accept without question everything they are told for the sake of being informed.

This majority is a proud group—independent in spirit, sometimes stubborn in belief but dedicated to that constitutional proposition that all men have equal access to opportunity under the law.

In this vast majority rests, not only your hope, but the hope of the world.

Out of a sincere and deep rooted love of country, this majority rejects those flagrant generalities and barber shop clichés which we have heard too long as excuses for patriotism: "My country right or wrong, but my country," "If you don't like it, leave it."

You will find this majority calling a black man, a "black man," and a white man, a "white man."

And this majority cannot understand why it is necessary for our nation to stockpile enough explosives to destroy the world three times over when once would finish us all.

On every front this majority is met by the age old message to work change through our democratic processes. And so, for fifteen years they have struggled to obtain the right to vote in order that they might do just that.

They followed John Kennedy to Dallas, and when in 1968, another Kennedy listened and fought, someone with a personal grudge killed him in a California hotel. They followed Eugene McCarthy until he threw in the towel and their hearts walked behind that mule-drawn wagon which carried the body of a black man whom we need now more than we needed then.

This majority is a majority disillusioned with that system which values glory above human life, the prestige of a nation above the fate of her sons.

To them the pages of history recount in solemn order the failures of man to build a world of peace and justice—a world in which all men may live out their own birthright, a world which respects the potential of every human mind and the eternity of every human soul.

They are students of history to whom the starved faces of Dachau, Auschwitz, and Buchenwald still bear witness to the inescapable truth, that in the Twentieth century and in the civilized world six million Jews died—simply because they were Jews.

But more than students of history, they realize as perhaps no other generation has, that they are makers of a history yet to be written.

Senator Robert Kennedy wrote in preparation for an address at Fordham University in June of 1967:

"Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

Is it no wonder that they deem themselves pioneers of a new frontier, caught in the midst of much they see as wrong, still hoping that much can be better.

For the most part, this majority is critical of existing institutions which perpetuate racism and inequality. They believe that much can be done to initiate understanding; and yet, they are frustrated because they find few outside of their own generation who are willing to serve as initiators.

This majority is seriously concerned over our presence in Southeast Asia. To them it is a question of life or death. And justly so, because it is those in this generation who are fighting and dying. Forty thousand of their brothers are gone in a war which to this majority of Americans has been illegitimate from its beginning, undeclared and unauthorized by the Congress of the United States.

Unlike any previous generation of Americans, this generation has seriously questioned, and will continue to question the priorities which determine the course of our federal government.

They cannot understand a federal government which in a period of one fiscal year spent billions of dollars to fight another country's war half way around the world and only two hundred sixteen million dol-

lars to fight the water and air pollution which daily threatens the future health of our own United States.

And this generation does not welcome those in our nation who judge a man by the length of his hair or the style of his dress. They teach a lesson which we must all relearn: A man is judged by what is in his heart and in his mind.

I do not speak today of that small minority of self-styled Americans who care little for our past and even less for our future—who advocate violence as the only means to change.

But there are some in our land today who would lead you to believe that this minority is representative of the majority—that violence is the instrument of all who advocate change. Nothing could be further from the truth. I stand before you today because I think the time has come for someone to speak for the majority of students in our land—

A majority which is critical, yes . . .

A majority which is questioning, yes . . .

An outspoken majority, yes . . .

An idealistic majority, yes . . .

But a violent, criminal majority, no!

Is it not somewhat ironic that while we read of the thirty-one who were arrested at the University of South Carolina, no one ever writes of the fourteen thousand who were not. I am here for the sake of the fourteen thousand.

I am aware as you may be that during the recent Cambodia-Kent State Crisis, one out of every five colleges in this country was closed. But, as President of the second largest student association in the United States, I am here to remind you that four out of every five stayed open. And in my book, 80% is a majority any day of the week.

But there are some in our land who have succeeded in scandalizing the majority for the sake of the minority

I think the time has come to call a spade, a spade

I think the time has come to lay outside our flagrant generalities—

Generalities that identify every kid as a bad kid . . .

Every kid with long hair as a hippie . . .

Every student who carries a sign as a communist . . .

Every student who marches as a destroyer of our nation.

You will not find this generation an easy generation of Americans with which to get along. They are impatient. They are frustrated. They will ask questions which have never been asked before—questions politicians purposely side step. And they will march and they will sing and they will stand silent vigils exercising their constitutional right to protest.

Their questions will prick the consciences of Americans who have accepted without question the generality that everything in our land is good. They will tell you and they will show you that everything is not—that much needs to be changed. And they will change it because they believe that this land can be a better land. And I believe that they have the faith and the courage and the knowledge to do it.

They were the first ones to show us we could fight City Hall.

I call this majority the "New Americans"—"new" because theirs is the strength that can make things better, Americans because their patriotism is unquestioned in my mind, Americans because they believe more deeply than we have yet to realize in the principles and ideals of this land.

And if you look, you will find them already at work.

Today, around you and around the world the New Americans are already at work studying and learning what needs to be done and how to do it.

In the summer you will find them in the cities of our land teaching Ghetto children how to read, Ghetto mothers proper food preparation. And you will find them in the fields of this world teaching farmers agricultural techniques, how to build dams and dig ditches for irrigation. And you will find them in your communities working with mentally retarded children, and in your churches trying to build a youth program pleasing unto God, desperately trying to bring their own generation to the ultimate source of all truth in a world which constantly seems to pull them away.

And you will find them in some cities marching; but, they will not be marching without a cause and that cause will be a cause, not for one minority, but for all people and all Americans who love freedom.

And you will find them teaching. And you will find them in the backwoods of our land because they have a dream that the backwoods of men's minds and the backwoods of men's souls can become the bright pastures of a new world.

And you will find them in the Peace Corps and in Head Start. Some will have long hair. Some will dress differently. But they ask you to judge them as individuals who believe in something that can be and must be and will be—who believe that every child who is born in our land has the inalienable right to grow up healthy and strong—with a mind that is as healthy as his body. And they believe that there is a place for the displaced—that there is a place of dignity in our land for every man, be he black or red or yellow, be he Jew or Gentile. But most of all, they believe in America—its potential and its opportunities. But they believe that that potential must be realized by all people and those opportunities must be made available to all. As one poet has written:

"Thank God our time is now when wrong Comes up to face us everywhere, Never to leave until we take

The longest stride of soul man ever took."

In closing, may I leave you with this thought. You will not find this majority burning buildings and throwing molotov cocktails. And yet, this doesn't make them part of a silent majority. In my book it makes them part of a "smart majority." And nothing could do me greater honor than to be called one of them.

Thank you.

PRESIDENT RICHARD M. NIXON—A
CONCERNED AND DEDICATED
CITIZEN

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. WYMAN. Mr. Speaker, for some strange reason there is a tendency in the media not to tell it as it is in reporting progress for this country under the present Republican administration. President Nixon is acting forthrightly to wind us down and out of the tragic war in Southeast Asia that he inherited from the prior administration of L. B. J.

No citizen is more concerned, more articulate, more dedicated to meaningful social progress for America as well as the end of the involvement in Vietnam than President Richard Nixon. It is shameful that some of those responsible for reporting the facts to our people fail to present our President for the man of constructive action that he is. We are fortunate, in

these days of enormous stress, that such a man as Richard Nixon is President of the United States.

In this connection I urge thoughtful consideration of a significant editorial on the Presidency by the distinguished editorialist Hugh Sidney of Life magazine.

I include as follows:

DON'T THEY KNOW WE'RE GETTING OUT?
(By Hugh Sidney)

A few days ago 11 college editors filed silently and politely into the Oval Office and ringed the President's desk, expecting only a perfunctory handshake.

Nixon greeted them one by one and for each he had a word or two. Colgate: the Secretary of State went there. Indiana: a fine school for radio and TV. Tulane: ah, the "Green Wave."

A few of them thought back on the night less than a year ago when Nixon had visited the Lincoln Memorial at dawn, talking about football after sending the troops into Cambodia. The President introduced Aide John Ehrlichman, his expert on revenue sharing. One of the young men thought Ehrlichman reminded him of his gym teacher. Then Nixon launched into a discussion of revenue sharing. All of them listened politely, but restlessly. Suddenly Carl Nelson, of the College Press Service, raised his pencil for recognition. Was not the activity in Cambodia a violation of the congressional prohibition against using American troops? Ehrlichman answered quickly with a forceful "No." But the young editors would not be turned off. Princeton's Luther Munford asked again, and the President proceeded to talk for 15 minutes.

He had, he said, "no intention of placing ground troops in Cambodia," and "air support will be used only as I determine." His intention to wind down the war was clearly demonstrated, he continued. He had stated his position no fewer than eight times. "The previous administration was continuously making decisions that were getting us in. We are continuously making decisions that are getting us out."

Nixon stood there, intent and serious, once again reiterating his course of retreat in that unfortunate war. "Of the more than 200,000 troops in Vietnam in May, only 40,000 will be ground combat troops," he said flatly. It was another commitment in a long series which Nixon has made—and has kept.

Then the young people filed out. They had heard the pledge, but they seemed undecided whether to believe it or to be skeptical. As a young man left, he muttered his hope that the withdrawal would be complete by the time he was drafted and through basic training.

It is symptomatic of the country's attitude toward Richard Nixon that despite his pledges and despite his performance so far, almost every maneuver made to cover the Vietnam withdrawal touches off in Congress the bizarre argument that Nixon somehow wants to spread massive land war all over Southeast Asia and come home with that "coon skin" which Lyndon Johnson desired. It is palpable nonsense. Richard Nixon is conducting a steady march to the boats, using every device he can—verbal, diplomatic and military—to stave off disaster until the troops are off the beaches. One can argue the tactical value of each separate action, but the strategy is clear.

There are two levels of awareness in this city. One has to do with what is really on the President's mind. Anyone who watches closely knows the President seriously intends to get out of the war. The other involves rhetoric, so superficial and misleading, and all those day-to-day battlefield errors which, while deeply unfortunate, are a part of any war. Thus, grown men who know better argue for days that a few men sent across a border

to bring home damaged helicopters constitute some kind of invasion, or that Defense Secretary Melvin Laird's tortured syntax hints at a profound change in policy.

"Don't they know we are getting out?" asks an anguished Secretary of State William Rogers in private. His energy is given to the futile oral sparring, as if, having exhausted every other argument, he wonders why the critics don't understand "the political imperatives" are such that the Administration has to get out. He thinks ahead to 1972 as Nixon does.

Some of the pundits write about how the military juggernaut only wants to be loosed. Maybe in a time gone by. Not now. In the Pentagon, General William Westmoreland, who designed that war, long ago, shrugged and admitted to himself and to those around him that with the restrictions now imposed on us, there was only one place to go; home. From the Joint Chiefs' staff came the voice of one expert: "Get your dinghy out of there now with as few holes as possible." It is part of current military lore that Admiral Elmo Zumwalt, the Navy chief who earlier commanded the naval forces in Vietnam, said way back in 1968, "Let's get this over. . . . Vietnam has taken great amounts of our treasures." Zumwalt urged his men to turn to the job of building up the U.S. Navy for that greater threat—Russia.

The men who are conducting our withdrawal use B-52's and tanks and paratroopers, but there isn't much difference between their tactics and those of Jeb Stuart back in the Civil War when the fight went bad. The "cavalry" jabs and feints and blusters and fakes, and all the time the Army is drifting back.

When Nixon looked back on the Cambodian incursion, he decided about the only mistake was having publicly built up the operation to be something like D-Day of World War II, thus alarming a great many people. For the operation last week in Laos he was sequestered in the Virgin Islands, the battlefield news blanked out. There was still domestic outcry, the price that must be paid in these nervous days. But the operation was at least kept in perspective.

Nixon's critics would do better to argue about whether or not he should set an early deadline for total withdrawal and met it. There's where Nixon still flirts with danger, believing that his "cavalry" will somehow protect him from the enemy, that the Vietnamese will fill the American boots in time. The notion that retreat need not be defeat is rooted in him. While he was in the Virgin Islands, he summoned his valet Manolo Sanchez and asked him to serve up the books he had brought along, including a biography of Queen Victoria's great Prime Minister Benjamin Disraeli. It was Disraeli who implanted in modern diplomacy the phrase "peace with honor," a watchword that Nixon has never discarded in his inexorable march toward the boats.

OREGON METAL RECYCLING HELPS
ENVIRONMENTAL CLEANUP

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. ULLMAN. Mr. Speaker, three of the world's largest manufacturers of metal cans have announced the establishment of metal can recycling centers in Oregon. The opening of these recycling facilities represents a big step toward solid cooperation between consumers and corporations on environmental problems.

The Resource Recovery Act that was passed by the Congress last year recognized the need for a cooperative national program of waste management. The United States is currently generating approximately 360 million tons of industrial, municipal, and commercial solid waste. Experts predict that this figure will double by 1980. At the present time, we spend over \$4.5 billion annually just to manage this waste. While these expenditures continue to grow, we seem to be doing a decreasingly satisfactory job of handling our waste.

The biggest percentage of the money spent on waste goes for collection of solid waste and transportation of it for dumping or burning. While the most prevalent method for disposing of solid waste is open dumping, it has been reported that 95 percent of the open dumping facilities used are inadequate. The dumped waste either is not covered daily with dirt as it properly should, is being burned and contributing to our air pollution problems, or is openly creating significant water pollution problems. Incineration is the second most frequently employed method. Yet, 75 percent of all municipal incinerators are inadequate because they are either inefficient in reducing solid wastes or create air pollution problems, or both. Present collection methods are going to have to be improved and new technologies have to be developed for reclaiming and recycling usable materials and energy from such solid waste.

Regardless of all of the legislation written and the new waste technology developed, little progress can be made without the cooperative concern for our future of every individual and corporation. The promotion of greater initiative and concern on the part of individuals and corporations in assuming increasing responsibilities for waste disposal problems is a key problem.

The establishment of the Oregon metal can recycling centers is a good example of how industry can show responsible concern. The companies, Continental Can Co., American Can Co., and National Can Corp., announced that the four new centers would collect steel, tin plate, aluminum, and bimetal cans. All types of these metal cans will be accepted at the centers, including food, soup, beer, soft drink, pet food, and paint cans. The scrap cans will be separated, processed, and then shipped to various locations for recycling by the primary metals industries.

These three Oregon can companies are to be commended for turning the potential litter of metal cans into usable goods.

MANY AGING FACE AN ECONOMIC NIGHTMARE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. OBEY. Mr. Speaker, the New York Times published a report Saturday on the economic plight of many hundreds of

older men and women who live in South Beach, Fla., a community on a tip of land between Biscayne Bay and the Atlantic Ocean.

One woman was quoted as saying:

Everytime you go to the store the prices are still higher. But your income doesn't get any higher. You buy less. Then, the President comes on the television and says everything is all right. The next day you go shopping and the prices are higher again.

That some 500 residents of South Beach receive State welfare aid may seem surprising, because the community is only 3 miles from Miami Beach. Yet the evidence of increasing poverty among elderly Americans generally was recently verified by the Senate Special Committee on Aging, which has found that both the number and proportion of aged poor increased between 1968 and 1969.

I would like to insert the article—headed "Many Aging Face an Economic Nightmare"—in the RECORD:

MANY AGING FACE AN ECONOMIC NIGHTMARE (By Robert Lindsey)

MIAMI BEACH.—Not far from Miami Beach's opulent strip of ocean-front hotels, where a room for the night costs upward of \$50, the 69-year-old widow of a Bronx tailor was recently caught trying to steal a 25-cent can of soup in a supermarket.

Shoplifting food occasionally, she explained later, is one method she uses to make ends meet on her fixed income of \$114 a month.

The woman lives in a community called South Beach, where, for many hundreds of older men and women, visions of a warm and graceful old age in the Florida sun have turned into a continuous economic nightmare.

AN INCOME CRISIS

This nightmare is growing worse each month, as Government statistics just released showed. Consumer prices rose by 0.5 per cent in the nation last month to 138.5 per cent of the 1957-59 average, and 5.5 per cent above a year ago. Nowhere is the impact of such inflation more severe than on the aged people, such as those here, who are living on fixed retirement incomes.

The Senate Special Committee on Aging said earlier this month that the retirement income problem in the nation "has become a retirement income crisis." The report, based on a two-year study, painted a bleak picture of millions of older Americans living in poverty and poor health. It predicted a worsening future unless immediate action on a broad scale was taken.

Poverty among Americans over 65, the Senate report said, increased by 200,000 between 1968 and 1969, while it decreased by 1.2 million for all other age groups.

As Mrs. Rose Langmann, another resident of South Beach, walked toward a supermarket with her husband, she expressed the frustrations of many here.

"Every time you go to the store," she said, "the prices are still higher. But your income doesn't get any higher. You buy less. Then, the President comes on the television and says everything is all right. The next day you go shopping and the prices are higher again."

NINE THOUSAND RESIDENTS

About 9,000 persons live in South Beach, a tightly-packed, 40-square-block community of apartments, duplexes and small hotels on a tip of land between Biscayne Bay and the Atlantic Ocean.

Miami Beach is only three miles to the north, but, except for the narrow strip of sand they share, South Beach could hardly be more different.

More than half of South Beach's residents

are 68 or older; at least two-thirds are Jewish; almost half were born in Europe, emigrated to America early in this century and retired to a predominantly Jewish community here after a lifetime of work in the big cities of the Northeast or Middle West.

Each day, usually about 1 P.M., hundreds of the older men and women leave their small, sometimes shabby dwellings and, with lawn chairs and umbrellas, head for a nearby stretch of public beach.

On the beach and a strip of lawn beside it, they play cards, talk in groups, read Yiddish-language newspapers, hold Yiddish talent shows, or simply bask under the sun.

"What you have here are some of the last immigrants you'll find in this country," said Bernard Baron, a Miami Beach social worker who assists the senior citizens from a small office at the edge of the beach.

"It's their ghetto," he continued, "and despite the financial problems a lot of them are having, it's one ghetto nobody wants to leave."

Mrs. Fannie Sanrowitz, a widow who emigrated to New York from Austria in 1910, sat in the kitchen of her small home, part of which has been converted into three small rental units. On a wall hung a picture of Mayor Lindsay of New York and another smiling man. Both wore tuxedos. "That's my grandson, he's a lawyer," she said proudly. Then Mrs. Sanrowitz, who is 79, discussed other matters.

HARDER AND HARDER

"I bought this place in 1954," she said, "with the rentals to help support me. I've made a go of it all of these years. It hasn't been easy. But I have. Now it's getting harder and harder."

"My taxes just went up over 30 per cent—\$175 at one time. People complain when you charge more rent, and this year because of the recession. I guess, I got vacancies."

"The electrician costs more, the plumber, the painter . . . I can't take in enough. I get \$74 a month Social Security but that's not enough. I scrimp and my children help me. But I can only sponge on them so much. I ought to be able to afford a trip to New York once in a while, but I can't."

Mr. Baron said that many South Beach residents had enough income from investments, pensions or periodic checks from their children to absorb the rising cost of living without serious hardships, but he said that many do not.

Two years ago, a survey indicated that half of South Beach's residents who lived alone had monthly incomes of less than \$176, while among all of the households, half had incomes of \$231 or less.

About 500 South Beach residents currently receive state welfare aid. They can receive a maximum of \$114 monthly. But the amount is decreased proportionately by each dollar of Social Security benefits or other income they have.

"The effects of the inflation started to get serious about three years ago, especially rents," Mr. Baron said. "Three years ago, a one-bedroom apartment rented for \$70 or \$75. Now it's \$115 if you can find one that cheap."

"Lately, more people seem to be having a tough time making ends meet, and we're starting to get some new [needy] cases. I think there are a lot of doctors up North referring patients to Miami Beach as a cure, a panacea, and some of them can't afford it."

SAVE OUR SENIORS

Some of the more affluent residents of Miami Beach became aroused about the problems of poverty among the senior citizens late in 1968, after a local newspaper and a television station reported that some South Beach residents were regularly rummaging in garbage cans for food.

A group of Jewish residents in the burgeoning high-rise condominium apartments north

of South Beach established a group called "Save Our Seniors," which currently helps stamp packages and kosher food, clothing, and, in some cases, money. Mrs. Melvyn Sommers, director of Save Our Seniors, said: "We know there are a lot more people who can use our help, but many of them are too proud to admit it."

LETTER TO THE PEOPLE OF
NORTH VIETNAM

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. BLACKBURN. Mr. Speaker, as one deeply concerned about our men who are prisoners of war in Southeast Asia, I was particularly interested in the sincere note sent to me by Gail Livingston of Atlanta in which she requests that her letter to the people of the Communist Republic of North Vietnam be published in the CONGRESSIONAL RECORD.

Often discouraged by the lack of responsibility for the affairs of government which is displayed by so many, I find it heartening to find one who bravely acknowledges this responsibility and does her best to right the wrongs for which so many are suffering.

For the information of my colleagues, I am hereby inserting Miss Livingston's letter:

ATLANTA, Ga., December 14, 1970.

To the people of the Communist Republic of North Vietnam

I greet you:

Your government is holding certain of my fellow countrymen; and certain of my compatriots, prisoner, as intruders in the affairs of your country; and as alien supporters of a regime you seek to overthrow by force of arms.

The welfare, names and number of these, my countrymen; and these my compatriots, are my concern. This concern is caused not only by our shared common birth place and history; but also by our shared common responsibility in the ordering of the affairs of our country.

Those you hold prisoner fall into five categories, according to my limited knowledge. They are as follows:

First, those who are serving, under duress, a cause they do not believe in; but have decided to serve it nonetheless, rather than be imprisoned by those who govern them.

Secondly, those who have decided to serve in the Military for a limited period of time, because it is required of them by law.

Thirdly, those who have decided to use the educational and training services of the Military to prepare themselves for employment as civilians.

Fourthly, those who have chosen to make the Military their career.

Those persons who fall into these categories are my countrymen and my responsibility. Their welfare, names and number are my concern.

Fifthly, there are those among your prisoners who are self-consciously committed to the ideals of the Republic of the United States of America, as stated in the American Bill of Rights; and to her laws as put forth in the Constitution of the United States of America. Among these are those who have chosen to serve these ideals and these laws within the context of Military Service; some as paid volunteers for a limited period of time,

others as paid volunteers for as long as their nation shall require their services.

These last are my compatriots. Their welfare, names and number are my concern.

As a private citizen of the United States of America, I call you into accountability before the nations of the world for your Government's refusal to submit to my Government the names and numbers of these men, thereby withholding them from me.

On behalf of my government and the families of these men, I demand you release their names and their number to me.

I am sending this letter to your Embassy in Paris. I am sending copies of this letter to my President and my representative in Congress, to inform my Government of my action. I am also sending a copy to the Pentagon to inform them that I as a private citizen support their efforts to obtain the release of these prisoners by any method they deem necessary.

I am further sending a copy of this letter to the Secretary General of the United Nations to inform that Body that I, a private citizen of the United States of America, call you, the people of the Communist Republic of North Viet Nam, into accountability before the world for the welfare of my countrymen; and my compatriots. And that I further call your Government into accountability, before the world for the names and numbers of my countrymen; and my compatriots.

I greet you as a private citizen of my country by birth and decision; and as a fellow citizen of the world.

GAIL FRANCES LIVINGSTON.

CALIFORNIA ENDORSES WATER
RECYCLING

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. WALDIE. Mr. Speaker, at a recent hearing held under the auspices of the California State Water Resources Control Board in San Jose, State water officials endorsed, for the first time, the recycling and reuse of waste water to meet the anticipated needs of the future.

Previously, Mr. Speaker, State officials have been reluctant to give more than faint acknowledgment to this process and reuse of a precious natural resource. Instead, they have steadily plodded on maintaining that high dams, reservoirs, and interbasin transfer systems are the only means of augmenting the water supply of a growing metropolitan area.

Those officials, principally within the State of California's Department of Water Resources, have declined to give more than passing notice to water recycling, despite the efforts of many interested conservationists and scientists. In short, Mr. Speaker, the technology of the 1970's has been abandoned in favor of water storage facilities conceived 50 years ago when environmental and ecological considerations were nil.

I think it important that the State of California has finally recognized the merits of water recycling. I would like at this time to submit in the CONGRESSIONAL RECORD a newspaper article that appeared in the Palo Alto Times on this matter.

It should be noted, however, that only northern California is mentioned in this article. I would hope that the omission of southern California in the comments of State officials was not intentional. After all, Mr. Speaker, the water crisis is not in the northern part of California, but in the south. If massive water recycling is to take place—it must be there.

I, also, have included for the RECORD a copy of a statement by Frank P. Sebastian, senior vice president, of the Envirotech Corp., one of the leading firms involved in the water reclamation process, given to the State water resources control board.

I feel that Mr. Sebastian's comments should be duly noted and that new, intense, consideration be given to his suggestions.

The article and statement follow:

[From the Palo Alto (Calif.) Times, Dec. 12, 1970]

STATE OFFICIALS ENDORSE WATER RECYCLING
FOR FIRST TIME

(By John Stanton)

SAN JOSE.—State water and health officials Friday "for the first time" endorsed recycling waste water as a major method of meeting the state's need for fresh water.

A day-long public hearing on the reuse of waste water was held here by the State Water Resources Control Board. Among the more than 20 speakers who endorsed the recycling method were John Teerink, deputy director of the State Department of Water Resources, and Dr. Henry Ongerth, chief of sanitary engineers, State Department of Public Health.

After they spoke, Kerry W. Mulligan, chairman of the State Water Resources Control Board, said he was delighted at an apparent change of position taken by the state.

Mulligan said Teerink's statements were "a complete reversal" of the position previously taken by the State Department of Water Resources. In the past the department has promoted use of dams to obtain fresh water. "For the first time," the department is now interested in reclamation of waste water as another method, Mulligan said.

Mulligan also said he was "delighted" at the "philosophical change of view of the position of the Public Health Department."

Ongerth indicated the Public Health Department was interested in use of reclaimed water, although there must be "time to study the health effect," he said.

Teerink said that "reclamation and reuse of waste waters are essential" if the Bay Area is to meet its water needs in the future.

"Presently," Teerink said, "more than half of the Bay Area's annual water needs of 1.2 million acre-feet are met by imported supplies. By 1990, annual water needs are expected to increase to 1.8 million acre-feet. All of the increased need must be met by imported, desalted, or reclaimed water."

Teerink said studies by his department "indicate that the costs of reclamation of a reasonable quality water for agricultural or industrial purposes where distribution on problems are not abnormal is generally compatible with development of additional alternative supplies in areas of higher water cost. In fact, it may even be economical enough to replace some existing water uses."

In Santa Clara County, recharging ground water to alleviate subsidence and sea water intrusion "is a promising reuse potential," Teerink said. Santa Clara County officials are planning "major recharge efforts," he added.

"With the excellent quality of current water supplies available to the Bay Area, it is inconceivable under today's conditions, that the technological, institutional, and financial

means cannot be found to implement major water reclamation activities."

The Department of Water Resources recommends "that extensive analysis be made of the possibilities of waste water reclamation as a major source of new water and as a means to enhance the environment not only in and adjacent to the Bay Area, but possibly more distant areas," Teerink said. "A major waste management system for the Bay Area offers unique advantages for large-scale operations."

Some of the speakers acknowledged the psychological resistance some people might have towards drinking recycled waste water, but Peter Zars, chairman of the Water Resources Committee of the Sierra Club, said modern technology could recycle the water as clean as nature.

"It is a fact of nature that our planet's water supply is a fixed quantity and has been so essentially for millions of years," Zars said.

"When you consider the eons life has flourished here before the advent of man you have to accept the fact that the water we drink has passed through billions of mouths and kidneys before ours and that nature has always recycled it clean.

"If people are not ready yet to accept an astronaut recycle loop, perhaps modern technology can resolve their fear of viruses by use of the gamma box, or pure oxygen, or even ozone in the final 'polishing' of a reclaimed domestic supply."

SEWAGE AS A RESOURCE

Submitted to: State Water Resources Control Board Public Hearing on Requirements and Opportunities for Reuse of Wastewaters in San Francisco Bay Area, December 11, 1970, San Jose, California, by Frank P. Sebastian, Senior Vice President, Envirotech Corporation, December 11, 1970.

(NOTE.—Figures mentioned not reproduced in Record.)

The decade of the 70's may well mark the era when America realized that only wastewater fit to drink is fit to throw away. If that criterion should indeed be adopted by our society, we can feel confident that the proven technology and hardware exist to do the job at a cost of only a few pennies per person per day.

Two sewage treatment plants spaced half way around the earth from each other vividly illustrate that the technology does exist to do this job, i.e., meet the newly espoused stringent environmental quality standards. In fact, wastewater treatment know-how stands out as one of the few areas of environmental concern where the nation's proven abilities exceed new environmental standards—and by a large margin. And the costs are far more reasonable than is generally realized.

The Tahoe Water Reclamation Plant has pumped over two billion gallons of purified wastewater into a new reservoir for water sports and irrigation. The Windhoek (South West Africa) sewage purification plant, using a different system, has supplied nearly one-third of the drinking water for a city of 36,000 population for two years. Yes, aesthetically acceptable drinking water from sewage!

TAHOE

The existing plant at Tahoe consisted of a conventional activated sludge plant which was upgraded by addition of a tertiary system (Figures 1 and 2). The significant process and hardware developments at Tahoe are:

1. Proven upgradability of conventional primary, secondary treatment plants.
2. Development of activated carbon columns capable of the removal of taste, color, trace organics and inorganics, including those pesky pesticides and detergents from the effluent.
3. The development of processes by which treatment chemicals—lime and granular carbon—can be reclaimed. The carbon reuse step

is particularly dramatic from a conservation viewpoint. The plant has 8 columns, each containing 22 tons of granular carbon similar to that used in cigarette filters. Each column has the equivalent surface area of approximately 4 million acres, or a total of 32 million acres. This is equivalent to 1/5 of the area of the state of California. The furnace has the capability of reclaiming the equivalent surface of 5 million acres per day at a loss of only 5% of the total cost of this polishing and reclamation operation, 1/5 of a cent per person.

4. Development of air cleaning devices so that there is extremely low measurable pollution in the flue gases of thermal reclamation and disposal steps, and normally the CO₂ from the combustion gases is recycled in the process to utilize the carbon dioxide.

5. The only waste product is a sterile, odorless ash from sludge incineration that can be used safely as fill and is experimentally being used for concrete blocks and bricks. The ash contains about 7% phosphate which was removed from the water but it is in an insoluble form and even then is potentially available as fertilizer.

6. The advanced processes are easier to operate and control than widely used biological secondary treatment processes.

7. The reliability of the process is demonstrated by the plant's having never failed to meet standards.

8. The incremental cost of the tertiary step is quite reasonable, 14¢/1000 gal. operating cost 23¢/1000 gal. combined operating and capital amortization cost—less than 1 1/2¢/person/day based on normal household usage.

TAHOE PROCESS

The tertiary (chemical-physical) process commences with flash mixing of 3.4 lbs. of lime (as calcium hydroxide) per 1000 gal. into the secondary effluent (dosage of about 400 parts per million) of calcium hydroxide. From the flash mixing basins the effluent passes into the 100 foot diameter chemical clarifier. Sweeper arms rotate in the bottom of the tank, which can be seen from above the chemical clarifier through 12 feet of clarified effluent. The calcium hydroxide precipitates phosphates and raises the pH to 11.5. Following chemical clarification, the effluent is pumped to the nitrogen stripping tower where air at the rate of 700,000 cfm draws nitrogen in the form of ammonia into the air. The ammonia concentration is so dilute that it is not noticeable at the site.

According to one authority, Tebbens, most emission surveys neglect ammonia because, except in breakdown situations and unless an odor is apparent, there is no known harmful effect. Because of the atmosphere's ability to neutralize and transform vast quantities (estimated 1200 million tons annually) of ammonia in short periods of time, there need be no concerns over atmospheric pollution at Tahoe.

Following the nitrogen stripping, partially treated tertiary effluent is neutralized to a pH of about 7 with the exhaust gases from the thermal recalcination steps that will be shown later.

The next step is the pressure filters or separation beds which provide additional phosphate removal and clarification. The filters are of the mixed media design with the lightest coarsest materials in the top and smallest and heaviest materials on the bottom—coarse coal, medium sized sand and fine garnet. Polyelectrolyte or alum is added to the filter influent. There are three pairs of filters operating in parallel. From the mixed media filters the effluent enters the bottom of the granular carbon columns and exits from the top. Carbon enters from the top and exits from the bottom, resulting in the cleanest effluent in contact with the freshest carbon. Each of eight carbon columns contains 22 tons of granular carbon

having the equivalent surface area of about 4 million acres. The carbon removes taste, odor, color, trace organics, and detergents and DDT. The carbon column effluent is of sparkling clarity. The spent carbon is gravity dewatered and transported by screw conveyor to a multiple hearth furnace for regeneration. The furnace control and materials handling are such that losses are held to about 5% each cycle and the remaining 95% are reused.

Lime sludges from the chemical clarification step are also recovered for reuse. Lime mud is pumped to a conventional thickener, to centrifuges and belt conveyed to a multiple hearth furnace where it is recalcined at temperatures up to 1800° F. The calcium oxide exiting from the furnace is cooled in a disc cooler and conveyed to bins for reuse. Lime is recycled three to four times and the wasted lime is combined with the sludges from the primary and secondary clarifiers and incinerated. The ash contains about 7% phosphate and is currently stored on the property. The potential for reuse exists for the ash. While in the U.S. such ash has been used for land and road fill, similar material—without any phosphate content—from the Odai secondary sewage treatment plant in Tokyo, Japan is sold for \$1.35/ton to a fertilizer manufacturer. In Osaka, bricks and concrete blocks have been made experimentally. In the U.S., research indicates that the waste lime content would aid the freeze-thaw characteristics for road fill. Also, experiments of FWQA, Cincinnati, indicate the insoluble phosphate in the Tahoe ash is beneficial as a plant fertilizer.

A significant step forward in compatibility of thermal reclamation processes used at Tahoe was the development of exhaust gas cleaning devices that cool and clean the gases so effectively that particulate matter is hardly measurable. No visible plume has been reported, and it is well within the most stringent air pollution codes. Normally, however, the exhaust gases are returned to the system to utilize the carbon dioxide to neutralize the highly-limed effluent following ammonia stripping. Incineration in the normal sense has been supplanted by thermal reclamation processes. As mentioned, the lime is recalcined for three to four reuses. The carbon is regenerated for some twenty reuses and the residual sludge is thermally oxidized to a sterile ash but even here the exhaust gases are reused for the CO₂ content. The ash contains 7% to 10% phosphate and has been demonstrated in the government laboratories as being a fertilizer material. The final product water is of high quality and meets the U.S. Public Health Standards for potable water. It would be superior to the public water supply in 30% of over thirty-five hundred locations tested recently by HEW, including New York City, Westchester County and Long Island.

In a first full year of operation, the effluent was even better than the standards set. The median BOD concentration has been 0.98 mg/l. The median chemical oxygen demand was 10.83 mg/l. The median suspended solids concentration was 0.53 mg/l, mostly carbon fines; the turbidity, Jackson units, median 0.59; phosphorous as P, median 0.42 mg/l.

The economics of the tertiary process are as remarkable as the quality of the effluent. The total operating cost, based on 7.5 mgd, is 14¢/1000 gallons and the amortization cost is 8.75¢/1000 gallons, for a combined total of about 23¢/1000 gallons. The total conventional plus tertiary amounts to 38¢/1000 gallons total operating and capital amortization.

Based on the normal household usage of 70 gallons of water per person per day, the incremental cost above secondary treatment—the new national standard—is less than 1 1/2¢ per person per day.

The Tahoe effluent is pumped over Luther Pass to Indian Creek Reservoir 27 miles

south. One billion gallons of the repurified effluent was stocked with 40,000 rainbow trout and became California's newest trout lake when the season opened May 2, 1970.

The balance of the two billion gallons has been used by ranchers for irrigation of grazing corps.

WINDHOEK

The normal view that comes to mind when one mentions "Africa" is not usually one of advanced technology. However, we must recall that the first human heart transplant in the world was conducted by a now famous South African doctor, Christian Barnard, in December 1967. Another great technological achievement of South Africa has taken place at Windhoek, a town of 36,000 population between the Kalahari and Namib deserts. On the basis of tests that began under the National Institute for Water Research in 1962, this town has drawn approximately 27% of its drinking water supply from purified sewage; since October 1968—over one million gallons per day. It was in anticipation of the water shortage problem that Windhoek commenced its research on water purification, when projections showed that sewage could be purified at a lower cost than for alternate sources.

The town has been treating its sewage by a conventional secondary system—biological filters and humus settling tanks. Effluent from bio-filters is held about 14 days in algae maturation ponds and recirculated to foster algal growth. To produce drinking quality water, a new stage of advanced treatment was added.

WINDHOEK PROCESS

This process begins when the algae laden effluent is pumped to a tertiary water purification plant of 1.2 million gallons per day capacity. The pH of the effluent is reduced by recarbonation to approximately 7.2 pH through the addition of carbon dioxide by submerged combustion, using propane gas as fuel.

At the next step, approximately 90% of the algae is floated off by means of an algae flotation process. This process is considered as one of the most significant breakthroughs of the work at Windhoek. Researchers from National Institute for Water Research found that by adding approximately 150 PPM of alum, followed by a quick six minute mix, 90% of the algae could be quickly removed. The algae flotation process can be demonstrated by putting the equivalent of 150 PPM of alum in the bottom of a beaker and pouring algae laden, oxygen rich effluent from a height of two feet, causing rapid mixing. The algae rise rapidly to the top and the concentration is quite visible. A similar amount of alum, with effluent poured from a height of two feet, followed by extensive stirring, results in the algae dispersing throughout the liquid solution and no separation.

In the demonstration, an approximately $\frac{1}{2}$ " layer of algae floats on the top of a relatively clear liquid. Since the purpose of the Windhoek project is to reclaim water, no efforts have been made to salvage the algae which are merely pumped to a holding basin below the Goreangab purification plant where they will ultimately be flushed down the river bed when the rains come.

Following algae removal, the effluent goes to a detergent removal step followed by rapid sand filters and then to the activated granular carbon columns. The granular carbon polishes from the effluent any traces of taste, odor, color, ABS; and any traces of insecticides or pesticides (both chlorinated hydrocarbons and phenols) would be removed. The Windhoek development work, borne out by the first two years' operating experience, shows that there is no threat to health from viruses, even after the algae removal stage. However, work done at Cal Tech indicates that a further safety factor exists at the car-

bon filtration stage, as viruses would be adsorbed on the carbon as well. The spent granular carbon is currently being accumulated on the site, but consideration is being given to on-site regeneration such as at Tahoe. In addition, breakpoint chlorination is used for ammonia reduction.

Economies could be effected by thermal regeneration of the carbon and by ducting the off-gases from a carbon regeneration furnace back to the pH adjustment step. This would eliminate or reduce the cost for propane generated CO₂. The present cost of the purification process following the algae ponds is approximately 28¢ U.S. per 1000 gallons (vs. 14¢ at the six times larger Tahoe plant.) This cost is lower, as mentioned, than the cost for bringing in additional water from surface sources.

During the trial runs undertaken to study the overall performance of the plant, test work included a determination of the fate of polio viruses, bacteria and parasites. The tests used substantially higher levels of polio virus than the maximum level of virus found in the monitoring of the sewage works. The tests showed that in the whole plant there was little or no virus present prior to the chlorination stage and therefore the tests give no indication as to the effectiveness of the levels of chlorine used. In the pilot tests the coli and pathogenic organisms were completely eliminated. The sewage inoculated effluent entering the plant showed the presence of various organisms—salmonella, *Porteus*, *Providencia*, *Pseudomonas*, *Alkacescens* group—but the effluent was free of pathogenic organisms including *Mycobacterium tuberculosis*.

Ova of *Ascaris lumbricoides* were present in the inflow to the algae ponds but the inflow to the treatment plant was free of them. Both the influent to and effluent from the plant were free of parasites.

As a result of all these tests, it was shown that completely acceptable water could be produced from purified sewage effluents. The appearance, taste and other characteristics of the water were preferable to those of the water in the normal water distribution system at Windhoek from boreholes and surface sources. Hygienically it was also proved to be safe. The public and the health authorities have approved the full scale water reclamation plant. The author satisfied himself that the final water is a very agreeable product.

At the dedication in January 1969, the Prime Minister of South Africa ranked the Windhoek sewage purification plant as one of the three great scientific achievements of that country for 1968 along with the Dr. Barnard famous heart transplant and the rescuing of a flooded gold mine. With regard to the significance of the Windhoek plant, which wasn't but might appropriately have been granted "equal time" to transplant news, he commented that it opened an alternative to building high dams and spreading water over wide land areas. This is an aspect about which we have certainly heard increasing comments from the conservationist groups in recent months.

South Africa plans some 500 million gallons a day of water reclamation in the next five years and is experimenting with chemical systems to attain the same high quality water. At the Daspoort sewage works in Pretoria, a million gallon per day demonstration plant was completed in May, 1970. This plant uses lime flotation, followed again by nitrogen stripping of high pH effluent and activated carbon. The research work here indicated that the high pH values of 11 or so resulting from the excess lime treatment are a further safeguard in the killing of viruses.

The point is always raised about salt buildup when recycling of domestic effluent is proposed. The work of Dr. Gerald Stander

(the Director of the National Institute for Water Research) shows that, based on a 35% reuse of effluent at Windhoek where the other sources have a high salts content, they achieve a maximum of 180 ppm buildup of salts; and the same formula at 50% reuse would give a maximum of about 300 ppm buildup up with the ability to use the other 50% of the effluent for applications outside the reuse cycle (e.g., irrigation) and for sending quality water back to our rivers and streams, thus reversing the degradation that has been allowed to take place in some areas.

More tertiary plants are starting up in various parts of the country. In Nassau County, New York, a system has been installed to protect ground water from sea water intrusion. A tertiary system is under construction in Colorado Springs. This effluent will be used for irrigation water and cooling tower makeup water.

To date, the most ambitious U.S. project yet announced for water reuse is in Denver. That city plans to build a 100 mgd facility, and its effluent will be used initially for industrial processing. Eventually, it is planned that it will get full reuse in the municipal supply. This project has been initially delayed, however, by a suit filed in the Federal Courts by a downstream user who challenges Denver's right to recycle its sewage.

A recent trade mission lead by the author visited European facilities including Rye Meads Works outside London which has the highest effluent standards in Britain, set in 1955.

The high standards (99% removal of BOD and suspended solids and 75% removal of ammonia) were established to permit the withdrawal of the water from the River Lee, 10 miles down stream, for normal municipal purposes. The River Lee, which supplies 19% of the London water supply, has been a source of water for 400 years, but in the past 150 years pollution has become a factor and was aggravated by formation of three new towns in the Lee Valley. In very dry periods, the flow of the River Lee approaches 100% effluent, but this has not occurred in the past 14 years. According to reports of the London Metropolitan Water Board, the quality of the water of the River Lee has steadily improved over the past decade so that it is now once again a good and reliable source of supply and the water from that source is reportedly as desirable for supply purposes as that of any of the surface sources.

At Rye Meads, 25% of plant flow is industrial effluent along with the municipal sewage. As a result of a toxic material spill (one gallon in 15 million gallons) which shut down the biological process in 1961 and as a signal of any future incidence, goldfish have been placed in the stream to serve as monitors. It might be noted that physical chemical processes would continue to function under such conditions.

The trade mission also visited a municipal water supply plant, *Compagnie General des Eaux*, in Paris which draws its water directly from the Seine. The plant has a capacity of 178 million gallons per day and uses a flocculation/sedimentation system followed by ozone treatment.

Windhoek, Tahoe and Daspoort are proof that the technology and hardware exist to purify wastewater to any degree of treatment at a reasonable cost, and possibly even at a saving, when compared to the cost of alternate sources, plus the damage often done to our ecology by the discharging of less than pure effluent.

With the increasing concern over water degradation and the projected water shortages by the end of the coming decade, it seems logical that the technology demonstrated at Tahoe and Windhoek will be put to wider use in the 70's.

HOW TO TAKE OUT OF WATER SOME OF WHAT PEOPLE PUT IN

Advanced techniques that remove more subtle pollutants are in use only in a few places in the U.S., and most such plants are still experimental. The operation of one advanced facility, a 7,500,000-gallon-a-day plant at Lake Tahoe in California, is schematically shown above. The waste water passes through three stages, the first two of which generally correspond to the forms of treatment commonly used in the U.S.

Metal screens stop large objects such as sticks and rags from entering the plant. The sewage then passes into a grit chamber where sand and small stones settle to the bottom. Next stop is the sedimentation tank, where speed of flow is reduced and suspended particles sink to the bottom, forming sludge. By itself, this primary treatment removes only about 30 percent of oxygen-consuming organic matter in sewage. In secondary treatment, most of the remaining organic matter is consumed by bacteria. Aeration speeds up, or "activates," the process. Advanced treatment at Lake Tahoe removes both phosphate and nitrogen, undesirable nutrients that cause proliferation of algae. Phosphate is removed with the help of lime ("flash mix" refers to the rapidity of mixing). Nitrogen, which occurs in sewage mostly as ammonia, is more difficult to eliminate. At Tahoe, the effluent is passed through a stripping tower where ammonia is extracted in a process that involves blowing large amounts of air through the sewage. The effluent then undergoes additional cleansing in passing through separation beds (where chemicals remove more phosphate) and finally through activated carbon. The result is water that's almost good enough to drink.

UNDERDOG STRATEGY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. SCHMITZ. Mr. Speaker, at this point I would like to insert in the RECORD a thoughtful and cogent evaluation of several strategic force postures. It is doubly interesting for, not only is the reasoning excellent, but also because it was written in 1962 by our current Secretary of Defense, Hon. Melvin R. Laird. The article which follows is chapter 5 of Mr. Laird's stimulating book published by Henry Regnery, entitled "A House Divided."

The difference between 1962 and 1971, as far as force relationships are concerned, is that the Soviets have achieved nuclear parity with the United States in practically all areas and in several crucial aspects of defense preparedness enjoy a position of relative superiority. Several outstanding and respected strategists speculate that the Soviets may be as far as 3 years ahead of the United States in the field of space weaponry.

The question to be settled today is not whether we will do the things necessary to maintain superiority, we failed to do so and it vanished, but whether we will attempt to assure our survival by establishing an equilibrium which can only be maintained by a position of sure U.S. superiority in strategic weaponry.

The article follows:

IF DETERRENCE FAILS (By Hon. Melvin R. Laird)

If deterrence fails, we must have the capability both to fight and win a war. Wars are waged with military forces. The most effective strategy aims at the defeat of the enemy's armed might. As Chief of Staff of the Air Force, General Curtis Le May has written, "Only defeat of military forces can win a war and only a force that is clearly able to defeat an aggressor's military force is likely to deter war. We believe that we can deter armed aggression by being able to fight and win any war that is forced upon us—including a general war."¹

Our strategic policies and all our research and development must aim at the capability, not of fighting to a stalemate, but of defeating the aggressor. It greatly weakens our strategic posture each time we talk about devising a nuclear strategy aiming simply at negotiation or bargaining. All warfare is based upon deception, said the ancient Chinese sage, Sun Tzu. It would be an invitation to disaster if either China or Russia believed that we might pause to negotiate after a nuclear strike.

There was discussion some years ago of a strategy of minimum deterrence which would aim at deterring war merely by the destruction of certain Russian cities. The strategy did not present a concept of victory, but merely of punishment. Even if such strategy might have seemed applicable at a time when Russia had little if any real nuclear capability, it is no longer possible when she possesses a range of effective nuclear weapons. We must have the will and the capacity to fight and win decisively. At the same time, civil defense becomes important. The eventuality of nuclear war must not leave us so prostrate that our republic cannot continue.

All strategic requisites must be coordinated by the aim of preserving our way of life. We will not possess a rational strategy if it leads into duplicating the irrational mistakes of World War I and World War II, where we had no long-range goals. In each case, our soldiers won the war and our leaders lost the peace, and our lack of coherent, long-range, abiding strategy prepared the next conflict.

Since World War II, we have been involved in a series of swiftly changing strategy phases. The first, or the monopoly phase, was one where we alone possessed nuclear power; the Soviets had none. With our nuclear monopoly, we had punishment capacity in our nuclear weapons, and this was a period when the strategy of the minimum deterrent was actually applicable. We deterred Soviet invasion of Europe by the threat of selective atomic retaliation at times and places of our own choosing. For lesser Soviet threats we had more limited measures at hand, both nuclear and conventional. Not all punishments would be nuclear, but would fit the crime. Meanwhile, the Soviet Union could not retaliate. Of the effectiveness of this imbalance and the developments it prevented, there can be little doubt. As Winston Churchill said on March 31, 1949, in summarizing the nature of the monopoly phase, "It is certain that Europe would have been communized and London under bombardment some time ago but for the deterrent of the atomic bomb in the hands of the United States."

However, the deterrent which was adequate for the monopoly phase was not at all adequate in the period that followed. This second phase may be called the phase of our "European continental superiority." In this time of transition, the United States still had, in any action in Western Europe, a vast nuclear preponderance. Despite Soviet Russia's acquisition of the atomic secret, she did not have long-range bombers capable of carrying

the bomb to the United States, while we had the aircraft and the rings of bases needed to reach her territory. But even during this second phase, a minimum deterrent strategy was still adequate. In any all-out war, the United States would still have nuclear superiority, and practically speaking, nuclear war as an instrument in the advance of Communism was impossible in the cold hard light of Soviet realism as to means. Escalation was to her disadvantage for, at the top of the stairway of violence, we retained our devastating superiority. The twilight of Phase Two came sometime in 1957 or 1958 when the Soviets developed their large numbers of intermediate range missiles to meet our nuclear capability in Western Europe.

The next phase, or Phase Three, could be called the phase of "heartland superiority" of the United States over Soviet Russia. Conceivably, the Soviet Union might devise a strategy whereby she would strike with nuclear weapons at Western Europe, present the United States with a fait accompli, and then offer a chance for a negotiated settlement which it would be presumed the United States would accept to avoid all-out nuclear war. Such a stroke was unlikely, but no longer totally unrealistic. But still unrealistic, in the face of the cool clearheadedness typical of Soviet military thinking, was initiation of nuclear war in which it was certain that the United States would retaliate in our superior kind.

During the latter part of this phase, however, the Soviet Union obtained a capability to attack the continental United States; the American heartland itself became vulnerable to atom bombs and intercontinental ballistic missiles. The Soviets had advanced from the capability of holding Western Europe hostage, to a capability of holding, not our whole country, but a sizable number of key cities similarly as "hostages." These conditions, however—threatening though they soon became—were still not those of nuclear parity because the United States continued to possess a strong margin of nuclear dominance even in a second strike, and an overwhelming dominance in a first strike. We are currently still in Phase Three. Our goal now must be to prohibit development of the subsequent phase aimed at by the Soviets—actual nuclear parity, or worse yet, Soviet nuclear superiority.

As already noted, beginning in 1958, many persons were saying that the Soviets already possessed nuclear parity. In a Senate speech on August 14, 1958, then Senator Kennedy expressed his alarm about the missile gap, and called upon the United States to follow an "underdog strategy." Similarly, in June 1960, Governor Rockefeller released a statement in which he indicated his alarm over Soviet missile superiority. The very able writer-professor, Henry Kissinger, likewise based many of his observations in his excellent book, *Nuclear Weapons and Foreign Policy*, on the assumption that we were caught in a missile gap. Each of these observers mistakenly assumed that we had moved into the fourth strategic stage, that our nuclear preponderance was lost, and that deterrence by nuclear power was only a frail hope. These assumptions led then Senator Kennedy to advocate his "underdog" strategy. It was thus that we entered the full swing of our extremely damaging "underdog" strategy.

The strategy was baseless—a fact difficult to find a hearing for at first, but now almost universally acknowledged. One of the most outspoken men on the subject of our present superiority is Deputy Defense Secretary Roswell Gilpatric. Speaking in Hot Springs, Virginia, on October 21, 1961, Gilpatric said, "The United States has today hundreds of manned intercontinental bombers capable of reaching the Soviet Union, including six hundred heavy bombers and many more

¹ See *Army Reservist Magazine*, Jan., 1962.

medium bombers equally capable of intercontinental operations . . . (the United States) also has six Polaris submarines at sea carrying a total of ninety-six missiles, and dozens of intercontinental ballistic missiles. Our carrier strike forces and land based . . . forces could deliver additional hundreds of megatons. The total number of our nuclear delivery vehicles, tactical as well as strategic, is in the tens of thousands; and of course, we have more than one warhead for each vehicle . . . Therefore, we are confident that the Soviets will not provoke a major nuclear conflict." Gilpatric said that such a move "would be an act of self-destruction on his part." Yet, it does us little good to have this superiority if we actually follow what looks like an "underdog" strategy.

At present the new and fourth phase will occur if the United States and the Soviet Union begin to approach *real nuclear parity*. Even though one side still had a slight edge over the other, there would then exist two invulnerable retaliatory forces, and each nation would have, after being hit first by the other, enough strikeback to deliver massive and unacceptable damage. It is in this final development of Phase Four that we would actually lose our nuclear advantage. In its closing period it would be a stage which for the West would make nuclear war realistically impossible. The final portions of Phase Four would create a situation in which we would become incapable of winning *militarily*, since both sides would have hardened, invulnerable missile systems and an "overkill" capacity as well. But *politically*, there would arise a deadly modification of so called parity. We could not win but, conceivably, the Communists could. Even if Russia were destroyed, or Red China lost, Communism still could advance from its other bases.

Many options would then be open to the Communists. Suppose the end of Phase Four did come into actual being some years hence. Red China, backed by its own ICBM's could launch a massive land attack into South Korea, South Vietnam, Cambodia, Burma, and Thailand, while at the same time Soviet Russia, poised with nuclear weapons, would do nothing. What could be our counterstroke? Should we go all-out in nuclear retaliation? If so, what sort of targets would Red China offer? And how would we react if, after some limited American nuclear strikes, the Soviet Union announced she would become the mediator in the war between Red China and the United States and that, in the face of this mediation, neither nation that continued to resort to any use of nuclear weapons might suffer additional nuclear consequences from "peace-loving" Soviet Russia? As we went to the conference table, ostensibly designed to preserve restraint from nuclear weapons in our time, the Red Chinese conquest could be consolidated with conventional forces, and Red China would dominate all Southeast Asia. World Communism would then have the Free World surrounded indeed, and Stalin's prediction of our encirclement would have found its fatal fulfillment.

Or take another example. Suppose the Soviet Union developed a space platform and, with the usual massive exploitation characteristic of its propaganda, announced its position in relation to the United States—rotating in space over us, and loaded with a super bomb of more than one hundred megatons? Then suppose there had developed in West Germany a pro-Communist minority demanding unification. Finally, suppose Khrushchev or his successor announced that NATO now threatened not only the peaceful unification of Germany, but the peace of the world; that West Germany must lay down its arms and abandon NATO; that if this was not done within two weeks, Soviet Russia would have no recourse but to conduct a "disarming attack"; that surely the United States would not want to interfere with those Soviet peace measures and cause the Soviet

Union to bring into play its weapon on the space platform?

In estimating such dread eventualities, the average citizen is apt to think that the Pentagon has some sort of magic that can select the appropriate counter-strategies—using mechanical computers, mathematicians, or some other scientific approach developed by the engineers of our complex society. It is true that these means are important. The Pentagon's use of statistics and its mechanical devices for war-gaming are indispensable. But we create conditions for disaster when mechanical means are allowed to determine future strategy.² In the Vinson-McNamara RS-70 controversy, overvaluation of the computers as strategists became the issue, the occasion for alarm, rather than the realistic programming of the RS-70 itself. It was said that the RS-70 had been "computed out of existence." Computers can work only with the information they are fed, and supplying us with credible misinformation is a Russian specialty. The Communists can throw the computers off—as easily as they threw off our intelligence reports on bomber production after 1955—as easily as they fooled us about missile production after 1958. The Chinese sage, Sun Tzu, was right when he said that warfare is based on deception, and nothing is more vulnerable to deception than the unimaginative computer. In the dozen years ahead, the Communists will maximize deception. At the very time when we think they are going all out on building surface-to-surface missiles, they in fact may be going all out in research on weapons for outer space—where the decisive battles may well be fought. Surprise is not the exception in war; it is the rule. The building of the Berlin wall caught our government totally by surprise, as did the resumption of Soviet nuclear testing.

Computer-mindedness is intensely dangerous. It can not give us all the answers about future military uses of space. What is more, in actuality, key decisions are made in an atmosphere of swiftly changing crisis. If we have not developed steady policy or coherent over-all goals as guides, crisis will catch us without any policy at all, and inevitably we will fall into lethal errors. There was a swiftly changing crisis when the air support of the Cuban invasion was called off, and the Communists—instructed by observing our confusion—will create future crises in which our leaders will be forced to make sudden decisions. Very worrying is a recent statement by Defense Secretary McNamara, who declared, "Our new policy gives us the flexibility to choose among several operational plans, but does not require that we make any advance commitment with respect to *doctrine or targets*." (Emphasis supplied.) Is it really conceivable that we make no commitment to doctrine or targets? Earlier in this statement, the Defense Secretary had said, "We may seek to terminate a war on favorable terms by using our forces as a bargaining weapon—by threatening further attack." Is there not implication here of the fatal concept of the "pause to negotiate," applied this time to all-out nuclear world war?

Limited use of nuclear weapons will have a very important role to play in the future, but let us not endanger our perilous but still tenable Phase Three by acting without doctrine and without strategy! Our doctrine and our strategy must provide for the Communist nature, for maximum surprise, and for the unexpected. The most dangerous situation conceivable would be to leave all questions to the hour of crisis, when a group of Presidential advisers, perhaps beguiled by a

² Although, as a member of the Defense Appropriation Subcommittee I sided with McNamara on funding the RS-50 in fiscal 1963, my decision was based on entirely different premises.

Communist trap, would hover around the President, and seek to influence him. Only doctrine—firm and carefully reasoned in advance—can prevent such an eventuality.

The objective of our present strategy must be to prohibit Phase Four in its entirety. We must retain and *increase* our superiority, not lose it. We must have the ability to *win*, not merely to punish. And in moving toward this goal, we must have a steadily accurate estimation of which stage we are currently in. Such estimates become the proper foundation of doctrine, as doctrine is the proper foundation of diplomacy. Since we have superiority and have not incorporated it into our diplomacy, we are losing an essential advantage in our contest with Communism.

The Soviet Union is currently waging a war throughout the entire spectrum of power. An essential key to their strategy is nuclear blackmail. The only way we can defeat its effectiveness is by incorporating in our diplomacy our own superior nuclear capability. In other words, their nuclear blackmail is a bluff. We must call their bluff, now, while we can—or deterrence will indeed fail and so will the West.

The Soviet strategy of nuclear blackmail is geared to maintaining pressure just short of all-out war. It is based upon a willingness to go a little closer to the brink of war than we will. Actually, the Soviet Union is unwilling to take a real risk of war, as long as we hold our nuclear lead. But they maintain the advantage when, in Phase Three, although we still hold an edge in nuclear power, we succumb to the underdog strategy and behave as if we were in Phase Four, when the Soviets are assumed to have parity, or even—as some hysterical statements held in 1960-61—an actual superiority. The so-called "underdog strategy" was not only false, but everything stemming from it has tended to national suicide. While there is still time to correct the tragic error, the underdog strategy must give way to a strategy of initiative.

REPORT TO NINTH DISTRICT RESIDENTS—FEBRUARY 8, 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following commentary on the time issue in Indiana:

WASHINGTON REPORT

(By Congressman LEE HAMILTON, Ninth District, Indiana, Feb. 8, 1971)

The "time turmoil" is still with us in Indiana.

The question of time observance in Indiana has plagued Hoosiers for years. Much of the problem stems from the fact that Indiana is a midwestern state with strong business and commercial ties with eastern states.

About the time that Indiana had resolved the problem through state-wide observance of Eastern Standard Time the year-around, the 1966 Uniform Time Act declared that practice in violation of the law. Since that time, Hoosiers have been involved in several unsuccessful attempts to resolve the issue, and a review of those events is in order.

In 1961, the boundary line separating the Eastern and Central time zones was established roughly through the middle of Indiana by the Interstate Commerce Commission, putting 43 eastern Indiana counties in the Eastern time zone, and 49 western counties in the Central time zone. The eastern counties elected to stay on year-around Eastern

Standard Time, and gradually all but 12 of the western counties joined in the practice. The time zone line was generally ignored.

In 1966, however, Congress passed the Uniform Time Act, which took a tougher stance on the observance of the proper time within the established time zones. It required the states within each of the Nation's four time zones to observe daylight saving time from the last Sunday in April to the last Sunday in October.

The Act does permit, however, states to exempt themselves from observing daylight savings time by vote of the state legislature. But the Act requires that the whole state, regardless of any division by time lines, either conform to, or exempt itself from, the observance of daylight savings time.

I might add here that I voted against the Act, believing that, in the case of Indiana, it would disrupt an accepted time pattern which the state had finally achieved. Further, the Act made no provisions for a state divided by a time zone line to allow those parts of the state in different time zones to adopt a time pattern based on their particular needs.

When it became apparent that a time zone line through the center of Indiana would cause insurmountable problems, the Department of Transportation, in 1968, moved the line to the Indiana-Illinois border. Two pocket areas, at the northwest and southwest corners of the state were put into the standard time zone to permit them to keep in step with Chicago, to the north, and with western Kentucky and southern Illinois, to the south.

In 1969, the Indiana General Assembly voted to exempt the state from the observance of daylight savings time during the summer months. The Governor vetoed the bill, however, saying that it would put Indiana out of step with its neighboring state to the east.

This year, Indiana legislators over-rode the Governor's veto, exempting all of Indiana from the observance of daylight savings time. This exemption includes the pocket areas which have expressed a desire to change to daylight savings time in order to keep pace with their neighbors across the state line.

In an attempt to allow these pocket areas to observe the time of their choice, I have introduced an amendment to the Uniform Time Act. It would give those areas within a state which is divided by a time line the option of either adopting or not adopting daylight savings time. Such an amendment would not detract from the basic principle of uniformity which the Uniform Time Act seeks to establish.

The Department of Transportation has endorsed this legislation, as it had similar attempts to amend the Uniform Time Act over the last four years. Still, the prospects of its passage are doubtful. Both the House and Senate committee chairmen who would handle the legislation have expressed strong reservations.

Hopefully, there may be enough pressure from the Congressional delegations of the 12 states now divided by time lines to bring the matter to a vote.

SUPERTANKERS—BICYCLES AND THE SST

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. OBEY. Mr. Speaker, the United States now uses just over half its petroleum consumption each year for transportation. By 1985 the amount needed

for transport may have more than doubled from the 42.5 billion gallons used in the early 1960's.

Jet aircraft and automobiles would account for most of the increase, and they are both inefficient users of fuel in terms of the transportation they produce.

Prof. Richard A. Rice of the Transportation Research Institute at Carnegie-Mellon University prepared an interesting summary of transport efficiency for the American Society of Mechanical Engineers' 1970 annual meeting. He found that man's most efficient form of bulk transportation is the 100,000-ton super-tanker, and that one of the least efficient forms for moving people would be the SST.

In terms of passenger-miles per gallon of fuel, the SST would be less efficient than automobiles, jet aircraft like the 707 and 747, and intercity pullman trains. According to an item in the Trend of Affairs section in the February issue of Technology Review, edited at the Massachusetts Institute of Technology, a single SST will consume 80 million gallons of fuel per year and provide a low 13.6 passenger-miles per gallon.

This is the item on Professor Rice's calculations:

TRANSPORT EFFICIENCY

After a literature search (including publications of the Sierra Club) and some personal experiments, Professor Richard A. Rice of the Carnegie-Mellon University Transportation Research Center concludes that a man walking at 4 m.p.h. uses about 0.1 horsepower and the same man riding a bicycle at 10 mi./h. uses something less than 0.15 h.p. Scaling these figures up through a long chain of energy units, Professor Rice figures that a man with a bicycle, given the energy in one gallon of gasoline, would eventually obtain some 75 gross ton miles of transportation. A two-ton automobile averaging 20 m.p.g. is doing only half as well.

This comparison of transport efficiency is only one of several scores in Professor Rice's summary for the American Society of Mechanical Engineers' 1970 annual meeting. He shows, for example, that on a gross-ton-miles-per-gallon basis, the 100,000-ton super-tanker is by far man's most efficient form of bulk transportation, at 1,330 ton miles per gallon. Next is a 200-car freight train, averaging 625.

When it comes to moving people, a 10-car double-decker suburban train wins the sweepstakes, providing 200 passenger-miles per gallon of fuel. Nearly as efficient (150 p.m.p.g.) is the old-style Hudson River paddlewheel steamboat—which is in many respects, including efficiency, a far cry from the *Queen Elizabeth II* whose figure is only 7.5 p.m.p.g. The self-contained "Buddiners" rate high (133 p.m.p.g.); so do buses (over 120 p.m.p.g., depending on design). At the bottom end of the scale are automobiles (around 30 p.m.p.g.), jet aircraft (the 707 at 21 p.m.p.g., the 747 at 22 p.m.p.g.), and intercity Pullman trains (18 p.m.p.g.). All of these last are exceeded by a proposed helium-filled dirigible (44 p.m.p.g.).

Still lower: the S.S.T., according to its present specifications, at 13.6 p.m.p.g. When fully scheduled, according to present planning, a single S.S.T. aircraft will consume 80 million gallons of fuel a year. The result, says Professor Rice, can only be trouble: "Continued quantum enlargement of air travel systems yielding only 20 to 30 p.m.p.g. (let alone the S.S.T. at 10 to 15 p.m.p.g.) will so increase total petroleum use . . . as to certainly cause early review of this present trend."

The U.S. now uses just over half its petroleum consumption each year for transportation. By 1980 the amount needed for transport will have more than doubled from the 42.5 billion gallons used in the early 1960's. Jet aircraft and automobiles will account for most of the increase, and they are both inefficient users of fuel in terms of the transportation they produce. "Future petroleum commitments begin to look alarmingly sizeable," Professor Richard A. Rice of the Transportation Research Institute at Carnegie-Mellon University told the American Society of Mechanical Engineers early this winter.

MORE PERIPHERAL CANAL OPPOSITION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1971

Mr. WALDIE. Mr. Speaker, the controversial proposed peripheral canal project, a joint State of California and U.S. Bureau of Reclamation facility, has been dealt a heavy blow by the recent passage of a resolution by the Delta Water Agency unequivocally opposing the construction of the canal.

The agency was established in 1968 by the State legislature to protect and study the water resources of the Sacramento-San Joaquin River Delta.

The agency's resolution condemned the proposed water diversion canal in no uncertain terms by stating:

Be it resolved by the Directors of the Delta Water Agency that this Agency is unequivocally opposed to the proposed Peripheral Canal.

This is a striking victory for those who have been fighting for the preservation of the bay-delta's environment. Of all the numerous agencies and entities that are concerned with the delta water resources, none is more directly representative of the delta itself than the Delta Water Agency.

Mr. Speaker, it is no secret that the Delta Water Agency was originally conceived and formed with the blessing of the state department of water resources. The department expected that the agency would meet whatever demand the department considered necessary in order to facilitate delivery of the water to customers to the south of the State.

However, and to the great credit of the directors of this agency, it has shown that it would not be a "rubber stamp" organization serving the special interests of Mr. William Gianelli, Director of the department of water resources. As the results and findings from water studies on the damaging impact upon the delta came in, the Board of Directors of the Delta Water Agency have shown their independence and their willingness to recognize the many threats to the bay-delta system posed by the State water project.

Mr. Speaker, the residents of the counties represented by the Delta Water Agency can be proud of the strong and independent stand against the proposed peripheral canal taken by their representatives in the agency.