By Mr. MARTIN:

H.R. 10409. A bill to amend the Airport and Airway Development Act of 1970 to postpone for 1 year the effective date of the prohibition against the operation of certain airports without an airport operating certificate or in violation of the terms of any such certificate; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 10410. A bill to authorize the Secretary of the Interior to acquire certain lands within and adjacent to the Big Cypress watershed in the State of Florida; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER (for himself, Mr. BRASCO, Mr. MANN, Mr. MURPHY of Illinois, Mr. RANGEL, Mr. WIGGINS, Mr. STEIGER of Arizona, Mr. WINN, Mr. SANDMAN, and Mr. KEATING):

H.R. 10411. A bill to amend title 18 of the United States Code to provide that a person found guilty of willfully failing to appear as required while charged with a felony and free on bail be liable to receive the same penalty provided for the felony charge pending when he failed to appear; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.R. 10412. A bill to amend the Internal Revenue Code of 1954 to provide a carryback and carryover of certain foreign taxes on mineral income; to the Committee on Ways and Means.

By Mr. WAGGONNER:

H.R. 10413. A bill to amend the Internal Revenue Code of 1954 to deny tax-exempt status to churches which carry on propaganda or otherwise attempt to influence legislation and to provide that no deduction may be taken for any charitable contribution to any such church; to the Committee on Ways and Means.

By Mr. FORSYTHE:

H.J. Res. 839. Joint resolution creating a Joint Committee on Classified Information; to the Committee on Rules.

By Mr. HAMMERSCHMIDT:

H.J. Res. 840. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. JONES of Tennessee:

H.J. Res. 841. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MORSE (for himself and Mr. MIKVA):

H.J. Res. 842. Joint resolution limiting military assistance and military sales to Pakistan; to the Committee on Foreign Affairs.

By Mr. RARICK:

H.J. Res. 843. Joint resolution to provide for the protection and political asylum for the people of the Republic of China; to the Committee on the Judiciary.

By Mr. ROGERS:

H.J. Res. 844. Joint resolution proposing an amendment to the Constitution to provide that no child shall be deprived of education or otherwise be forced to attend a school not chosen by such child when such child is not in the school nearest the area of residence of such child; to the Committee on the Judiciary.

By Mrs. GRIFFITHS:

H. Res. 579. Resolution authorizing the Speaker, during the remainder of the 92d Congress, after agreement with the minority leader, to entertain motions to adjourn the House to a day and time certain; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK:

H.R. 10414. A bill to declare that certain federally owned land is held by the United States in trust for the United Sioux Tribe of South Dakota Development Corp.; to the Committee on Interior and Insular Affairs.

By Mr. RAILSBACK:

H.R. 10415. A bill for the relief of Howard D. Harden; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 10416. A bill to provide that a gold medal be presented to the widow of the late Louis Armstrong; to the Committee on Banking and Currency.

By Mr. SPRINGER:

H.R. 10417. A bill for the relief of the J. L. Simmons Co., Inc.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

121. The SPEAKER presented a petition of William J. Layton, Bloomfield, N.J., relative to the military draft, which was referred to the Committee on Armed Services.

EXTENSIONS OF REMARKS

FAITH AND HARD WORK STILL THE BEST WAY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. BOB WILSON. Mr. Speaker, it is heartening to be reminded from time to time of individuals who, despite obstacles, have achieved those goals they have set for themselves through faith and hard work. It is very easy when faced with hardship, particularly with the specter of discrimination, to retreat into cynicism. The two individuals I will talk about today have faced racial discrimination. They have faced it in a time when racial discrimination was so well rooted as to make any meaningful protest futile. There is much to be learned from the examples that they pose to us. Rather than becoming overburdened with bitterness, they have seen their way clear to outstanding achievements and contributions. The two articles that I am entering in the RECORD today discuss the careers of these two men, one who has distinguished himself in the Air Force as a brigadier general, and one, who dedicated himself to police work, entered the legal profession at the age of 53.

GENERAL ANSWERS CYNICISM—"YOU THINK IT'S TOUGH? YOU SHOULD'VE BEEN WITH ME"

(By Edward W. O'Brien)

WASHINGTON.—It is easy to feel depressed from overexposure to the crass cynicism and venality that can be found in this city.

Then you spend an hour in conversation with a rugged 6-foot-4 Air Force brigadier general named Daniel James Jr. and you walk out of the Pentagon mended in spirit and elevated in outlook.

"Chappie" James is the second Negro American to attain the rank of general in the Air Force and the fourth in the history of the military services.

He also is an outstanding fighter pilot. He is a veteran of 179 combat missions in the Korean and Vietnam wars, and he personally led the famous sweep in 1966 in which seven Communist MIG–21 fighters were destroyed.

YOUNGEST OF 17

He was the youngest child in a blue-collar family of 17 children. He was reared in Pensacola, Fla., in the 1920s and 1930s, before the bonds of racial discrimination began to fall.

"There were some angry young men in those days, but they were a small minority," he recalls.

"We grew up under a different code of ethics, discipline and everything else. There wasn't much democracy in child-rearing in the average home at that time. It was, 'You do what I say because I'm paying the bills and if you don't like what I say, get out of here.'

"Today—and I'm not criticizing—they don't go for the rod any more, and they are still raising some fine kids.

'REACHING OUT'

"But that former theory of life and living is what kept me from being an angry young man. I was too busy reaching out. I didn't want to drive a cab or work on the garbage truck and do the other menial chores that I saw most of the black community doing at that time.

"I wanted to accomplish something.

"Oh, I did get angry at times, sure. I felt the rebuff of the signs that said 'colored' and 'white' on the water fountains, and because of this I'd never drink water downtown.

"And there were the benches for whites and benches for colored in the park, so I wouldn't sit on any of them rather than sit on segregated benches.

"That was really the only way you had of fighting segregation at that time because the laws were not there to protect you if you attempted to mount any sort of violent protest.

"Now you find that a black man can speak up for his cause anywhere in this country."

Pensacola has a big Navy air training base, but in those days the Navy did not accept Negro pilots. Instead, young James received a bachelor's degree at Tuskegee Institute in Alabama and completed civilian pilot training under a government-sponsored program.

RECEIVED PROMOTION

He became a civilian instructor in the Army Air Corps and then entered the corps. He was commissioned in 1943 and over the years served at many bases around the world, rising to command and staff positions and winning many decorations and awards.

He was promoted to brigadier general last year and also was sworn in as deputy assistant secretary of defense, a civilian position that makes him the third-ranking official in the Pentagon's public affairs division.

Despite his competence, James had rough experiences in the service, but he also had the inner equipment to survive, grow and move up.

For this, he credits his parents—"strong patriots," he says, "who had less reason to keep the faith than now. My mother . . . used to say, 'Don't be part of the problem. Always contribute to the solution.'

"I am not nonviolent. No fighter pilot is, but I fight for my country, and I have never been discouraged or encountered any ob-

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stacles in the Air Force that I have never overcome.

"My mother used to say things like, 'Always perform in such a manner and live your lives in such a way that you eliminate all the reasons they say you're not ready.

"'And don't be so busy practicing your right to dissent that you forget your responsibility to contribute. We shall prosper in proportion as you contribute to the welfare and progress of our nation.'"

In his present assignment, James spends much time on the road making speeches, especially to college students. The letters flowing back to his superiors describe how powerfully he has moved his audiences, young and old, Negro and white.

"You can shout 'freedom now,' he often tells his listeners. "But first you need a place to be free in.

THINGS CHANGED

"Things have changed. Progress has been made. You think it's tough, black son? You should have been with me.

"I want to give you hope, because I point out to you the progress that has been made by the majority of the fair-thinking people of this nation, no matter what their color. And they are here, believe me."

James has no apology for his place in society.

"I'm a member of the establishment and proud of it—and I mean established order and established justice within the law," he says.

"I'm for the President of the United States—and Richard Nixon is the president. I'm for the elected head of my government and I want to back him up. I happen to believe that this one is doing all he can to effect change.

"I am a citizen of the United States. I am not a second-class citizen, and no man is unless he thinks like one, reasons like one or performs like one.

MY COUNTRY

"This is my country, and I believe in her, and I believe in her flag, and I'll defend her, and I'll fight for her and serve her."

His own career, he believes, is proof that in this land, things are eventually made right.

"It puts a lie to the stories that you can't make it if you happen to be a member of a minority group or come from certain sections of the country," he declares.

"It's not as easy to make it with these handicaps, but I do say that in America, everything is possible."

NEGRO LEADER'S CLIMB . . . LEAVES NO BITTERNESS—RITCHEY RECALLS THE HARD YEARS

(By Joe Stone)

William Bert Ritchey cannot trace his ancestors, black or white, beyond his maternal grandparents, who settled in La Jolla before the turn of the century.

"I suppose some of the white ones were French," said Ritchey. "My mother's father was fair and his name was Henry Dubois. He was from Illinois and he was a truck farmer and owned land around where The Bishop's School is now."

Ritchey's father, born in Kentucky, was an orphan. He took as his surname the name of a family who employed him out of an orphanage. He came to San Diego as a domestic for an Army officer, later was a janitor for Alfred Stahl and Sons, a crockery firm here.

Son Bert, one of a family of four boys and five girls, was born in San Diego almost 62 years ago, May 18, 1909. The family home was on the southwest corner of front and F Streets.

LAW CAREER

Ritchey's ancestors, whatever color, passed along some desirable genes including those of durability. In 1948, at the age of 39, while working full time as a San Diego police officers, Ritchey decided he wanted to be a lawyer. It was rough.

"I had to quit twice to keep from flunking," he said.

In 1958, now a sergeant, Ritchey decided at another run at the law degree and enrolled in the California Western University Law School. He worked eight hours a day, five days a week as a policeman and eight hours a day * * *.

He got his law degree in 1962, passed the state bar examination in 1964, and retired from the Police Department the same year. He joined Alpha M. Montgomery in the general practice of law. Their offices are at 2878 Imperial Ave.

"I decided to practice in the black district where I have lived and worked most of my life," said Ritchey. "I decided to practice where I could be most helpful to people who most need help."

MANY POSITIONS

Those among San Diego's three quarters of a million citizens who have heard of Bert Ritchey probably knew him as a police sergeant or, at present, chairman of the San Diego Stadium Authority, or as past president of the Urban League, or as a member of the board of trustees of Children's Hospital, or as a member of the regional advisory council of the U.S. Small Business Administration.

When the population of San Diego was 600,000 fewer there were few names better known and, among Negroes, probably only the late Dennis V. Allen, pioneer civil rights activist, was as well known.

Ritchey, in the mid-1920s, was a football star at San Diego High. He was a fullback whose plunges produced thuds and grunts which could be heard by the most distant spectator.

When Ritchey, 6 feet, 1 inch, 200 pounds, broke through the line of scrimmage and cut away, his cleats tossed chunks of turf across the sidelines. Would-be tacklers got an armful of air or wished they had after encountering the Ritchey straight-arm. Many a high school boy decided the game was not as much fun as he had supposed.

"He was the greatest thing ever to come out of San Diego High," said a classmate, Nelson Fisher, turf editor for The San Diego Union.

Some who remember Ritchey as Fisher remembers him may wonder what happened to him as a football player. Why didn't he become famed nationally, a football immortal, as they knew he could have been and as they expected him to be?

Younger ones who have not heard of Ritchey may be interested. They can compare things as they were and as they are. Among things to compare is the fact that times have changed enough that the story can be told, and Ritchey is willing to tell it, publicly, for the first time.

The publicity department of Ritchey's college says it has no statistics on his performances other than one newspaper clipping which has one sentence about him, "Ritchey went 17 yards for a touchdown."

But Fisher has Ritchey's college statistics.

13-YARD AVERAGE

"He averaged 13 yards every time he got the ball," said the turf editor.

The defenses of the finest football teams in the land didn't stop Ritchey, on the rare opportunities they had to try. But Jim Crow did.

"I thought I'd finish high school and get a job," Ritchey recalled. "I didn't know I had a chance to go to college."

During Christmas vacation of his senior year in high school he discovered that colleges recruited athletes, especially football players, and gave them scholarships. The two state universities of Oregon, and the state universities of Washington, Michigan and Arizona came courting.

Ritchey, aware now, recalled a week he had spent at Stanford University as a high school track athlete. He thought it was the most beautiful place he had seen, and he wanted to go there. He made inquiries.

"Stanford was not interested in Negro athletes, or students," he said. "I decided to go to the University of Southern California, because they tried harder."

He had been so casual about his studies he had to go to summer school to get some of his grades up to college entrance caliber.

As Ritchey recalls now the only reminder of his race when he was the only black of his high school football team was the attention he got from his coach, John Perry.

"He was always looking out for me," said Ritchey. "He didn't want anything to happen."

What happened in college Ritchey prefers now, and probably always has preferred, to discuss in calm good humor. Incidents one would imagine being recalled with bellows of rage are now referred to as being embarrassing.

WORST EMBARRASSMENT

"The worst embarrassment I ever had," he recalls, "is when we went to play Washington State. The USC alumni around Pullman had the team as guests at a dinner.

"Just before we were to leave for the dinner I was told, 'You are not going.' I was given $5 and told to take in a show."

What, Ritchey was asked, would happen if such an incident occurred now?

"The graduate manager would be looking for another job," he said. He pondered a while and added, "The university would be looking for a new team.

"None of the players, white or black, would stand for it. I was born 30 years too soon."

JONES SYSTEM

With that remark Ritchey exercised some hindsight on the wisdom of his choice of USC as a college. Howard Jones was the coach and under his system the quarterback was also the tailback. He called signals, handled the ball first on nearly every play and carried it nine plays out of 10.

Since Ritchey was, from high school to the last quarter he ever played, an almost incomparable ball carrier, he was a candidate for quarterback.

"I played behind all-Americans every year," he recalls, "and I was better."

How can he be sure of a thing like that?

"It's not hard," he said. "I was bigger and faster and I did better in practice and when I got in a game."

But the world was not ready for a Negro student in a major university to call signals for execution by white teammates on the football team.

DELAYED ACTION

That would not happen until Sandy Stephens led the University of Minnesota to the Rose Bowl in the early 1960s. Now USC has a Negro quarterback, Jimmy Jones. It happened 40, not 30 years after Ritchey.

In 1929, just before the team was to entrain for Chicago to play Notre Dame, Ritchey was told he was ineligible and would stay home. He was a chemistry major and his grades were up, so he did not understand then, or when the team returned from Chicago and he was told he was eligible again.

"They could have used him in Chicago," Fisher recalls. "They lost it, 13–12."

COACH'S BITTERNESS

In 1930 USC beat California 74–0 and Ritchey was the only USC player who did not play. What happened then would now be called a confrontation. Ritchey, old fashioned, said, "I went to see Howard Jones."

The coach, he said, told him he would never play much football for USC.

"He said," Ritchey recalls, "that he had no use for Negroes. I asked him about Brice Taylor, a Negro who had been an All-American guard at SC and he said, 'I hate his guts.'

"I asked him why I was recruited and he said, 'Because you can't hurt us here.'"

In track, Ritchey was a high hurdler.

"Herman Hill was a high jumper and he was black, too," said Ritchey. "I did the highs in 14.6 and he could jump 6 feet, 4 inches. In those years that would place in both events in any meet and win a lot of them.

DECATHLON INTEREST

"Herman and I would compete in the early spring, in the dual meets. Then when the weather got warm and you had to do preliminaries, which we were good at because we were durable, we never got to go."

Late in his college career Ritchey got interested in the decathlon, 10 grueling events.

"The university loused me up on that," he said. One event was all he was allowed, and no big national meets.

In 1932 Ritchey's athletic eligibility was gone but he was still in school and still keeping fit. It was the year the Olympic games were held in Los Angeles.

James Bausch of Kansas won the decathlon in those games.

"I worked out with Bausch before the Olympics," said Ritchey. "I could beat him in seven of the 10 decathlon events. He was better in the shot, discus and pole vault. I think, with some work, I could have beat him in the vault."

NEVER FINISHED

Ritchey never finished at USC.

He was married in 1933. He and his wife, Ruth, now live in La Mesa. They have no children.

Until 1936, he worked as a deputy sheriff and social worker in San Diego, then joined the Police Department.

"I intended to work six months, save my money and go back to USC and finish," he said. Instead, he was on the department 28 years.

COLOR BLIND

He walked a beat. He used his background in chemistry to help set up a crime laboratory. He took the first color pictures ever admitted as evidence in a murder trial in San Diego County.

He found some prejudice on the department, practically none among the citizens of the city.

"When a person is in trouble and needs a policeman," he said, "they are glad to see the uniform or the badge and they do not care about the color of the skin.

"When Ed Dieckman was head of homicide, I was a detective and I worked all over town. Later, as a sergeant in homicide, I did detective work but I also was assigned to work with minorities—community relations."

It apparently never occurred to Ritchey to be bitter, to let bitterness be an excuse for failure or to carry a grudge against USC. He returns often to the campus.

He sees blacks on the football team, in the band, marching with the university drill and pep organizations—black men and black women.

"DUES PAID"

Some of the black football and track athletes are San Diegans who are at USC on his advice. He is a recruiter. They are there, the saying now is, because someone paid "dues."

"Jackie Robinson, of course, and people like him, are the well known examples," Ritchey said, "but we all helped, just by going and sticking it out, even if things weren't like we thought they would be."

The whole world is conscious now, said Ritchey, and the white public is willing now to recognize the right to citizenship for all.

"The black, he has an opportunity if he is willing to work," said Ritchey.

Ritchey is too thrilled to have had a little part in it to harbor grudges. He even says, with such conviction he'll argue about it with detractors:

"Howard Jones was a great football coach."

SOVIET MILITARY RESEARCH AND DEVELOPMENT—PART III

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. HARRINGTON. Mr. Speaker, in two previous discussions, both printed in the CONGRESSIONAL RECORD on July 31, 1971—pages 28572–28584 and 28636–28645—I have presented materials concerning comparative Soviet and American military technology. Today I continue this series of explorations of the "R. & D. Gap" alleged by the Defense Department.

Dr. John Foster's statement to the Armed Services Committees in March of this year, abbreviated and expressionistic as it was, contained the most extensive public discussion to that date of DOD's estimates of Soviet military R. & D. expenditures and output. Dr. Foster, to be sure, painted the gruesome picture of the Soviet threat—ever expanding, purposeful, and darkly ominous—that has historically proven so effective in moving Members of Congress to vote the funds that the Defense Department desires.

The Director of Defense Research and Engineering did state that:

I consider this problem to be of such importance that I urge you to make your own assessment of the comparative levels of the U.S. and Soviet military R&D efforts and of the probable significance of a substantial disparity in the Soviets' favor.

I have responded to Dr. Foster's urgings and, despite the limitations of time and resources available to a single Member of Congress and the continued and probably unjustified classification of the relevant DOD and CIA studies, I have attempted to make my own assessment and to stimulate further open discussion.

A series of questions that I presented to Dr. Foster during the House Armed Services Committee hearings on the military procurement bill have elicited the most extensive description yet publicly available of DOD's data and methodology in estimating Soviet military R. & D. and making comparisons with the United States and projections into the future. I congratulate Dr. Foster and his associates for gradually surfacing this information but we nonmembers of "the intelligence community" require substantially more materials that can be openly available to independent experts before we can realistically be expected to make our "own assessments of the comparative levels of the United States and Soviet military R. & D. efforts," to quote Dr. Foster's words.

Urgings that we conduct our own evaluations have a hollow ring when, for example, the agent of Congress, the General Accounting Office, is denied access to DOD's supporting documentation of its estimates of the Soviet Union's military-related R. & D. budgets.

I have asked the Stockholm International Peace Research Institute to comment on both Dr. Foster's March 1971 statement and on his answers to the questions that I submitted to him. The memorandums that Randall Forsberg of SIPRI has prepared indicate both the controversial nature of many of DOD's assertions and the need for further disclosure by DOD by the bases and logic behind its assertions. I have previously inserted in the RECORD SIPRI's excellent seminal critique of U.S. estimates of Soviet expenditures for military research. At this point in the RECORD I request that the materials to which I have referred today be printed in order that they may receive wider distribution and discussion:

EXCERPTS CONCERNING SOVIET MILITARY

(By Mr. John S. Foster, Jr.)

B. The Soviet technological challenge

Secretary Laird noted the Soviet's increasing effort to achieve military technological superiority. For several years our analysts have watched the growing Soviet commitment to militarily related R&D with increasing concern. While our R&D spending in this area has leveled out and then declined in recent years, the Soviets have continued to increase their expenditures at a rate of about 10 percent per year, according to calculations. In previous testimony, I have expressed concern about these trends and emphasized that this situation would be watched carefully and reported to you. Gentlemen, the Soviet thrust in this area has not stopped. It continues, and we must now realistically acknowledge that their effort in military R&D is significantly larger than ours. Our best estimates are that this differential is now equivalent to some $3 billion a year in terms of 1968 dollars. We understand also that, if these trends continue, the greater Soviet effort could provide the U.S.S.R. and its allies with weapon systems that will be superior to ours and those of our allies! I consider this problem to be of such importance that I urge you to make your own assessment of the comparative levels of the U.S. and Soviet military R&D efforts and of the probable significance of a substantial disparity in the Soviets' favor.

Most people have the feeling that somehow the larger Soviet effort in *military* R&D can be compensated for by the larger American *total national* R&D expenditures. Our R&D in the non-defense sector, however, even though large and important to the nation, is not oriented to, or motivated by, defense needs. To be sure, our civil industrial R&D base can and will contribute to defense in the case of a prolonged emergency, but it cannot provide now for the engineering of major weapon systems, prototyping, or test and evaluation. These areas account for the lion's share of the military R&D budget. In other words, civil R&D in the U.S. does contribute to defense needs, but not at all in ways sufficient to compensate for a larger Soviet defense R&D effort.

In many areas, the results of the Soviet thrust in military R&D are already becoming visible to us. We now find our forces threatened in new ways in several mission areas. For instance, fundamental to our national defense policies is the ability to deliver tactical forces overseas. Since any sustained effort requires that most of the transportation be provided by ships, we must have the ability to successfully counter Soviet sea forces. This mission is jeopardized by a large, growing, and innovative Soviet fleet, which includes:

Surface ships and submarines equipped with sea-skimming cruise missiles with ranges up to several hundred miles; these units are capable of sinking surface transports from standoff positions;

A growing number of quieter nuclear submarines that make ASW much more difficult and add to an already large Soviet submarine force;

In the areas of land and air warfare, Soviet technological competence is exhibited

in formidable new techniques of air defense deployments, such as those present in Egypt, in their leadership position in the development of heavy lift helicopters, and the emergence of new fighter aircraft.

The future sufficiency of our strategic deterrent is also threatened by such developments in the Soviet Union as:

the Soviet's large ICBM force, particularly the SS–9 with its large payload and potential MIRV capability,

missiles aboard the growing number of Y-class submarines,

a large and growing air defense system, and

an improving potential for ballistic missile defense.

It would seem that the missiles likely to be placed in the new type of large silos will add to the threat to our strategic forces. In addition, further technological improvements in tactical areas, such as ASW and air defense, are likely to reflect new problems for our strategic forces.

Today, while our R&D level of *effort* is now smaller, we believe that the United States is still *technologically* ahead of the Soviet Union—ahead on quality of weapons—by perhaps 2 to 3 years on the average. *If* present trends continue, however, the larger and increasing Soviet effort could result in the following:

The Soviet Union could assume technological superiority in military research and development in the latter half of this decade. This superiority might be observable by the mid-1970's through the appearance of unexpected prototype military systems which, if produced, could make major U.S. weapon systems obsolete in the late 1970's. The new silos may be an early first example of results of the incremental Soviet effort.

The present relative trends in quality, coupled with the comparable trends in quantity—indicated by relative numbers of improved weapons deployed—could seriously jeopardize the U.S. margin of security in the 1975–1985 time period.

Recovery from such a loss of U.S. technological leadership would require enormous expenditures over many years—years of grave risk to our national margin of safety.

I do not believe—and do not mean to imply—that the foregoing trends, while ominous, are sufficient justification for an effort to match the Soviets dollar for dollar in FY 1972. The infusion of $3 billion into our military R&D budget next year could not be efficiently assimilated. We should not be under any illusion, however, that the continuation of the U.S. FY 1971 program level can prevent the Soviets from assuming technological leadership if their present trend continues. The budget request presented here will not close the gap, but it is an optimum level under realistic guidelines.

2. ASSESSMENT OF RELATIVE U.S./U.S.S.R. TECHNOLOGICAL EFFORT

Turning now from the summary of my statement to the supporting details, I would like to discuss the reasons for our concern today about the general level of the U.S. Defense RDT & E effort.

One of our most serious concerns is an apparent Soviet challenge in outright investment rate in defense RDT & E. This kind of challenge is difficult for most people to accept as a reality. We are used to being ahead technologically, whether it is in weapon systems or in automobiles, commercial television, or home appliances. It is hard for an American who knows the Soviet standard of living to believe that the Soviet government could mount an across-the-board challenge to the United States in military technology. As a people, we tend to discount the ICBM's, which aren't readily visible to the American public, and the unmanned landing on Venus, which seems weak compared to our manned landings on the moon. Because the United States invests more in R&D nationally (some $28 billion in FY 1971), it is hard for some people to believe that the weaker Soviet total investment of more than $20 billion could present a significant threat to our national security. We again tend to discount past Soviet "firsts," such as space vehicles and large boosters for ICBMs, by which Soviet concentration in limited areas has produced technological leadership in the past—at least, for a while.

The seriousness of a Soviet challenge in RDT&E investment rate really turns on whether the Soviets can accomplish across the board what they have done occasionally in the past in limited areas. Whether they can or not depends upon their national will to use resources available to them.

To judge their national will, we can look at their history. Science and technology have been vital in Soviet Communist thinking since Lenin. Being behind in military technology has hurt the Soviets in the past, and they have used R&D to better their position. Alone among the nations of the world, they successfully took on the United States in space technology. Decisions were made to sacrifice on the national standard of living in order to invest in R&D for atomic energy, space, and military objectives. The planning and allocation of national resources have reflected long-term steadiness of purpose—the steady expansion of military and space RDT&E matching the growth of the Soviet economy and the conversion from an agricultural to an industrial society.

In some ways, it is more accurate to say that the Soviet RDT&E investment rate challenge—considering the military and space investments lumped together—is *unchanged*, rather than that a new challenge has appeared. The change is the Soviet's return to allocating RDT&E growth to the military sector, after a period of about 6 years in which the growth went into the space sector. In the United States, meanwhile, R&D growth has gone into the civilian sectors, public and private. The steadily widening difference in the military RDT&E investment rate of the U.S. and the U.S.S.R. since 1968 might not even be recognized by a Soviet planner as a "new" Soviet challenge to the U.S. Jumping ahead a bit in this presentation, the Soviet RDT&E effort is now apparently sufficiently high that, without further increases, the Soviets could pass us in military technology by the mid-1970's. This means, among other things, that the Soviet planners could assign future RDT&E growth to the civilian sector and still reach military technological supremacy by the mid-1970's. Soviet consumer pressures, in other words, do not have to be put off indefinitely.

This brings us to a comparison of Soviet and U.S. resources allocated to military RDT&E.

In order to mount a technological challenge to the United States, it has been necessary for the Soviets to increase the number of technically qualified people available, to improve the quality and quantity of laboratory and engineering facilities, and to increase the amount of money devoted to their military research and development efforts. Independent studies indicate that these steps have been and are continuing to be taken.

First, the people: Results of a study performed by the Defense Intelligence Agency show that the U.S.S.R. increased the number of higher education graduates in the fields of engineering and natural sciences (mathematics, physics, chemistry, etc.) from 145,000 in 1960 to 247,000 in 1970; the U.S. graduated 83,000 in 1960 and 142,000 in 1970. It is estimated that by 1976 the comparable graduates will be 359,000 for the U.S.S.R. and 181,000 for the U.S. I have noted these trends before. They are continuing.

Information obtained from the National Science Foundation and the Department of Commerce indicates that in 1968 the Soviet Union had almost one and one-half times as many qualified scientists and engineers employed in research and development as the United States (745,000 compared with 515,000) and that this disparity is continuing to increase.

Next, the facilities: Studies performed by the Air Force Foreign Technology Division indicate that the Soviets have continued to improve the quality and number of their major research facilities. The United States is not making such improvements. On the contrary, many of our laboratory and other R&D facilities are declining because of lack of effective use.

The third major resource required to achieve technological leadership is funding. Our conclusions pertaining to fiscal inputs are based largely on the result of studies, begun several years ago, which analyzed Soviet budgets in terms of U.S. dollar equivalents for space and defense-related research and development. These studies show a steady increase in Soviet RDT&E investment, *military plus space*, beginning in the early 1950's. Through 1965 the average annual growth exceeded 10 percent, and since 1965 it has averaged about 8 percent.

In the early 1960's the roughly 10-percent growth each year, which previously had been applied solely to military technology, was applied instead to civil space technology, until the latter reached a level of roughly 5 billion in equivalent U.S. dollars, after which the growth was again applied to military technology. The 8-percent growth in total RDT&E in 1968, when applied only to the military portion which was in equivalent U.S. dollars about $7 billion, means about a 15-percent growth rate per year in military RDT&E alone. U.S. military RDT&E funding during the post-1968 period had been approximately constant.

As a result of the divergent trends, it appears that this year the Soviet Union will be devoting about 40 to 50 percent more in equivalent effort to military R&D than the U.S. This additional effort amounts to about 3 billion in equivalent U.S. dollars.

This analytic work is an impressive pioneering attempt to help resolve questions about comparative U.S./U.S.S.R. efforts in defense research and development. The data presented, even with the problems associated with converting "defense rubles" to dollars and the Soviet budget concealments, are believed to be accurate to within 10 to 20 percent.

Since analyses of resource inputs to research and development cannot address the question of whether these resources are used effectively, last year we initiated a study to compare the relative military and space technological outputs of the United States and the Soviet Union.

In this study, we compared the date on which each nation had the option to produce a given comparable weapon system; for example, in 1968 the Polaris boat was considered to have a 5-year technological lead over the comparable Y-class submarine.

By making many such comparisons over intervals, it was possible to follow technological changes over time and thus determine how many years it took the Soviet Union to reach given levels of U.S. technology.

The findings of this net technical assessment were as follows:

Both countries had about the same number of major systems under advanced (visible) development.

While the technological lead time in years changed for individual major weapon systems and even for major weapon-system categories on the average the United States retained its 2- to 3-year technological lead in military systems.

In space technology, the U.S. advanced its technological lead by several years.

These findings are probably no real surprise to the members of this Committee. Thinking back, you may recall that we were ahead and stayed that way in most military systems and that we pulled sharply ahead in space systems during that time period.

There is a clear correlation between this

net technical assessment and the resource comparisons for the same time period, which show that:

Both countries had about the same military RDT&E budget.

After a development lead time is considered, the payoff in weapons quality seems commensurate with level of effort in both countries.

We still have a lot of work to do to refine these comparisons, but I believe that, give or take 10 or 20 percent, the funding picture is also a picture of expected results. This leads to any serious concern about the post 1968-period.

Though our best judgment is that the United States still is technologically ahead of the Soviet Union by perhaps 2 to 3 years in most major areas, the trends should give all of us cause for grave concern. They indicate that, if present relative trends were to continue:

Starting about 1971 we could reasonably expect several technological surprises from the Soviet Union.

The Soviet Union would assume technological superiority in military research and development in the middle of this decade.

U.S. recovery from such a loss of technological leadership would not be feasible without enormous expenditures over many years—and without grave risk meanwhile of losing our national margin of safety.

The analytic estimates indicate that the Soviets are doing an equivalent of some $3 billion worth more than we are doing in RDT&E, and that, if we remain level while the Soviets' RDT&E continues to increase, they will be ahead by still more in future years.

It is too early for us to tell how the Soviets are allocating their additional available effort. If we assume they are partly aware of potential U.S. vulnerables, we can predict some of the more logical choices, some of which lie in the area of naval warfare.

It is useful to ask ourselves whether we should be concerned about losing technological leadership.

Why do we need the lead any more than the Soviets? That is, why not settle for technological parity or inferiority?

Even assuming that this comparison with the Soviets is correct, what should we do about it? It isn't clear that just adding $3 billion to the U.S. military RDT&E budget would make sense. What should be the programs, and why?

To address the question of the significance to us of technological parity or inferiority, the essence of the matter lies in the sharp differences in the secrecy levels of U.S. and U.S.S.R. RDT&E Their secrecy prevents us from obtaining information on early Soviet R&D efforts and, in particular, on their decisions to initiate prototype development. Those decisions typically precede the appearance of a prototype in conspicuous testing (or in a Moscow May Day Parade) by 3 to 4 years. I might add that it frequently takes several years more before critical aspects of a prototype are understood.

If we are to be ready with an appropriate response, the development of either a counter weapon or a similar one, we must be able to, (1) understand the Soviet system, (2) conceive a counter system, (3) develop and, as necessary, demonstrate the counter system; and (4) provide the option to produce such counter systems before Soviet production could seriously upset the force balance. Such a U.S. posture requires not only a reasonable breadth of exploratory and advanced development but also enough technological lead to compensate for the time it takes to recognize and respond to the Soviet challenge.

On the Soviet side, our openness in military RDT&E, and particularly our open discussions and decisions on whether or not to initiate prototype development, permits the Soviets to be more selective and to follow our technology relatively easily—though they might not be able to develop weapons prototypes for several years thereafter. Hence, technological parity or inferiority in the United States, coupled with strict secrecy on prototype development decisions in the Soviet Union, would provide a real and substantive advantage to the Soviets.

This secrecy advantage, in a situation of technological parity, would permit the Soviets to get the jump on the U.S. in the subsequent steps of production and deployment. Experience has taught us that attempting to reduce lead-time advantage by crash production and deployment is very risky and expensive.

In short, technological leadership is essential for the U.S., given the nature of the Soviet society.

The next point to address is the question of what we should do about the level of our military RDT&E budget. One solution to the problems posed by the net technical assessment might be to match the Soviet commitment by the infusion of equivalent funds into our FY 1972 budget. We are not recommending such a solution for even if it were fiscally realistic, there is no assurance that such an increase would necessarily redress the situation. We could not prudently and efficiently utilize such an increase this next fiscal year on existing programs. In addition, we presently do not have knowledge of Soviet programs in the pre-prototype and pre-testing stages; thus we cannot initiate programs to counter them. Nevertheless, we cannot afford simply to ignore the warning relayed.

In recognizing these facts, we have taken the attitude that the disparity in U.S./U.S.S.R. efforts is a warning to alert us to potential dangers in future years, and it is a demand to ensure that our military RDT&E effort is properly structured to minimize these dangers.

Thus, we *have* restructured our programs. We have added money in key areas to give programs the necessary initiative to provide for our security. In addition, we have reduced, or completely cancelled, certain other programs which we simply could not include in this request because of fiscal realities. These changes have strengthened our total programs; however, they are at best an interim solution. This process of change and restructuring must continue for the next several years as more information about the Soviet developments becomes available and as new programs which offer initiatives to meet the challenge evolve.

Important as it is to restructure and reorder our programs to insure that they are strong, we also must recognize that if present trends continue the Soviet commitment will require us to meet this challenge by substantially increasing our current level of effort, if we are to maintain technological leadership and minimize the dangers to our national security.

STOCKHOLM INTERNATIONAL PEACE RESEARCH INSTITUTE,
Stockholm, Sweden, April 20, 1971.

To: Congressman HARRINGTON.
From: Randall Forsberg, SIPRI.
Subject: Some comments on the estimates in the 1972 DOD RDT&E posture statement of military R&D funds and level of military technology in the Soviet Union

I. ON THE RELIABILITY OF THE ESTIMATES

1. Dr. Foster says, concerning the 1972 estimates of Soviet military R&D and space expenditures: "The data presented, even with the problems associated with converting 'defence rubles' to dollars and the Soviet budget concealments, are believed to be accurate to within 10 to 20 percent."

Estimates of the level and trend of Soviet military R&D and space expenditures presented by Dr. Foster in the 1970 and 1971 posture statements and accompanying hearings were also said to have a 10 to 20 percent margin of error.

The revisions made between the most recent estimates and the earlier ones indicate, however, that the earlier estimates were not reliable to within 10 to 20 percent: The *current* estimates of the *growth* of Soviet military R&D and space expenditures during the 1960s are about 10 percent a year through 1965, and about 8 percent annually since then. *Last year*, it was suggested that Soviet military R&D and space expenditures had grown by about 13 percent annually over the entire decade of the 1960s, and that this rate had not diminished in recent years. The drop in the estimates of the growth rate for recent years, from 13 percent annually to only 8 percent annually, represents a *40 percent reduction* in the estimates of the rate of growth of Soviet military R&D and space expenditure.

This change, and the evidence about budget analysis as a method of obtaining estimates of Soviet military R. & D. funds, suggest that a statement that the margin of error for the current estimates is only 10 to 20 percent cannot be justified.

2. With regard to the DOD estimates of the relative level of military technology in the United States and the Soviet Union, it is important to note that the theoretical problems of output measurement are tremendous. The weapons produced by the two countries are not alike, and the composition of the armories differs. This means that there must be very difficult problems of "weighting" involved in trying to arrive at an average lead-time for all weapons. In addition, the capabilities of Soviet weapons, the standards and capacities of their components, and so on, are not known in detail; and there is considerable uncertainty on the question of the times at which the Soviet Union has in fact had the technical capability to produce various weapons.

Confidence in results of the kind of output analysis described by Dr. Foster could not, therefore, be warranted without a far more detailed description than that provided in the posture statement, of the evidence, assumptions and methods used in the analysis.

3. The reliability of the overall result of the output analysis—that, during an unspecified period in the 1960s, the United States retained a constant lead of, on average, 2–3 years in military technology—is, furthermore, called into question by the very low figure given for the U.S. lead.

In the single example given in the posture statement of a lead-time comparison between a U.S. weapon system and a "comparable" Soviet system, it is suggested that in 1968 the Polaris submarine had a 5-year lead over the Soviet Y-class submarine. Evidence presented in the 1969/70 SIPRI Yearbook (pp. 42–43) suggests a 7–8 year lead.

There is, in addition, a good deal of U.S. evidence which suggests that at various times during the 1960s, the U.S. lead in, for example, ICBM accuracy, ASW bottom-mounted systems, computer technology, or tactical aircraft capability, was more of the order of 5–10 years, than 2–3 years.

SIPRI does not have the resources to undertake a comparative analysis of total output of new weapons. In view of the examples of longer lead times for major aspects of military technology which are available, however, a great deal more evidence would be required to support the DOD estimates of an advantage of only 2–3 years.

4. Attention is drawn, in the posture statement, to a "correlation" between (a) the results of the comparative technological assessment, which are said to show that the rate of advance in military technology in the U.S. and Soviet Union has been the same over an unspecified period in the 1960s, and (b) the estimates of relative military R. & D. expenditures, which are suggested to have been roughly equal and roughly constant over the same period. There is a fairly clear implication that this "correlation" lends greater reliability to both the technological

assessment and the estimates of military R. & D. expenditure for the Soviet Union.

A closer look at Dr. Foster's estimates reveals that the figures for Soviet military R&D expenditure do not match U.S. DOD RDT&E expenditures in either magnitude or rate of growth for the period from 1960 to 1966—when, due to weapons development lead-times, most of the R&D producing the weapons compared in the technological assessment must have been performed:

(1) In discussing Soviet R&D expenditures, Dr. Foster says that a "new challenge" has appeared in recent years: "The change is the Soviets' return to allocating RDT&E growth to the military sector, after a period of about 6 years in which the growth went into the space sector." This change is given considerable emphasis. Dr. Foster then continues further on:

"[S]tudies show a steady increase in Soviet RDT&E investment, *military plus space*, beginning in the early 1950's. Through 1965 the average annual growth exceeded 10 percent, and since 1965 it has averaged about 8 percent.

"In the early 1960's the roughly 10-percent growth each year, which previously had been applied solely to military technology, was applied instead to civil space technology, until the latter reached a level of roughly 5 billion in equivalent U.S. dollars, after which the growth was again applied to military technology. The 8-percent growth in total RDT&E in 1968, when applied only to the military portion which was in equivalent U.S. dollars about $7 billion, means about a 15-percent growth rate per year in military RDT&E alone."

(2) These statements suggest that there was very little increase in Soviet military R&D expenditure for a period of about 6 years in the early 1960's—say, 1960–1966. (It would make little difference to the overall picture developed in the following argument if the period were assumed to be 1959–1965 or 1961–1967 instead.) The significant build up in Soviet military R&D funds is implied to have started somewhere between 1966 and 1968, with an annual increase of something between 5 percent and 15 percent beginning in either 1966 or 1967. Since Soviet military R&D expenditure is said to have been around $7 billion in 1968, it can be shown that, according to the DOD estimates, this expenditure was probably *not more than*—and possibly much less than—around $6.3 billion in 1966, and, working backwards, *not more than* about $6 billion in 1960. Through the 1960–1966 period, the level was, thus, probably not more than about $6.3 billion.

(3) In contrast, *US DOD RDT&E expenditures*, starting at about $5.8 billion in FY 1960, rose sharply in FY 1961 to about $6.8 billion, and continued to rise over the next three years to a level of $7.4 billion in FY 1964. These expenditures were somewhat lower during the next two years—$6.5 and $6.35 billion in FY 1965 and 1966 respectively, but they do not appear to have been as low as the comparable Soviet expenditures even in this period. In FY 1967 and FY 1968 DOD RDT&E expenditures were back up at the $7 billion level; and this is consistent with Dr. Foster's suggestion that by 1968, Soviet military R&D expenditures, at about $7 billion, had finally reached the U.S. level. (All figures in constant (1963) prices. U.S. figures from National Science Foundation SNF 69–31, p. 245, deflated by the consumer price index.)

Thus, given Dr. Foster's assumption about Soviet military R&D expenditure, the sharp early increase in U.S. military R&D funds, and the much higher level throughout the period, would lead one to expect the U.S. lead in military technology to have grown substantially during the 1960s, with, perhaps, a slight decline in the rate at which the gap widened right at the end of the period. This is a quite different picture from Dr. Foster's suggestion that the U.S. simply retained a constant 2–3 year lead throughout the period. The estimates of relative financial input and technological output do not, therefore, appear to be sufficiently well "correlated" to lend any support to either the input or the output estimates.

II. On the line of argument in the 1972 posture statement, concerning the relation between the estimates of U.S. and Soviet financial input and technological output for military R&D.

5. The explicit line of argument in the 1972 posture statement is the following:

A. DOD has some estimates of financial input into Soviet military R&D, which are based primarily on analysis of Soviet budgets. While the financial estimates are given in "equivalent U.S. dollars" they do not, according to the posture statement, take into account potential differences in the efficiency with which R&D resources are used in the United States and the Soviet Union. What they do take into account is, presumably, differences in the financial cost of R&D manpower and materials in the two countries. They should therefore reflect equivalent *input;* but they cannot be used to predict equivalent *output*, since this will vary according to the relative efficiency with which R&D inputs are used.

B. DOD would like to know whether the dollar estimates of Soviet input into military R&D can be expected to produce a technological output comparable to that which would be produced if the same amounts were spent in the United States—or whether one should expect, instead, *greater* Soviet output, in case the Soviet Union uses its R&D resources *more* efficiently than the United States, or *smaller* output, in case it uses its resources *less* efficiently.

C. A comparison is therefore drawn between relative financial inputs into military R&D in the U.S. and the Soviet Union, for an unspecified period in the 1960s, and relative level of military technology achieved over the same period, as shown by a comparison of dates at which each country had the capacity to produce a comparable weapon or weapon system. In the output comparison, an 'average' leadtime for one country over the other has been obtained by somehow combining all the different lead-times for different weapons, and for different points in time over the period under observation.

D. It is suggested on the basis of this comparison that Soviet inputs did, in fact, produce a level of output comparable to that which would be obtained from similar inputs in the United States—that is, that "the payoff in weapons quality seems commensurate with level of effort in both countries"—so that for the Soviet Union, "the funding picture is also a picture of expected results".

6. Concerning this line of argument, three main points may be noted:

First, the conclusions about relative efficiency in the use of R&D resources are entirely dependent on the *initial reliability* of the input estimates and the output assessment for *both* the United States and the Soviet Union. Suppose, for example, that the estimates of Soviet input and output were both biased in an upward direction. In this case, Soviet output/input, relative to that of the United States, might turn out to be the same as that observed in the posture statement—but this would prove nothing about relative Soviet efficiency.

Second, the conclusions about relative efficiency also depend on the input data and output data being *entirely independent* of one another. Dr. Foster says that the input data have been obtained "largely" from budget analysis: but the possibility is left open that evidence concerning outputs has played some role in the determination of the input estimates. It has, furthermore, been suggested that it may be mainly the year-to-year growth shown in the DOD estimates of Soviet input which has been obtained from budget analysis; and that the *absolute magnitude* of the DOD figures for Soviet input may have been obtained, at least in part, by looking at Soviet outputs and estimating what it would cost to produce equivalent weapons in the United States. If this were the case, the input estimates would reflect *U.S.* efficiency in the use of R&D resources; and they would signify very little indeed about Soviet inputs, and could not be used to try to measure comparative Soviet efficiency. If these estimates were compared with estimates of U.S. expenditure required to achieve a comparative level of military technology, one would be looking for a correlation between estimates which were, for this purpose, already identical—so that finding a correlation would mean nothing.

Finally, it should be noted that even if it is assumed that the financial estimates and the output estimates have been derived completely independently—that is, that no evidence about outputs has been used in the construction of the financial estimates, then the "correlation" which is observed in the posture statement, between comparative U.S. and Soviet input and output, still does not lend more than the most marginal support to either the input or the output estimates for the Soviet Union, for the following reasons:

(1) It is likely that efficiency in the use of R&D resources does vary between the United States and the Soviet Union. Even more important, it is likely that the comparative level of efficiency in the two countries will itself vary over time, according to variations in the lag in military technology between the two countries.

There is fairly widespread agreement among experts that the Soviet Union is less efficient, perhaps much less efficient, than the United States with regard to the conduct of R&D generally. Some experts suggest that with regard to military R&D in particular, comparative Soviet inefficiency may be somewhat less, since military R&D is presumably a high priority sector, and laboratories may be better equipped, management and flow of information may be better, etc. In addition, it should be noted that if there is a substantial lag in Soviet military technology, the Soviet Union has every possibility of simply imitating U.S. developments, given the comparatively free flow of data on weapons and of defence-related scientific and technical information in the United States. Copying the United States is of course much easier and cheaper than undertaking entirely original development projects, which involve false starts, original solutions to complex technical problems, and, usually, a high rate of project "failure". As the level of Soviet military technology approaches that of the United States, both direct copying and assimilation of defence-related scientific and technical information become much more difficult, however. There may well be, therefore, both a longer-term variation in the comparative level of Soviet efficiency, which will depend on the overall level of Soviet military technology relative to that of the United States; and, in addition, short-term variation in comparative Soviet efficiency, which will be the result of a faster catching up in technology for some types of major weapons than for others, or a greater possibility of imitation at some points of time than at others.

The hypothesis which the posture statement attempts to confirm—that, in general, efficiency in military R&D in the United States and the Soviet Union is the same—cannot therefore be assumed. This means that if the results of an analysis of Soviet military technological outputs were completely reliable, they could not be used to obtain input estimates with anything other than a very wide margin of error—perhaps 30 or 40 percent, perhaps 60 or 70—due to

uncertainty about the relative, and possibly changing, level of Soviet efficiency.

(2) Evidence that the results of the output analysis may not be completely reliable suggests, further, that the output estimates described in the posture statement may not provide a basis for any kind of input estimates.

DIRECTOR OF DEFENSE
RESEARCH AND ENGINEERING,
Washington, D.C., May 25, 1971.

Hon. F. EDWARD HÉBERT,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I have attached a set of questions and answers which respond to a letter of April 9, 1971 from Congressman Harrington. He has asked that, if possible, these questions and answers be included in the transcript of FY 1972 budget hearings. If you concur that these questions and answers will be valuable addition to the record of your hearings, then I recommend that they be inserted into the transcript for March 29, 1971.

As you know, the GAO is conducting an anlysis of the techniques used by DoD in comparing U.S. and U.S.S.R. technological efforts and has a short time schedule for completing the analysis. Because I think the attached questions and answers will assist in the work, I am sending a copy of them to the GAO.

Sincerely,

JOHN S. FOSTER, Jr.

QUESTIONS AND ANSWERS FOR THE RECORD OF THE TESTIMONY OF DR. JOHN S. FOSTER, JR.

1. How were the Soviet funding estimates derived:

a. To what extent are they based on Soviet science data?

b. To the extent that the estimates are derived from Soviet science data, what was the basis for selecting the percentage allocated to military R. & D.? How do you determine how this varies from year to year?

c. What was the ruble/dollar ratio that was used and how do you justify the ratio used?

d. Are the categories allocated to RDT&E the same in the U.S.S.R. and in the U.S. budgets? For example, is testing included in both cases?

Answer. Over the past years, considerable research has been carried out in and out of the government in an effort to determine the scope and effectiveness of the Soviet defense-related research, development, test and engineering program. Much of this research has involved analyses both of the open and the secret portions of the Soviet budget. Enough information is now available to build some tentative "models" of what the Soviet defense-related RDT&E budget must look like. The data from the analyses of the Soviet Union was used in the Statement on the Fiscal Year 1972 Defense RDT&E Program made to the Congress in March 1971.

To answer these questions without the use of classified information or going into economic details, it is easiest to use the simplest of several budgetary models for the Soviet RDT&E effort—all of which agree rather closely in their essential conclusions. This model makes almost exclusive use of the All Soviet Union Science Budget to determine trends in RDT&E funding. The All Union Science Budget has several important features: it contains a great deal of money (billions of rubles); the purpose of most of the money has been labeled as "classified" by the Soviets; the visible, non-military and non-space results over the last 15 years account for only a small portion of the funds; and the "classified" portion does appear, over the years, to agree with the kinds of annual amounts and growth rates that would have been needed to accomplish the military and space results which we have seen. In this model, the percentage of this Budget allocated to *military* RDT&E as compared with *space* RDT&E is determined by "costing" the relatively visible Soviet space program each year up to the present, subtracting that amount from the total, and assigning the rest to military (and nuclear) RDT&E. The space RDT&E costing is done first in terms of US dollar cost to the US to accomplish the Soviet results and then converted to the Soviet rubles based on exchange ratio consistent with other independent estimates of this ratio for the kind of work.

[Deleted.]

[Deleted.] The Soviet space program, according to our best information, has remained at an essentially constant level since about 1968. Therefore, the growth in the All Union Science Budget since 1968 has, in this model, been assigned by analysts in the intelligence community to military and nuclear RDT&E. The amounts and growth rates, over the years 1954–1968, do appear to be consistent with the military RDT&E results over those years. Further, were the growth applied elsewhere, its size (about a billion dollars equivalent growth each year) would have meant extraordinarily high percentage growth elsewhere and thus, presumably, very visible, "nonclassified" activities and results. Such results are not apparent elsewhere in either end results or in announced new, large, programs.

A second, more complex, model recognizes the possibility that part of the Soviet RDT&E costs may be borne elsewhere in the Soviet budgets. However, since most of the necessary cost does seem supportable by the All Union Science Budget, the remainder seems unlikely to amount to more than 20–30% of the total. Assuming only that the total program is "balanced", this remainder, over the years, is likely to stay at about the same percentage of the total; i.e., the remainder is likely to be proportional to the All Union Science Budget portion and hence follow the same trends. It turns out that the other presently identifiable candidate budgets do indeed appear to follow the same trends. The principal advantage of this more complex model is that it makes "justification" (by both the Soviets and our analysts) of some kind of expenses somewhat easier elsewhere than just in the All Union Science Budget. Examples are pay for military support people, general purpose support facilities on test ranges, etc.

However, regardless of the model of the ruble "input" to RDT&E, the optional results of the model must remain the same; namely, the new systems which we do observe. Thus, if we compare the simplest model above with the more complex one, the latter might contain more rubles than the former. This would not, and cannot, mean that the latter produces more results, only that the dollar to ruble ratio should be somewhat lower for the latter model than the former. Alternatively, the second model could require somewhat fewer rubles from the All Union Science Budget to pay for the military and space programs.

The dollar to ruble ratio used thus depends to a limited extent on the model used. The nominal value was $2.00 per ruble, with a spread of 10–20% being adequate to handle differences in the models. (See also the answer to Question 13.) In analytical terms, because the output results are fixed, the dollar to ruble ratio and the fractions of the All Union Science Budget for military and space RDT&E are coupled. Knowing one determines the other; however, neither can vary too much from a nominal value without violating other considerations.

The categories allocated to RDT&E are defined to be those necessary to produce the observed RDT&E results in each country. In that broad sense, the categories in both countries' budgets are the same. However, this input/output analysis is not based on *how* the results were produced, only on *that* they were produced. The Soviets, for example, appear to use more scientists and engineers than we but fewer computers; but the total results, so far, have been comparable. The analysis is insensitive to those differences in the categories excluded from the RDT&E budget (but presumably included elsewhere) which follow the same trends as the main (or total) budget. For such differences, the analytic effect is to change the effective dollar to ruble ratio in the model as discussed above. This is true whether the "excluded" category is in the Soviet or the U.S. budget. (See also Question 7.)

Specifically, with regard to testing, developmental testing is included, but not operational testing.

2. What is the basis for estimating that the funds for Soviet RDT&E are accurate to 10–20%?

Answer. The 10–20% uncertainty reflects the variance we find if we look at the estimates of the Soviet military, nuclear energy, and space RDT&E efforts from several points of view. The conclusions we reach are consistent with all our sources of information, including the several budgetary models of the Soviet RDT&E effort discussed above, within a 20% range, but probably not as close as 10%. The mutually consistent "yardsticks" within a variance of 10–20% are:

(1) The pricing of the Soviet *space* budget in dollars as compared with U.S. space budgets. At the classified level, members of the Congress have been given information which permits a confirmation of confidence in the accuracy of assessment of the Soviet space program to wit 10 to 20%. [Deleted.]

(2) The relative progress of space activities in the two countries. As mentioned in the answer to question 6, it has been estimated that in 1959 the NASA manned space program was about one year behind the Soviet program and ten years later the NASA program lead the Soviet's by about two years. This relative progress is corroborated by the relative funding levels during that period.

(3) The relative progress of military weapons development activities of the two countries in terms of both numbers of weapons systems under development and the rates of technological progress. Few weapons of either country are directly copied from those of the other in any detail, which means that neither country is "carrying" the other along. Our comparison of relative US/USSR technological lead times for major weapon systems indicates that, on the average, the U.S. had a 2- to 3-year lead from 1960 to 1968. With respect to the *accuracy* of the overall weapons systems comparison, a one-year difference in the conclusions could be detected in the 8-year span, 1960–1968, over which the comparisons were made. This can be considered in some sense to be an accuracy or uncertainty of one part in eight, or 12.5%. Practically, this accuracy seems quite reasonable—a 1% change could not be detected; a 25% change would be dramatic and certainly detected. Hence, we have concluded that the accuracy for such an assessment method is on the order of 10 to 20%.

(4) The size and past trends of the Soviet budgets, particularly the All Union Science Budget, as discussed above.

(5) Manpower and facilities apparently committed to RDT&E in the two countries. This yardstick is presently the least accurate, because the data is in rather raw, unstructured form, and as a consequence has been used to support, not determine our conclusions. The best available data indicates that both Soviet technical manpower and facilities for defense-related work are expanding rather than leveling or declining. In addition, comparisons with US resources reveal relative US/USSR trends similar to those of the budgets—a rather planned, steady increase by the Soviets so that disparities to our potential disadvantage either already

exist or can be forecast to occur. Such trends are consistent with the other yardsticks but are insufficiently quantitative to be used alone.

The use of input resources and output results as yardsticks tend to be reinforcing when used to describe a single parameter, the US/USSR RDT&E effort. The individual accuracies vary and our judgment of the overall accuracy considers them accordingly.

The information which follows is a further clarification of item (3) above.

[Deleted.]

The approach used in determining this relative progress was to compare the technological positions of the US and USSR, to compare the resources allocated to achieve these results, and to conclude with a projection of possible future results based on present and possible future resource allocations.

A practical way of comparing the technological positions of the US and USSR is to compare the dates at which comparable weapon prototypes first appeared. Comparing technologies earlier in the R&D cycle is limited by Soviet secrecy. Comparing them later can lead to confusion with production and deployment issues. Over 100 major systems were reviewed in the 1960–1968 time period.

Comparisons before 1960 could also be made but would have less immediate significance. Comparisons after 1968 can also be made but become more controversial as they become more recent—it is easier to evaluate the 1988 position looking back on it than to reach consensus on our 1971 position.

There are several ways of comparing the total set of US and USSR weapons systems. The approach used here is to compare *similar* weapons systems on the basis that the vast majority of USSR systems have US counterparts and vice versa. (Both countries have weapons from ICBM's to rifles.) This approach, however, does leave out systems without counterparts (US attack aircraft carriers, USSR SS–9s) but their numbers are smaller and they are usually composed of subsystems which individually have counterparts and which can be found in other counterpartable systems. Another, but more complex, approach might be to compare technologies of opposing weapons (offensive weapons against the defensive weapons), an approach which perhaps has more operational utility significance, but which adds difficult questions of scenario, tactics, doctrine, force levels, etc.

Thus, considering the desired accuracy and scope of the assessment a comparison of the technological positions of similar weapons systems appear to be a reasonable way of determining the overall, relative technological positions of the two countries' military RDT&E.

Table 1 (pages 2–12 through 2–18) [deleted from CONGRESSIONAL RECORD], *Catalog Listing of Weapons and Weapon Systems*, indicate that the US and USSR have developed roughly comparable *numbers* of weapon systems.

[Deleted] the conclusion:

During the period 1960–1968, US military RDT&E showed neither gain nor loss in overall technological lead within the accuray of this assessment.

One other calibration from the 1960–1968 period is useful: an estimate of how much technological lead has been felt to be adequate and why. The several year leads in 1968 appeared to be adequate both at the time and in retrospect, at least within the limitation of our understanding of the more recent Soviet developments (1965–1970). The 1968 leads seemed to be adequate for understanding and responding to Soviet developments in strategic offense, intelligence systems, and space systems, crash programs were few; deployed weapons continued to be generally equal or superior technologically. There were some limited areas of serious concern. [Deleted.] But, on balance, the 1968 technological leads did not appear to give serious concern to military planners and strategists.

The historical U.S. need for a 2–3-year lead can be associated with an asymmetry in secrecy of the two countries; in particular, the extreme secrecy surrounding Soviet decisions to initiate prototype developments. These decisions typically precede the appearance of the prototypes in conspicuous testing (or in a Red Square Parade) by 2–3 years. Prototype decisions are the result of an assessment of military approaches; vital information for RDT&E planning available to the USSR but not the U.S. When the prototype first appears from under the secrecy curtain, the U.S. must recognize it, understand it, know a counter system (preferably having built one), and be able to produce the counter system before Soviet production can seriously upset the force balance. At the very least, one possible response must be known; an argument might be made that more than one option should be available to the U.S. decision makers. It typically takes a year or so to recognize the significance of the Soviet prototype and to decide to respond. Thus:

Given the uncertainties in measuring technological lead, a 2–3-year U.S. technological lead at the prototype stage of development appears necessary to offset Soviet RDT&E secrecy.

From the Soviet point of view, given the relative openness of the U.S. R&D and our decision process, being a year behind (with little uncertainty in position) might be acceptable and being equal would be to their advantage.

3. In DoD's analysis, the numbers of engineering and science graduates are similar to those developed in the 1950's and used to predict that the Soviets would have a commanding technological lead in the mid-to-late 1960's. Why do we still seem to have the same 2–3 year technical lead we had then? Why will it suddenly be so different in the 1970's?

Answer. There are three parts to the answer to this question. First, in retrospect such predictions might indeed have come true, if the United States had not reacted and if the Soviets had proceeded as history shows they did. The NASA and DoD effort increased markedly between 1958–1965, nullifying the predictions based on no US response.

Second, we now know considerably more about the effective productivity of the Soviet scientists and engineers than we did in the 1950's—having observed the results of their work for a decade—and hence are in a somewhat better position to predict future results than in the 1950's. It is possible that Soviet productivity is now increasing faster than ours—they seem to be less productive per man than we at the moment and hence the percentage improvement may be greater—but we have not included this factor. If included, it would have made the future Soviet advantage greater (see also question 7).

Third, we have used manpower (and facilities) in our analyses largely as a cross check; i.e., to help answer the questions of whether or not the Soviet Union has committed the *other* assets, in addition to funding, needed to produce increased military and space RDT&E results in the future. From what we have seen, the Soviet Union is qualitatively increasing its people and facilities consistent with planning for increased funding and increased results. As we obtain more data and understanding, perhaps the manpower and facilities trends can be refined and used more precisely to predict future results. In any event, it is clear that the total number of Soviet scientists and engineers is still increasing while both our employment and our education rates of our own are decreasing.

The quality of scientists and engineers in the two countries can be markedly different without changing our conclusions that Soviet technical manpower is numerous, is adequate to the observed output and is increasing in numbers, while US manpower is diminishing. With the two sides roughly equal in quantity and quality of output, the contrasting trends in input is immensely serious in its implications for the future.

4. It has been said that technological surprises come primarily from basic research and exploratory development, not from the later stages of RDT&E. Yet the proposed major increases in the U.S. budget are in these later stages. Why is this so, if technological surprise is what is worrying us? Do we know Soviet allocations of funds for basic research and exploratory development?

What scientific areas which might lead to potential significant breakthroughs are we leaving uncovered due to lack of funds?

Answer. A distinction needs to be made between a technological surprise, such as Sputnik, and a scientific breakthrough, such as the derivation of the theory of relativity. Sputnik involved no new discoveries in principles of physics; it did involve major amounts of technological effort. In the sense we have used "technological surprise" and "prototype", Sputnik was a "surprise prototype" of things to come in the rather immediate future (2–4 years). Perhaps most important for this discussion, technological surprises are more predictable as future possibilities than scientific breakthroughs. Experience shows that their rate of occurrence depends largely on how much effort is applied to achieve them.

To be able to respond at all, of course, requires an excellent research base. But to respond quickly, requires increased effort largely in applied research and engineering. It is too late to respond by doing basic research. The time to produce a scientific breakthrough is indefinite, if a breakthrough is possible at all. The time from first elucidation of a new physical principle, [deleted] to a prototype weapon tends to be a long time, about a decade. The time from successful exploratory development to a prototype is about 3–5 years. Thus, to respond quickly to a Soviet prototype virtually requires that we have developed a counter prototype or be close to it.

Soviet secrecy, compared with our openness, presents the United States with a difficult problem. We first see their technological surprises at the stage of conspicuous testing of a prototype—two or three years at least after the decision to develop such a prototype and many years after discovery of a new physical principle. By that time, they will have invested considerable resources in specific directions. (They may or may not have discovered the physical principles, but they almost certainly will have developed the prototype by themselves.)

Given unlimited funds, the United States could respond to this situation by developing large numbers of prototypes of weapons and counter-weapons. Such a course is neither practical nor desirable. We clearly have to be selective in the prototypes we develop. The FY 1972 "Initiatives" illustrate this selectivity in accelerating only certain areas; e.g., new ocean control technologies and defense suppression.

The areas we worry about most are those where surprise would most diminish our strengths or our abilities to deter wars or to project our forces overseas, [deleted]. The apparent difference in relative RDT&E levels is sufficient to produce surprise prototypes in many areas.

To address another part of the question, Soviet allocations of funds for basic research and exploratory development have not yet been derived by our analysts, but certain things can be said. They have a sufficient scientific base, for instance, to have discovered the principle of lasers simultaneously with the United States. Their materials research is outstanding. Their mathematics is second to none. The Soviets demonstrably

have a sufficient research base to produce prototypes of many kinds. Their total RDT&E program is probably balanced and they, as we, recognize that the long term future depends upon excellent research. They might, therefore, expand their *applied* research base roughly proportionately to the expansion of the total Defense and Space budget, but evidence to this effect is limited. An expansion of about 10% per year, proportional to the "Science" Budget expansion in the 1950's and 1960's would be an easily sustained expansion rate.

Estimating the Soviet funding of *basic* research depends upon whether Soviet basic research is carried out in an unclassified or classified mode. In an unclassified mode, and taking advantage of the US openness in basic research, Soviet funding might tend to be proportional to US funding, based on a Soviet need to be as broadly informed of scientific developments as the US. In a classified mode, and again taking advantage of the US openness, Soviet funding would partly depend upon their estimates of the military potential of areas *not* emphasized by the US. Identifying possible secret scientific areas where the Soviets might be working—and where we are not—is sheer speculation at this time. To put these budgets in perspective, and if we judge by US standards, basic research comprises less than 5% of the military RDT&E budget and applied research, about 15%.

Addressing the last part of the question, we are unaware of any basic scientific areas relevant to Defense that are completely uncovered due to lack of funds. On the other hand, we have very little information on possible secret Soviet work in the basic research area; we can only say that it probably supplements our open work.

A comparison of the DoD basic research and exploratory development budgets for the last two fiscal years, in fiscal 1972 dollars, shows a 5% decline from FY 1970 to FY 1971 and a 2% increase from FY 1971 to the FY 1972 request. The requested increase of about 2% in purchasing power is intended primarily to halt a decline in our research and technology effort.

5. Have you examined the effectiveness of Soviet application of R&D to military purposes? Despite the large amounts of funds that they are said to spend, it would appear that they are not going ahead as fast as one might expect. Why are they not already ahead of us? Have you compared the quality of U.S. and Soviet laboratories?

Answer. The DoD net assessment of U.S./U.S.S.R. RDT&E indicates that the Soviets have proceeded at a rate consistent with their apparent resources and with effective use of their RDT&E in subsequent weapons production and deployment. We have no evidence that they are excessively funded for their observed rates of development of application.

The Soviets are not now ahead of the United States, because past U.S. RDT&E efforts and choices of programs were adequate to achieve and maintain a lead. The average lead [1] approximately 2 to 3 years as of 1968, will take time for the Soviets to overcome, even with more effort than that exerted by the U.S. The crossover point in relative levels of effort seems to have occurred in about 1968. We estimate that they could now be gaining at a rate of one-fourth to one-third of a year per year, based on apparent relative inputs. If present trends continue, they could gain at an increasing rate. Depending upon the specific mission area concerned, the U.S. lead in that area as of 1968, and the relative U.S./U.S.S.R. efforts in that area, one might expect a zero-lead condition varying from 1973 for some tactical systems to 1977 for some strategic systems. Soviet technological surprises in significant numbers might thus be expected by the middle of this decade.

The average lead of the U.S. has never been so great that the Soviets could just copy to keep their relative position; [deleted].

As far as Soviet laboratories are concerned, beginning in the early 1960's, the Soviets allowed U.S. scientists and engineers to visit selected research institutes in the Soviet Union. From these visits, it is clear that the quality of some "open" laboratories, for instance, those seen at Novosibirsk [deleted], is quite good. From sketchy information—Soviet scientists commenting on the priority accorded military and space efforts—one could conclude that the "closed" laboratories were at least comparable. From our examination of Soviet weapons systems' technical characteristics, it is clear that the Soviets have a high-quality RDT&E program. In certain areas of military technology, the Soviets are presently ahead of us, for example, [deleted] is heavy-lift helicopters.

[Deleted.]

6. How could the Soviets conceivably achieve technology superiority in 1975 if in 1971 they are 2–3 years behind? We would have to just about do nothing. If the Soviets can surpass us in four years, why would it take us many years to catch up to them again?

Answer. The 2 to 3 years referred to above was given by us as the average technological lead time held by the U.S. in 1968. The "technological lead time" for a weapon system is defined as the number of years a U.S. prototype system appears ahead of a comparable Soviet prototype. The implications of this definition are important. A country with a technological lead, by this definition, has at least the same scientific understanding as its competitor and, in addition, has made the heavy prior investment in research, exploratory development, advanced development *and* engineering required to produce the prototype ahead of its competitor. This definition was chosen because it is particularly Defense relevant and measurable. Experience shows that this kind of technological lead does depend upon reliable effort.

Our 1960–1968 "calibration" indicated a 2- to 3-year U.S. lead as of 1968, not 1971. Our estimates also indicated that the Soviet Union currently appears to be expending 40 to 50 percent more in relative effort on military RDT&E than the United States. At this rate, should it be sustained, we could lose our technological lead at a rate of as high as one-third to one-half year per year. If present diverging expenditure trends continue, the relative disparity in effective U.S. and U.S.S.R. efforts would increase; and as a consequence our rate of loss of technological lead could also increase. If we elect to do nothing new about this situation, we believe we would begin to lose our technological superiority at the prototype stage in certain selected areas by as soon as 1973 and in most areas within several years thereafter.

The loss of technological superiority in *deployed systems*, assuming the prototypes are produced, would occur a few years after the prototype appeared.

If we permit the Soviets to equal or surpass us technologically and then elect to regain our current relative positions, it would be necessary to *exceed* the Soviet efforts by a considerable margin for several years, assuming the Soviets allow us to exceed them.

"High" rates of gain in lead are not uncommon, if enough effort is exerted. A few years ago, Dr. Harold Brown summarized the history of the U.S. ICBM program by saying that the U.S. started 2 years behind in the early 1950's and a decade later was 2 years ahead. The NASA manned space program started about one year behind in 1959 and was about 2 years ahead one decade later; the apparent relative funding levels for space were 1.25 to 1, U.S. to U.S.S.R., remarkably consistent with the rate of gain in lead. There is no obvious reason why the Soviets could not move up quickly in many defense areas, should they choose to do so, given the apparent trends in effort in the two countries.

7. The U.S. has a very substantial nondefense investment in computer technology and development which has important military applications. The Soviet civilian computer effort, as far as is known, is relatively small and certainly significantly less advanced. Have these facts been taken account of in making comparisons between the U.S. and the Soviet Union as regards military R&D effort?

Answer. Yes, in several different ways. As a generalization, of course, commercial computers are tools and not weapons. But they do affect the efficiency with which R&D is accomplished. As noted in the answer to Question 1d, the Soviets have achieved their results somewhat differently from the U.S., using larger numbers of scientists and engineers and fewer computers. This suggests that a very worthwhile area for the Soviets to fund more heavily than in the past is computer manufacturing technology. Such an investment would probably increase the individual productivity of their technologists significantly. We have not yet used this possibility in our projections.

In the United States, the total computer R&D effort, civilian and military, is estimated at about $1 billion per year. The major fraction of this is supported by Defense and space, directly or indirectly. Special-purpose military computers are fully funded by Defense RDT&E, and from them have stemmed many manufacturing advances. Another evidence of heavy Defense and space underwriting is the number of first-of-a-kind computers bought or funded by Defense and NASA.

The difficult part of this field for the Soviets is production technology. [deleted.] Software, for the Soviets, should not present a major problem, given their known excellence in mathematics. Costs of software should be less for them than for us, owing to lower manpower costs. A Soviet catch-up could be dramatic, should they develop a novel physical configuration, e.g., based on amorphous semiconductors or optical processing.

In making the funding comparisons between the U.S. and the U.S.S.R. (see earlier questions), an attempt was made to estimate the equivalent RDT&E value to the U.S. military RDT&E budget of U.S. non-Defense, non-space R&D items which the Soviets might have to include in their military and space budget in the interest of secrecy. Computer manufacturing technology was a major item. The estimate for such civilian-furnished RDT&E to Defense was between $500 million and $1 billion per year in 1970, with prior-year trends similar to the total Defense and space RDT&E. As noted in the answer to Question 1, our budget analyses and conclusions tend to be insensitive to R&D categories of this kind.

In summary, Soviet computer availability is presently at least adequate in the defense-related RDT&E. But it could show dramatic improvements in the future leading primarily to improved Soviet RDT&E productivity per man.

8. Please comment on the statement that an assessment of relative Soviet and U.S. technological outputs cannot be used to provide or support any estimates whatsoever of relative R&D inputs for at least the last three years, due to the long lead times in weapons development.

Answer. The statement as written does not match experience. Recent R&D inputs can be fairly easily estimated for the "civilian" space program. This program, in order to be effective in international prestige, must be relatively visible. The individual projects and facilities tend to be relatively large and relatively few.

[1] See definition in answer to Question 4.

The military RDT&E resource inputs since 1968 can be estimated in several ways with varying degrees of accuracy. The most accurate estimates, in the sense of using the most data in a single context, use the input/output models described in the answer to Question 1, in which outputs during a long prior period are compared with inputs (funding, manpower, facilities) in order to identify the appropriate Soviet budget lines. These lines are published by the Soviets, and hence presumably yield both past and present RDT&E inputs. Another estimating technique compares the number of technological innovations of the Soviets year by year. This technique is less accurate, but yields qualitative conclusions in the same direction.

In space and military major projects, peak funding tends to occur within a year of the appearance of the first prototype in conspicuous testing. As noted earlier, the great majority of RDT&E funds are expended in engineering development of prototypes. Thus, one should expect a reasonable correlation between the number and kinds of new prototypes appearing in any year with the funding level in that year—give or take a year. Individual cases may vary from this general average. A program intended to achieve its goals by extensive testing may evidence a prototype very early, e.g., the AX aircraft. A program intended to achieve its goals essentially all at once may evidence its prototype late, e.g., the U.S. Apollo.

But it is true that there is a delay in our ability to assess Soviet outputs and to correlate them with inputs. The reason is the inherent difficulty in understanding the characteristics and intent of a Soviet prototype when it first appears. Definitive data on the new prototype is accumulated slowly. It was for this reason that we limited our "calibration" of the US/USSR RDT&E efforts to the period ending in 1968. We were able to define the technological lead times in 1968 with a two year retrospection. Even so, our accuracy is only on the order of a year. A small change in average lead a year later—say 1/10 of a year consistent with a 10% increased effort—is below our estimating accuracy. The longer such trends continue, of course, the easier they are to detect.

By the time the Soviets have picked up a year in overall position, which we can just detect clearly a few years later, they will be about half way to reducing our 1968 lead to zero and will have considerable momentum in doing so.

In brief, we will just about be able to confirm, unambiguously, the 1968 change in the input trends given by the budget model by observed changes in output technological lead times at about the time when the predicted minimal leads become potentially dangerous. This characteristic of our intelligence observation and analysis—and of the dynamics of RDT&E—is perhaps one of the strongest justifications for a U.S. lead of 2–3 years. Such a lead buys time to detect changes.

A better version of the suggested statement in the Question would be that a year-by-year *confirmation* of input trends by output results is least firm in the most recent years. How serious that situation is depends upon how detailed a confirmation is demanded on a year-by-year basis. The value of the input/output model is that its confirmation by past data lends confirmation to present data; however, the model could be upset by drastic revision by the Soviets of their budgeting system. Such a change has apparently not occurred yet.

The above discussion helps suggest why the Soviets classify as much of their budget as possible—they may well believe that it gives a fairly good indication of future intent.

9. During last year's Senate Armed Services Hearings on the procurement authorization bill (p. 761, Part 1) Senator Stennis asked General Betts, head of Army Research and Development, for examples of Soviet R&D superiority. General Betts could give only one classified example and said that "Except for the one I mentioned, I can't think of an R&D superiority that they have demonstrated." Please comment.

Answer. The excerpt cited was a response General Betts gave to a more specific question than indicated here. During this portion of the Hearings, the topic being addressed dealt with tanks, artillery and tactical missile support. Chairman Stennis asked where the Soviets were ahead of us in this type of weaponry, particularly research examples and areas of research where the Soviets had the lead as known to General Betts.

As you can note in the classified transcript of the Hearing, General Betts identified an advantage that might lie with the Soviet Union and then commented, "Except for the one I mentioned, I can't think of an R&D superiority that they have demonstrated."

General Betts' statement is consistent with the relative positions of the U.S. and the U.S.S.R. as given in our overall assessment as of 1968. As noted earlier, it is difficult to state positively that the Soviets are a *small* amount ahead only a few years later. In my opinion, General Betts answered correctly for the subject area (research examples) under discussion.

[Deleted.] Tactical weapons systems present more than the usual difficulty in assessing progress, because we seldom see them before they are deployed to Warsaw Pact or other Communist associated countries.

10. Please comment on Gen. Betts' statement (p. 726–727, Part 1, SASC FY 1971 Hearings) that "So much has been blamed on the Vietnamese conflict that it is natural to wonder if our hardware development programs have been distorted by Southeast Asia requirements. This is simply not the case. In the first place, the Army's research and development appropriation is not force oriented. That is to say that research and development is fundamentally not related to peace or war, to the size of the Army or to the geographic deployment of our forces. It is related to technology, and of all factors, it is technology that most accounts for the steady increase in our budget requirements.

"While Vietnam has served as an impetus to modernizing certain of our equipment, almost all the items accelerated for SEA use also have worldwide application . . . In almost every case, these programs involved hardware already under development for worldwide use. In short, Vietnam has been a catalyst to our development program; not the origin."

This statement would indicate that the Army, at least, has not neglected its non-SEA R&D requirements during the past few years and that in fact the war may have accelerated R&D efforts that have a worldwide application. Please describe in as precise terms as possible the extent to which the Vietnam war has actually impacted on U.S. military R&D activities.

Answer. The expanded testimony of General Betts which appears as an insert for the record, requested by Senator Symington, before the Committee on Armed Services, United States Senate, on March 5, 1970, is as follows:

"First, I want to emphasize that in stating that priority effort for Southeast Asia has distorted the basic pattern of our research and development program, I was addressing budgetary aspects and not the selection or design of hardware or systems. I intended to point out that the war contributed to underfunding our research and exploratory development programs, programs which the Soviets heavily support. Unfortunately, I was unable to qualify my statement before Senator Symington had to leave, and I understand his concern.

"So much has been blamed on the Vietnamese conflict that it is natural to wonder if our hardware development programs have been distorted by Southeast Asia requirements. This is simply not the case. In the first place, the Army's research and development appropriation is not force oriented. That is to say that research and development is fundamentally not related to peace or war, to the size of the Army or to the geographic deployment of our forces. It is related to technology, and of all factors, it is technology that most accounts for the steady increase in our budget requests.

"While Vietnam has served as an impetus to modernizing certain of our equipment, almost all the items accelerated for SEA use also have world-wide application. The fact that there have been so few requests for urgently nonstandard equipment is itself a tribute to the quality of the items already in our inventory. However, to provide our troops in Vietnam the best possible equipment as quickly as possible, certain programs were accelerated. In almost every case, these programs involved hardware already under development or previously planned for future development for worldwide use. In short, Vietnam has been a catalyst to our developments programs; not the origin.

"At this point, I want to make it clear that the RDT&E, Army Appropriations were not markedly increased to defray the additional cost of accelerating the development of hardware adaptable for use in Vietnam. For example, the FY 1966 new obligational authority after being adjusted to include emergency funds was about $1470 million. For FY 1967 it was $1597 million; for FY 1968 is dropped to $1558 million, and for both FY 1969 and FY 1970, it was approximately $1599 million. Considering that these amounts included the costs of inflation, pay raises and decisions relative to our ballistic missile defense programs, costs that had to be absorbed, it is apparent that much of the additional cost of accelerating hardware for Vietnam also had to be provided by reprogramming funds from other important programs less oriented to Southeast Asia and/or longer range considerations. The combination of these factors, including Southeast Asia, diluted our appropriation.

"The influence of Vietnam upon Army RDT&E also occurs during the budget formulation period. At that time, RDT&E has to compete with other appropriations within the overall budget ceiling. It is natural that force-oriented appropriations such as PEMA and O&MA carry greater emphasis, especially in the light of Vietnam. As a result, RDT&E is under pressure as a candidate to help defray war-oriented expenses in the other appropriations within the Defense and Army budgets. Paradoxically, in this way the Southeast Asia conflict indirectly constrains the Army RDT&E budget. I mention this aspect to reinforce the fact that the war has provided no windfall to Army research and development, and that even the extent of our response to SEA requirements is carefully gauged in order to stay within our budget. Simply stated, there is no room in our program to finance provincialism, except for small quick reaction type developments such as executed by our Land Warfare Laboratory at Aberdeen.

"The effects of absorbing the additional costs of inflation, national programs and Vietnam over the past several years has diluted our entire program, including our research and exploratory development effort."

In general, I agree with General Betts' statement. In the fall of 1969 and again last spring, we conducted informal studies—cross-country samplings of our Southeast Asia-oriented R&D programs—to determine how much of that work should be terminated "were the war to end tomorrow." We found that about 5% of that R&D had probable application only in Southeast Asia. These exclusive developments were directed primarily at such things as individual soldier equipments to improve his comfort and ef-

fectiveness in jungle warfare, Vietnam Laboratory Assistance Programs to develop, modify, or adapt equipment for use by the RVNAP (Vietnamese Forces). [deleted] etc. Other developments in the lower end of the combat spectrum [deleted] though accelerated, or even initiated in response to urgent requirements growing out of our immediate involvement in SEA, certainly have a continued and direct application in our postwar tactical forces.

Major mission areas (except electronic warfare) at the upper end of the General Purpose Forces combat spectrum—such as air defense, tank warfare, submarine and ASW, anti-ship missile defense—did not receive the added impetus from Vietnam simply because of the absence of their application in that war. These areas and their supporting technologies, while not totally neglected in favor of SEA-oriented R&D, have not received equal emphasis and there is now a serious need for their modernization in order to achieve a General Purpose Force structure with balanced effectiveness.

This statement by General Betts is also consistent with the US/USSR RDT&E net assessment for the period 1960–1968 which indicates that the Vietnam War did not result in serious loss of our technological position, on the average, vis a vis the Soviet Union. As noted above, the Army may have picked up some technological lead for combat in jungles. The upper end of the combat spectrum may have suffered a bit.

The concerns expressed by the Defense Department have rather been over Soviet modernization of major combat forces (largely a production problem) while the US expended its operational resources in Vietnam (or failed to replace them and let them age). RDT&E concerns relate to a quite different, independent, apparent Soviet change in RDT&E investment rate beginning in about 1968.

11. Admiral Moorer said in his statement this year that "there is an interaction between what we do and what the Soviets do. But precisely how the Soviets will react to a particular action on our part can only be a matter of conjecture." Do you agree with this statement: Cannot one make reasonable guesses about how the Soviets are likely to react, for example, to the development of highly accurate ICBMs by the US? Is it not the responsibility of military officials to take into consideration possible Soviet responses to U.S. steps that might unnecessarily accelerate the arms race? Please provide examples of past inter-actions between what we do and what the Soviets do.

Answer. I agree with Admiral Moorer. It is not possible to precisely determine how the Soviet Union will react to any given action. At times they react as we have estimated they might—other times they have exercised different, rather unexpected options. There are several reasons why individual Soviet actions may differ from those we might expect in response to individual US actions:

The Soviets also have to worry about problems with China and Germany (European NATO). Example: The Soviet deployment of their ABM is presumably partly determined by the Chinese IRBM deployment. Example: The Soviets invested heavily in medium bombers in the 1960's, an action presumably prompted by European considerations.

It is not clear that the Soviets have the same strategic policies, or even definitions, as the U.S. Although it is admittedly an oversimplification, a case could be made that the Soviet policy in the 1960's tended to be one of "damage limitation" whereas that of the U.S. tended to be one of "assured destruction". Since the Soviets haven't described their underlying policies, it is hard to predict the weapons system decisions that should flow from such policies. [Deleted.]

The Soviets, or their U.S. counterparts, may evaluate an action by the other side differently than the other side and act accordingly. [Deleted]. Example: The Soviets may have evaluated the announced Apollo time scale as optimistic and thus planned their own program at too slow a pace to be first to the moon with men.

There may be more than one response possible and the Soviets may choose one which optimizes on other than purely military grounds or with purely military hardware solutions. Example: There are several ways of reducing U.S. influences in the Mediterranean, some by direct military confrontation, some by political moves, some by combination. [Deleted.]

With respect to increased accuracy in ICBM's, the responses might include: mobility, hardening of fixed targets, local defense, proliferation, no response, a SALT agreement, counterforce, etc.

It is the responsibility, as you state, for military officials to take into consideration possible Soviet responses to U.S. actions, and indeed, this is done. Deliberate restraint has been, and will continue to be, exercised. But the prime responsibility is to provide for national security not to either accelerate or decelerate a given weapon production. The steps we recommend are those we believe provide for this security and would take what we believe are only *necessary* actions in furthering it.

12. *Part I.* Admiral Moorer said in his statement that "While it can be fatal to the national security to underestimate the strength of an opponent we must also guard against overestimating his strength." Do you agree?

Answer. I agree with Admiral Moorer and would like to amplify on one aspect of the estimates, their uncertainties. Estimates can never be exact, and a range of uncertainty always exists. This fact makes the use of these estimates difficult in that the consequences of under-estimation and over-estimation determine, in part, whether a low-side or a high-side estimate should be used in further decision making. In some cases the effect of under-estimation is so critical that a high-side estimate is the prudent choice; but in most instances a balanced or median estimate is more appropriate.

12. *Part II.* David Packard has said that "The military planners tend to overstate the threat and, therefore, the requirements." (House Military Operations Subcommittee, September 22, 1970.) Do you agree?

Answer. I agree with Mr. Packard on the apparent tendency. Military planners have also understated the threat at times. As noted above, the range of uncertainty in the estimates means that prudent judgment must be exercised, influenced by the consequences of over- or under-estimation. The more dangerous threats also tend to be the more discussed and conspicuous; hence the more prominent threats tend to be estimated on the high side. The military planners may well consider this prudent, but it clearly is a matter of judgment.

12. *Part III.* Please provide examples of occasions in the past when DoD officials have exaggerated the threat or over-estimated the Soviets' strength. What steps have you taken to assure that your estimates of Soviet military R&D effort are not exaggerated?

Answer. DoD officials seldom estimate independently, such estimates are almost always those of the U.S. Government. As noted above, the seriousness of over- or under-estimation depends somewhat on the consequences. The United States over-estimated the Soviet intent to produce ICBM's in the 1958–1962 time period. Considering the consequences of under-estimation, an over-estimate was probably more prudent at the time than an under-estimate. We over-estimated the Soviet intent to deploy an ABM system around Leningrad in the early 1960's and undertook anti-ABM developments which stood us in good stead later.

On the other hand, we under-estimated, consistently, the number of ICBM's the Soviets would deploy after 1965, [deleted]. We under-estimated their bomber force, reasoning they would decrease it and they didn't. Neither of these underestimates was serious in that our deterrence was already adequate. Under-estimating the future SS–9 force today, however, could be serious if the intent of that force is to attack our Minuteman deterrent force. We have also consistently under-estimated the naval attack threat in past years; the seriousness of that under-estimation may be changing. [Deleted.]

Concerning our estimates of Soviet military R&D effort, we have tried to stay about in the middle and have tried to indicate what we believe is the range of uncertainty. We have assumed that the Soviets would level their military RDT&E at the equivalent of $10.5 billion per year, rather than assuming a continuing rise, in predicting the surprises and their dates. We have given our analyses considerable exposure and have invited Congressional inquiry. We have welcomed correspondence with others interested in this subject. We have asked for, and received, assurances from the intelligence community that the Soviet numbers we have used are the best available.

In my judgment, a median estimate is appropriate for overall RDT&E. As I have noted above, technological surprise becomes dangerous when it comes across the board, and hence average lead is a more appropriate measure of the situation than an extreme lead, in either direction.

12. *Part IV.* Please comment on the Blue Ribbon Defense Panel's criticisms of DoD's lack of objective capabilities for making net assessments of U.S. and foreign military capabilities, as well as DoD's deficiencies in the area of long-range planning.

Answer. The Blue Ribbon Defense Panel recommended that DoD increase its capability for making net assessments of U.S. and foreign military weapon systems and improve long-range planning capabilities. Both of these recommendations are in process of being implemented. The former is well along.

13. Please comment on the SIPRI Yearbook Critique.

Answer. The section of the publication, *SIPRI Yearbook of World Armaments and Disarmament, 1969/70*, dealing with U.S. estimates of Soviet expenditures for military research (pp. 288–306) contains an analysis based on data available to the author as of mid-1970. The data consisted of published budget data and unclassified statements by various officials up to that time. As such, the analysis should be expected to have significant limitations.

The SIPRI conclusion that valid estimates of Soviet RDT&E are not possible (with that data base) is probably correct. Missing data includes the dollar pricing of the space program, the quantification of technological positions with time for space and military RDT&E, the manpower and facilities cross-checks, and an appreciation of the overall magnitude of the Soviet effort.

The analysis is remarkable in its deduction of the U.S. estimating techniques, however. The techniques had not been published as of that date.

Earlier in the SIPRI Yearbook (p. 265) an estimate is made of the average dollar to ruble conversion factor for defense armaments work: about $2.25.[2] The RDT&E por-

[2] "The average for military expenditure as a whole produced a dollar-ruble exchange-rate lying between 2: 1 and 2.5: 1."

tion should be somewhat less. (On average, the Soviets obtain their defense at less cost than the U.S. due to lower manual labor costs. Their RDT&E should have less of this effect than the average defense armaments work.) If $2.25 were used in the All Union Science Budget and in the simplest model, the Soviet military RDT&E budget would be about equal to the U.S. budget for 1960–1968 instead of the estimate of about 10% lower given in our assessment. This is within the estimating accuracy of this model, and is another useful cross check that helps confirm the accuracy and value of our work. Also, dollar to ruble exchange rates consistent with observed output results are also within the economic uncertainty range described by SIPRI above, another helpful check.

STOCKHOLM INTERNATIONAL
PEACE RESEARCH INSTITUTE,
Stockholm, Sweden, June 12, 1971.

To: Congressman HARRINGTON.
From: Randall Forsberg, SIPRI.
Subject: Memorandum on the DOD method of estimating Soviet military R&D expenditures, as described in Dr. Foster's answers to Congressman Harrington's questions, HASC hearings on the 1972 budget.

1. The estimates are derived, in the first instance, from an analysis of Soviet state budgets and science expenditure statistics. The derivation of the original rouble estimates of total Soviet military RDT&E and space expenditure from these data appears to have required the adoption of quite arbitrary assumptions about the proportions of various categories of expenditures going to military-space R&D, rather than other uses. Dr. Foster does not give any new budgetary evidence to back up these assumptions. The lack of reliability of ruble estimates obtained in this way has been indicated in John Holmfeld's statement: "Whatever can be concluded from analysis of budget data appears to be highly tentative and speculative." (See also the SIPRI Yearbook review of analyses of Soviet budgetary data.)

2. Dr. Foster's description of the budgetary analyses made suggests that the assumptions involved have been moderate, and that, overall, in calculating the estimates, DOD analysts "have tried to stay about in the middle". The estimates he presents are, however, several billion dollars higher than the ones I obtain, using the methods he describes. See table 1. It would appear, therefore, that the methods actually used involved more generous assumptions than those Dr. Foster describes, either about the categories of science expenditure which include military RDT&E/space funds, or about the proportions of these categories going to military RDT&E/space, or both.

Furthermore, one might question the apparent assumption that military RDT&E and space expenditures have taken a constant or rising proportion of certain categories of Soviet science expenditure, particularly during the last few years. Defense-related R&D expenditures (DOD, NASA, AEC equivalent) have been declining as a share of both Government R&D and total national R&D expenditure since around 1960 (in some cases, 1965) in all major industralised countries. In the United States, where the relative proportions of these expenditures have been particularly high, defense and space R&D expenditures have declined from about 55% of total U.S. R&D expenditures in 1960, to about 40% in 1970, the latest DOD estimates appear to put the share in the Soviet Union, in 1970, at about 65–70%.

3. Dr. Foster suggests that output analysis (the comparison of relative US and Soviet levels of weapons technology) has been used primarily to confirm the estimates obtained through budgetary analysis. Concerning the degree of reliability which the output analysis may have lent the estimates, the following points may be noted:

a) To my knowledge, no studies have ever been published which tried to calculate an 'average' lead time of one country over another for a group of technologies, or objects of technological effort.

TABLE 1

[Amount in billions of U.S. dollars, approximately]

	DOD estimates of total Soviet military R.D.T. & E. and space expenditures	Estimates I obtain using the simple DOD budgetary model assuming 75 percent all-Union science expenditure goes to classified uses,[1] and converting at $2 per ruble	Estimates I obtain using the more complex DOD model assuming col. 2 represents 75 percent of total military R.D.T. & E. and space and converting at $2 per ruble
	(1)	(2)	(3)
1960	5.3	2.9	3.8
1962	7.3	3.8	5.0
1964	9.2	5.3	7.0
1966	11.4	5.9	7.8
1968	13.3	7.0	9.4
1970	15.5	9.2	12.2
Same, excluding DOD estimates of space component, i.e., military R.D.T. & E only:			
1960	4.9		3.4
1962	6.3		4.0
1964	5.4		4.2
1966	6.6		3.0
1968	7.8		3.9
1970	10.4		7.1

[1] This assumption is made in a number of published analyses by DOD analysts: it is based on an inference that a 1958 Soviet document, which published a type-of-expenditure breakdown for about 25-percent of all-Union science expenditures only, did not present a similar breakdown for the remaining 75-percent because these expenditures were going to R. & D. establishments performing secret or top priority R. & D. The inference has been debated, has not been proven conclusively and has not been substantiated by any more recent evidence. To my knowledge, and contrary to the suggestion made by Dr. Foster (p. 3690.1), the Soviet Union has never labeled any all-Union science expenditures as "classified."

b) It seems very doubtful that, if various ways of trying to calculate such an average were published, a consensus could be reached among experts on the best, most "correct" or most appropriate way of proceeding.

c) It is impossible to evaluate the results of DOD's level of technology comparison with the fragmentary description of the method which has been provided thus far.

d) Evidence of greater U.S. lead times than two to three years with respect to major weapons systems and weapons-component technologies—and lack of lead times less than 2–3 years for major systems—makes it equally impossible to accept the results of the DOD study on faith.

e) Leaving aside the question of the output analysis itself, very little is known about the economics of the R&D process—about the level of input necessary and sufficient to achieve various levels of output, or about variations in the input/output relationship between countries, or within countries over time or within different sectors. I know of no studies which have attempted to work backwards—or to see how reliable the results might be if one attempted to work backwards—from data on R&D output to estimates of R&D imput.

f) Dr. Foster does not suggest that DOD analysts have actually tried to estimate Soviet military R&D input directly from information on output of new weapons. Instead, they have compared their input estimates with their output estimates, and found the two not inconsistent. This implies (i) the output data, unlike the available data on the Soviet space program, are not sufficiently complete or precise to attempt to estimate R&D inputs directly; thus (ii) the input estimates which could be inferred from the output evaluation must have a very wide margin between their upper and lower limits—wider than the 10–20 per cent on either side of the middle attributed to the estimates of the space program; (iii) DOD's input estimates might, therefore, be changed significantly, and still be found to be not inconsistent with the output evaluation; and (iv) it appears most unlikely that the output evaluation permits a sufficiently precise indication of relative Soviet inputs to confirm any one of the budgetary models on which the estimates for the post-1969 period are based.

4. There is a final point, which concerns the exchange rate used to convert the ruble estimates into dollars. Since the purpose of the DOD estimates is to help predict comparative Soviet military R&D output, the exchange rate used by the DOD analysts attempts to allow for lesser Soviet productivity. I am not familiar with any independent studies which provide a basis for judging whether the dollar/ruble ratio ($2 per ruble) allows sufficiently for the difference in U.S. and Soviet productivity or efficiency in R&D work. If it is true, as Dr. Foster suggests, that the Soviet Union has been narrowing the gap in military technology, between the super powers, by about one-third of a year annually since 1968, then the use of a constant exchange rate, rather than a declining dollar/ruble ratio, may overstate the relative effort for this period, since it may be expected that productivity of R&D input is lower as one approaches the forefront of technology.

ETHICS AND STANDARDS NEED TO BE TAUGHT IN SCHOOLS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. BENNETT. Mr. Speaker, our culture, like that of other civilizations, is built upon a certain set of values. America's heritage stems from our Founding Fathers, who wrote into the Declaration of Independence their strong dependence upon God; and into the Constitution a prohibition against governmental interference with freedom of worship.

Traditionally the teaching of ethics and moral values has been the responsibility of the home and church, but now those persons who need this instruction most are not obtaining it from those sources. Crime and violence accelerate in this country at an alarming rate. Although the courts emphasize that the Constitution prohibits instruction in religion in public schools, they have not outlawed instruction in morals or standards of acceptable social behavior.

There is a great need in America today for broad instruction in the development of man's moral and ethical values. Such a program can be developed in the elementary and secondary schools of our Nation; and the Federal Government can give stimulus to this through the grant procedure. I have introduced a bill, H.R. 8722, with cosponsors, to accomplish this and I believe it should receive favorable attention by the Congress.

One of the Nation's most prominent advertising executives, who has had a successful career in several business and education areas, Ivan Hill, has written me a very thoughtful letter on this subject of ethics and standards for our young people. I would like to call attention to his suggestions and ideas and include his letter and a copy of my bill in the CONGRESSIONAL RECORD:

CHAPEL HILL, N.C.,

July 6, 1971.

Hon. CHARLES E. BENNETT,
U.S. House of Representatives, Rayburn Building, Washington, D.C.

DEAR MR. BENNETT: In reference to your Bill "to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles" (H.R. 8722), I believe that churches of all denominations will generally welcome ethical instruction in the schools and the national church organizations may now give more than mere endorsement support. There is evidence, too, that educational leaders around the country have become increasingly aware that the schools however overburdened some feel they already are, must give increased attention to helping children to make better value decisions. The business community is certainly quite aware that a deteriorating sense of moral and ethical obligations, along with a loss of individual responsibility, has cost American business an enormous price not only from shoplifting, embezzlement, payoffs and countless other crimes but also from the decline in quality productivity. Lack of pride and care in performance creates an ethical problem in shoddy products and indifferent service that affects every consumer.

From the standpoint of public interest, the timing is right for your Bill to be brought out and discussed widely. The Calley case provided a most extraordinary argument in moral questioning. There is also the pill, abortion, drugs, new legal and medical questions, and on and on.

Extremely important at this time are the moral questions brought up by the Pentagon papers. If we look at only one instance of nationwide Pentagon papers discussion, the NBC television network interview with Dean Rusk, we must conclude that the moral questions being asked and certain moral views being promulgated may call for hearings that have a direct bearing on our national security.

America should take the lead in the race for credibility and responsibility from the national government down to every local political unit. As our technocratic, independent society becomes the supertechnocracy that sociologists have been warning us about, we will learn that ethics and the logic of the Golden Rule is ultimately very practical selfishness—our own survival as a free society. Recently, Mr. J. Grimond, a Member of Parliament, writing in The Times of London on the dilemmas of democracy, stated: "A society which runs on a system that makes no effort to come to terms with morality will always be unsatisfactory and may become unmanageable." For years our own youth have been trying to tell us that they need better value guidance. Extreme conduct, moral anarchy, is evidence of their frustration.

You may think that I have overemphasized the importance and scope of H.R. 8782 and H.R. 527. Considering my many years of interest in business, education and politics, I would be negligent if I did not look at the needs of the country and recognize the possibilities of great service inherent in your Bill. The public hearings preceding its passage could, in themselves, make an incalculable contribution to the improvement of ethics and the stability of our society. The national press should give the hearings excellent coverage because of the timeliness of the subject and the renown of the educators, churchmen, and business leaders who would be willing, even eager, to focus greater attention on better values and higher morality for America. In the July 4th Washington Post you will note the major full page headline on "The Revolution in American Values." Regularly, the press looks for morality news. Your Bill is, indeed, important and timely and I believe you will find strong support from a full range of Democrats and Republicans. And why should there not be a broad area of agreement on this most constructive form of basic patriotism, the original July 4th American patriotism that emphasized courage, responsibility and morality?

Sincerely,

IVAN HILL.

[From the Washington Post, July 4, 1971]

THE REVOLUTION IN AMERICAN VALUES

(By Haynes Johnson)

(NOTE.—For the past six months, staff writer Johnson has been traveling across the country writing the American Diary column for The Washington Post. These are his impressions at a pause in his journey.)

My friend Pete Bujacich, the Puget Sound fisherman, put it in perspective. "We're just a young country," he said. "The older you are, the smarter you get."

Perhaps, Pete. Certainly anyone who wanders across the country talking to Americans today returns home with a renewed sense of optimism—and a deep feeling of pessimism. That is the paradox. It is, as ever, the best and worst of times.

Everywhere there is evidence that America is in the midst of a kind of revolution it has not experienced before. Not over labor and capital, not over race, not over political theories or forms, not over ideologies, but over personal attitudes and values. Never, in nearly a decade of extensive travels throughout the nation, have I encountered so many people asking so many serious, intensely personal and searching questions—about their jobs, their wives or husbands, their children, their country, their aspirations, their future.

Americans have changed. They have reexamined some of their most deeply held values—about the worth of their material comforts, their desire for their children to "succeed" or even automatically go to college, their old vision of the good life in the city or suburbs, their supreme confidence in their country's inevitable rightness—and rejected many of them.

"I want a life that is whole rather than chopped up," said a teacher, explaining why she left the city for a new life in a rural New England town. Out on the West Coast a middle-aged professional man who was also starting over again put it differently: "I think people are missing the point because they confuse money with real wealth. They spend a lifetime working for a future that never comes." And from a former student radical came another common note of personal introspection. "There isn't going to be any violent revolution in America," she said. "The real revolution is how we're going to live our own lives."

Yet no matter how successfully they have redefined their values or recognized the way they have changed, the process itself is unsettling. It leads to even more questions. "Maybe one of the reasons I'm uncertain is because I've experienced so many new insights myself," said a white minister in the Deep South who confessed he never had spoken to blacks seriously or personally until after the civil rights revolution engulfed his city in the mid-1960s. "Sometimes it's difficult to know whether you're changing or the other person is changing. Probably everything is changing all at once."

He expressed it as well as anyone. There are no final answers then, only strong impressions of a nation undergoing rapid transformation.

If the people I have met during the last six months of traveling are typical, Americans today are more sophisticated, better informed, less intolerant. They no longer are talking in such fearful terms about race or communism. They are rejecting the rigid moral positions of the past, whether on abortion or extra-marital affairs or "aberrant" sexual behavior. They have far fewer illusions about themselves, or their country. They are desperately looking, indeed yearning, for leadership. They are ready to move on with the work of creating a better, more equitable, society. And despite all the current climate of doubt and concern over the failings of "the system," America is recording significant progress. Even, paradoxically again, if the people themselves don't seem to think so.

Only a few years ago you could cross the country and hear people in every section express the opinion that the nation was falling apart. Cities were going up in smoke, riots were breaking out everywhere, leaders were being assassinated, the war was escalating, youth was turning on and turning off, and next summer—always the next one—was going to bring the final scorching fire. It was what you heard over and over again, like the fall of the Roman Empire.

A CHANGE IN MOOD

We survived. None of our worst fears was realized. Revisit some of those earlier scenes of trouble or disaster and you would scarcely recognize them. In Selma and in Watts people are going about their business peacefully. Much of the old rancor has been dissipated. Economic problems notwithstanding, people seem prosperous and blessed with an abundance of material goods. Their communities are generally free of tensions. It isn't by any means, in that easy phrase, a cooling or greening of America that is taking place, but neither is it an America in the process of destroying itself. Most important of all, the individual outlook is markedly different.

Listen, for instance, to the voices of today in Selma, Ala.—Selma, once the very symbol of the most unyielding attitudes.

"People are more realistic now," said a black man who had been through all the bitter fights of the past. "They're willing to let the law handle it, and they believe the law will handle it fairly. Nobody, black or white, wants trouble again. It isn't because of love, you understand, and it isn't the millennium, but there's been a remarkable change here."

A young black girl who was just completing her first year in an integrated school there "found out that all white people aren't against the black people as some people believed". Another black student, this one a young man, told how he had made friends with whites during his school term. "I wrote down something that one of my friends said, because it really made me think," he said.

What he had written down from his white friend was this:

"Two thousand years ago men with long hair were walking around preaching love. They called themselves Christians, and so

they threw them to the lions. And today there are men with long hair walking around preaching love, and they are throwing them to the Christians."

Modern myth-making aside, it isn't only young Americans who are raising those kind of questions about their society. In fact, the most noticeable change in attitudes is taking place among parents—and from whatever stereotyped group you might choose: hard-hats, Middle Americans, silent majority or what have you. They, too, are wrestling with new questions about American life.

All to the good. It indicates a maturity that is the best hope for the future. That is the source of optimism.

The darker side is equally apparent. Americans may still believe in themselves, but they have lost faith in most everything else. They do not believe in their President. They do not believe in their politicians. They do not, indeed, seem to believe in any institution. This is, of course, a sweeping generalization, but in my experience it is the simple truth.

WHAT DO YOU RELIEVE?

One night last spring I was sitting in the living room of the mayor's home in Galesburg, Ill. The mayor and the city manager of that traditionally conservative Middle Western community were talking about Vietnam, and how their own attitudes had changed.

"And the Laos situation," the city manager was saying. "No one admits it yet, but it was a fiasco, really. Now, Cambodia was not."

"How do you know?" the mayor asked quietly.

The city manager thought a moment, then laughed ruefully and said: "What do you believe? That's a problem, all right."

It is *the* American problem.

No matter where you go, or to whom you speak, the same underlying doubt and distrust are expressed. The contents of the secret Pentagon documents undoubtedly add to the general lack of faith. In that sense, next year's presidential election promises to be one of the most critical and difficult in our history. The issue, if I'm right, is not the war—or the economy—or crime and permissiveness and youth and drugs—or pollution of the environment—or national priorities—although these are all factors. It is what kind of country America is going to become, and whether the people will believe what anyone tells them.

At this point, there does not appear to be anyone to whom people are looking for leadership. Ask them what man they would like to see as President and invariably you get the same reaction. Silence. A blank look. That doesn't mean they don't want to be led, or are unwilling to follow; they just don't know where to turn.

The distrust in leaders is profound, and it extends into every segment of society.

A Harvard law student who had been emotionally committed to liberal causes said: "I'll tell you one thing: liberals in this country are bankrupt." His friend, who had been listening, nodded in agreement and remarked that he had been a radical. "But the radical leaders left and never came back. Where are they now?" A third young man in that group summed it up for them all: "You know what I think? I think we're all jaded."

The same weary sentiments come from blacks about their leaders and from conservatives about theirs. America the brave, the land of the heroes, does not exist any more. Or if it does, I didn't find it.

A TURNING INWARD

While that conception may have in it the seeds of greater maturity—don't wait for someone else to do the job and chart the course—it also has another effect. With all their introspection, Americans are turning inward. There is, particularly among the young, a definite sense of living for the moment. Part of it is essentially selfish, the kind of attitude that dictates a take-what-you-want-and-forget-about-the-other - guy behavior. It's not uncommon to meet Americans who espouse noble goals but also live a kind of hedonistic existence. They wander and roam with no set purpose. Often, they will argue that two wrongs make a right, and the end justifies the means. The government is evil, Leaders are unworthy of trust. Therefore, take things in your own hands. Rip off what you want. It's all bad anyway, so get it while you can. Why not?

These attitudes are not unusual.

In Washington, during the Mayday disturbances when demonstrators attempted to shut down the government, a psychiatrist voiced a typical sense of unease about what he saw developing. "Some of the young people expect too much too soon," he said. "At first I thought the student protests were productive and good, but now I think I see a change. There's a roaming about, a vagabondism, a refugeeism present. Yes, I've been doing a lot of searching myself about all this. There's something out of balance here. These people don't seem to be able to direct their energies toward the meat of life. Unless, of course, you accept the idea that they see life as empty for them and there's no future."

Many young people would say they do feel life is empty. Ask what they want, what goals they have set for the future, and often the response is vague. A more thoughtful person might say, as one did: "I want to follow my conscience. Just be oriented toward life. Not just making money." A more hostile viewpoint, as another expressed it, is: "If you want to say we're doing illegal things, fine. That's their law, not ours."

As always, it's easier to identify the symptoms than to pinpoint the causes or prescribe a remedy.

Certainly, the war lies at the heart of the unrest. It would take a Tolstoy to tell what the longest, most divisive war in our history has done to American values and attitudes. But it's enough to say that it has touched every American in a personal way—and in ways that our leaders only recently seem to comprehend.

In that marvelously simple way of children, one seventh grade student in a small town expressed the problem in terms for everyone. She wrote a poem as a school exercise. Her topic was Vietnam:

The war's going on in Vietnam
Our soldiers are fighting
And throwing bombs.
The fellows at home
Are getting uptight.
And we know the reason—
They don't want to fight.

But it isn't just the war that's a problem. Citizens seem to feel they have lost their identity, that the individual no longer counts, that one person no longer can command his destiny. Society is too big and too impersonal and too complex.

"I was the product of a society that tends to emphasize the individual in terms f economics and other aspects," said a San Francisco carpenter, "and that society doesn't seem to be working very well any more. The quality of life seems poorer and poorer. I guess it seems to me that the decision-making that we see all around us in this country is no longer leading to decisions that most of the people would take.

He, like others, doesn't know where to turn or in whom to trust. He hasn't given up, but he is less confident about the future.

"I will continue to vote," he said, "but with less and less hope. Democracy itself seems tyrannical in that our resources, our time, our very lives are conscripted by the government."

There's no need to belabor the point. America is at a crossroads. It can go either up or down.

If that is the broad picture, a traveler comes home with other, more personal, impressions of America the beautiful and America the ugly. (The beauty is still there, but it is rapidly being eclipsed by the same monotonous scene in every city, the same blizzard of signs and hamburger and pizza joints, the same tangle of highways and boxes in the form of houses. You can't tell the outskirts of Miami from the outskirts of Seattle.

And with all the talk about improving the quality of life, I wonder why so many people seem so unhappy in their personal lives. Marriages are dissolving, drug usage is increasing, work seems less satisfying. We certainly have not yet achieved the sense of singing and dancing on the lawn that Eugene McCarthy used to talk about during the 1968 presidential campaign. But neither have we succumbed to the prophets of gloom.

Long ago, Alexis de Tocqueville completed his wanderings in a young America with a strong conviction. "America," he said, "is a land of wonders in which everything is in constant motion and every change seems an improvement."

My friend Pete, the fisherman, would agree. It's a great country, he still likes to say. Like everyone else, Pete, I'd like to believe that, too. But like everyone else, I'm no longer so sure.

H.R. 8782

A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VIII of the Elementary and Secondary Education Act of 1970 is amended by adding at the end thereof the following new section:

"GRANTS FOR TEACHING MORAL AND ETHICAL PRINCIPLES

"SEC. 807. (a) The Commission shall make grants to State educational agencies to assist them in establishing and carrying out programs under which students attending public elementary and secondary schools will be provided instruction in moral and ethical principles. The content and nature of such instruction shall conform to general standards prescribed by such State agencies.

"(b) For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972, and each of the two succeeding fiscal years."

SEC. 2. Section 422 of the General Education Provisions Act is amended by inserting after "the Elementary and Secondary Education Act of 1970" the following: (other than section 810)".

FRUSTRATIONS OF THE RAILROAD WORKER

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. WALDIE. Mr. Speaker, we are all aware of the hardships caused many members of our Nation by the current railroad strike. It seems to me, however, that too often we only hear the somewhat esoteric arguments that go on between

labor and management. The letter I have introduced into the RECORD is from a union member on the Santa Fe Railroad, to the President and details the frustrations that many of these men feel. To the end of broadening all our perspectives on this problem, the letter follows:

STOCKTON, CALIF.,
July 26, 1971.

HON. RICHARD M. NIXON,
President of the United States,
The White House, Washington, D.C.

DEAR PRESIDENT NIXON: I wish to express a sincere vote of commendation for myself and many other railroad workers, for your refusal to follow the pattern set forth by President F. D. Roosevelt. The pattern I refer to is forcing arbitration on the rail workers on the terms set forth by people who have not the faintest idea of the working conditions of a railroad worker, and what is more, they could care less, because they know if they give the right decision that they will be well taken care of by the Association of American Railroads, through this forced arbitration on the workers, is the reason the railroad workers have slipped from third place to near the two hundredth place as far as working conditions and pay is concerned . . . plus fringe benefits, in comparison with other industrial workers.

I am a man exactly three weeks your junior; my father was a railroad worker from 1901 until his tragic death on the Santa Fe Railroad at Seligman, Arizona in May of 1939. I began my railroad career in August on 1935 and have been continuously employed by the Santa Fe ever since. With this background I feel qualified to speak with some authority regarding the working conditions on the railroads.

In the Spring of 1935 I was working as an oiler on a power shovel for N. G. Hill Construction Co. in Arizona doing highway construction. At that time that job paid $0.62½ per hour. The job I took on the railroad as switchman paid $0.821½ per hour. Today a shovel oiler gets over $7 per hour while a railroad switchman makes $4.41 per hour. This rate includes the 13½% raise which was granted by the Congress of the United States last December.

The news media, which will not print one word in behalf of the railroad workers, paid for or not, said that this afore-mentioned raise would bring the average rail workers wages to more than $5.00 per hour, which would have inflationary effects on the economy of the country. I have never seen where the news has said that granting the railroads a freight increase would affect the economy of the nation. I am enclosing a copy of our pay rates which were in effect until 6:00 A.M. July 16, 1971; these rates are figured on a 100-mile basis being considered a day's work . . . if we are fortunate enough to catch what we call a "Hot Shot" we might make our run in 3 or 4 hours, but if we catch a train doing the "Local" work, and we are on duty 8 hours, we do not get any additional pay; we are required to work at any time in the 24 hours, 7 days a week, including holidays, all for straight time, in addition, when we are off duty at either end of the line, we are required to keep in touch with the office at all times, because if we miss a call, we are subject to be disciplined. The Management says there is no excuse for anyone missing a call for duty, yet they are not willing to pay standby time.

There have been times when I have been held at an away-from-home terminal for as long as 3 days, with the only compensation for away-from-home expenses being $3.50 after I had been in the away-from-home terminal more than 4 hours. This $3.50 only covers each trip—it does not cover each 4 hours in the way-from-home terminal. There have been times that the dispatchers have held our train for as long as 4 hours in a side track where there was no place to eat, not even a farmhouse short of a half-mile and we had been less than one hour on duty out of the away-from-home terminal. This often happens in the wee hours of the morning when everyone except the railroad SLAVES are in bed, sound asleep.

Railroad management is continually screaming poverty, asking for government handouts in cash plus tax exemptions. They accuse the employees of feather-bedding, etc. If the truth was known, the featherbedding and all the bungling would be found in and among the Chiefs rather than among the few Indians which are left. I personally know that Management was instrumental in running off all the passenger business; then they screamed to the high heavens that they were losing money on their passenger business, which resulted in them being allowed to pull off the passenger trains. Now they are doing everything possible to run off all perishable business, together with all other types of business. They are milking the railroads of every penny they can, letting tracks and equipment go to Hell and investing in pipelines, airlines, shiplines, marinas, and what-have-you. . . . A very good example of what I am saying is to check the records of the Penn Central. I predict that in the very near future many more railroads will fall in the same category with the Penn Central.

Will you please explain to me what happened to the obligation the railroads took when the U.S. Government gave them every other section of land across the nation; also will you please explain how Big Business gets around the Anti-Trust Law which was enacted during Teddy Roosevelt's term in office as President?

A bulletin posted for the benefit of all Santa Fe train employees on the Coast Lines of the Santa Fe Ry by Mr. R. A. Adams, general manager, mentioned rules changes that were put into effect July 16 at 6:00 A.M. These rules changes set the Rail workers conditions back over 70 years. At that time the crews had regularly assigned cabooses in which they could sleep and eat at their away-from-home tie-up points. Today we have no regular cabooses . . . the only thing in our favor is the House of Service Law.

I strongly recommend that the Law Makers pass laws requiring the Association of American Railroads to sit down and honestly bargain with the representatives of the employees, otherwise Nationalize the railroads, forcing the various companies to forfeit all holdings connected in any way with the parent company; also remove all management officials from any part of management of any railroad as long as they live.

Very truly yours,

ROY E. TOMBLIN.

DRAFT BILL CONFEREES LOWER PAY RATES IN VIOLATION OF LEGISLATION OF LEGISLATIVE REORGANIZATION ACT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, the point has been raised by the draft bill conferees that they could cut the rates for the lower enlisted grades, and delay enactment of the pay bill, because an automatic increase was scheduled for January 1972. I would first like to note the remarks of Senator GORDON ALLOTT, on these automatic increases:

Mr. President, sure, there are plans for a 7.4-percent cost-of-living increase for January 1, 1972. But what will that do for the soldiers who need help the most? The raise of last January and the raise of this coming January are only raises to keep them even—holding actions—as far as inflation in this country is concerned. Under the 7.4 cost-of-living increase planned for January 1, 1972.

A major general would receive a monthly increase of $204.71, but E–4's, corporals with over 4 years' service, would get only $26.40.

Where is there any justice in a situation like that? New recruits would get a paltry $9.94 monthly increase as a result of the 7.4-percent cost-of-living increase.

Clearly, cost-of-living increases do little for those who need help the most, and we can only help them by adjusting their pay schedules, as my amendment does.

Secretary Laird, before the Senate Armed Services Committee, has said that even considering cost-of-living increases, the military services are in poor competitive position compared to civilian professions and occupations which are open to young men entering the job market.

The administration's pay proposal will not change that. Only the amendment under consideration will change that and will make these services truly competitive.

We must remember that, as regards military pay, the word "noncompetitive" is a polite way of saying "unjust."

Second, I would recall the words of the report written to explain the institution of automatic increases in 1967 as a temporary measure—House Report 90–787:

The committee wishes to emphasize that enactment of this section of the bill as amended will in no way preclude the Congress from acting affirmatively in the future in respect to possible changes in the uniform services compensation structure.

In other words, when the Rivers amendment was passed granting automatic increases for the military every time civil service pay was raised, there was no intention of using this device to preclude changes in the pay structure, such as the increases provided first termers by the House and the Senate.

It is difficult to understand why the conferees provided the recruit with compensation of only $4,872, when the House increased him to $5,036, and the Senate raised him to $5,320.

Likewise, it is difficult to understand why the conferees provided the other first termers with less compensation than provided for in either the Senate or House bills, when the increase for a recruit of $1,707 is less than the $1,898 pay hike slated for a four-star general, the $1,788 increase for a lieutenant general, or the $1,709 for a major general.

It has been argued that the conferees merely acted within the range of technical elements of military compensation in making the following reductions:

House, $2,687.4 million.
Senate, $2,746 million.
Conference, $2,341.1 million.

I would remind my colleagues that the distinctions between basic pay and quarters allowances are archaic, and have been combined in the United States Code to form Regular Military Compensation. As House Report 90–787 noted:

"Regular Military Compensation" is defined as basic pay, quarters, and subsistence allowances, either in cash or in kind, and the tax advantage thereon. This regular com-

pensation is considered to be the equivalent of the gross salaries payable to Federal employees under the Classification Act.

Mr. Speaker, if the House had passed a civil service bill authorizing a GS–1 to be paid at the annual rate of $5,036, and the Senate had authorized $5,320, would the conferees have the authority to reduce him to $4,872? This would clearly be a violation of the Legislative Reorganization Act. Since the concept of regular military compensation has the force of law in setting annual military pay raises, I am convinced that the actions of the conferees on military pay rates is a clear violation of the Legislative Reorganization Act.

Mr. Speaker, it appears that the conferees might have acted out of a misconception of the Sisk amendment when they lowered the pay figure. As the chairman of the Armed Services Committee, Mr. HÉBERT, said in testimony before the Rules Committee this afternoon:

What we did on the pay rates was not a violation of the House Rules. The House Rules do not allow us to go above the highest figure approved, but we can go below the lowest figure. And that's what we did. We came in with a figure that was less.

I would respectfully submit, Mr. Speaker, that such was not the intent of the Legislative Reorganization Act. As the gentleman from California declared during debate on his amendment:

For example, the House passes a piece of legislation authorizing $1 million; the other body after having considered the legislation passes a bill authorizing $5 million; then the conference committee could not come back and report $10 million or, going the other way, report $500,000.

The point is that it should stay within the scope of what the two bodies have done initially.

Thus, I believe a dialog from the 1967 hearings on military compensation for those matters. This dialog, beyond any doubt, shows that the total concept of regular military compensation, as defined by law, must be considered when looking at the pay of our servicemen. This dialog explains why the archaic concept of "basic pay" must be increased by a greater percentage than civil service pay, in order to achieve the same overall result:

"The President has recommended that uniformed services personnel be provided a 4.5% increase in their compensation . . . This increase which translates into a 5.6% increase in basic pay is therefore identical with the first stage salary increase provided classified employees."

The CHAIRMAN. Now does anybody not understand how we arrived at 5.6%? . . .

Mr. HALLECK. Mr. Chairman, when you put that 5.6 up there, that is what is going to be written, and I, for one, voted for the motion to recommit, to strike that 6 down to 4.5 (for civil service employees), and to strike out the subsequent year raises.

The CHAIRMAN. That is already passed.

Mr. HALLECK. I have to be consistent about it.

The CHAIRMAN. You would be consistent.

Mr. HALLECK. I believe the military authorization—I believe they should have more, but when we make the blanket statement in this statement here, referring to 5.6, what I am afraid of is that that is going to be the figure in everybody's mind, and those of us—the President has been trying to hold it to 4.5. Where does that leave us?

The CHAIRMAN. That is what the President recommended, the 5.6.

Mr. SLATINSHEK. Mr. Halleck, this is precisely what the President recommended, a 4.5 increase in regular compensation, which translates into a 5.6% increase in basic pay. Basic pay is only one element of the monthly, or one element of the monthly compensation for military personnel.

The CHAIRMAN. Mr. Halleck, are you for the 4.5?

Mr. HALLECK. Yes, sir.

The CHAIRMAN. Well, you are therefore also for a 5.6% increase in basic pay. [Laughter.] (House Armed Services Committee hearings, Nov. 27, 1967, p. 5436.)

Mr. Speaker, I am for the recruit getting regular compensation that falls within the level of $5,036 set by the House, and $5,320 set by the Senate. I, therefore, intend to raise a point of order against the conference committee, not only on the effective date, but also on their rates, as a violation of clause 3 of rule 28.

H.R. 8866, SUGAR ACT AMENDMENTS OF 1971

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HANNA. Mr. Speaker, I must voice my deep concern over a serious omission in the sugar bill passed by the Senate. The Senate deletion of three new quota countries friendly to the United States, a practice traditional in past sugar quota bills, comes at a time in our international relations when we can ill afford the creation of a crisis in Latin America or Africa.

The House, after careful consideration on the merits of each case, assigned a 15,000-ton quota to each of three new quota countries—Uganda and Malawi in Africa, and Paraguay in Latin America. The 15,000-ton quota is the equivalent of a boatload, the minimal amount recommended by the State Department.

We can imagine the consternation which struck these three firm friends of the United States when the news quickly spread throughout Africa and Latin America that Uganda, Malawi, and Paraguay had been eliminated by the Senate, without any substantive justification or explanation. They do not accept the explanation of past performance in sugar deliveries to the United States, a rigid and inflexible formula concocted, they feel, to deliberately exclude new quota countries. To them, the allocation of a 15,000-ton quota by the House, only to be taken away by the Senate, constitutes bad faith. How can we perform, they ask, when we have no quota.

Africa and Latin America are two areas where our relationships must be strengthened, not weakened. Africa and Latin America are two areas where we should try to build more solid friendships, not weaken existing ones. What will the people of Latin America think if we should exclude Paraguay, the one remaining friendly country in that area seeking a sugar quota? And what will the peoples of Africa think when we exclude Uganda and Malawi, two strongly democratic and pro-United States African countries.

Is it necessary to taunt and defy the United States, is it necessary to burn the American flag as some have done, is it necessary to confiscate or expropriate U.S. property, is it necessary to discriminate against the United States, is it necessary to have a home-town Communist threat—they will ask—in order to be considered important enough to obtain a sugar quota?

I fervently beseech the House conferees to rectify the fatal omission by the Senate and to insist firmly on the House version, thereby restoring the faith of these three countries, and all the peoples of the two areas of Africa and Latin America, in the greatness of the United States and its concern for all friendly nations, big and small, rich and poor.

CLOSE FORT SHERIDAN? HERE'S HISTORY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. McCLORY. Mr. Speaker, the current indications are that Fort Sheridan will continue in its historic role as a military post serving many of the vital needs of the Midwest—as it has done traditionally throughout the past 80 years.

In line with the continued interest in Fort Sheridan, an interesting and informative article has been prepared by Joan Vorgias of the Lake County Paddock Publications staff. This article, entitled "Close Fort Sheridan? Here's History," appeared in the July 28 issue of the Herald, and details the role of Fort Sheridan during these 80 years.

I am pleased to submit this article for the edification of my colleagues and the public:

CLOSE FORT SHERIDAN? HERE'S HISTORY

(By Joan Vorgias)

After surviving a number of conflicts and five wars, it's highly unlikely that Ft. Sheridan will be demolished by the battle being fought over what exactly should be done with it.

Ft. Sheridan was erected in the late nineteenth century in answer to an appeal from residents of Chicago for army protection in times of state crisis. The Great Chicago Fire and violent fights raging between labor and management during the era led to the appeal.

In the three days that the Chicago fire raged in 1871, over 17,000 buildings were destroyed and 2,000 acres charred. Approximately 250 persons lost their lives amidst the scorching flames, and 90,000 more were left homeless. Damage rose to over 200 million dollars.

To prevent further loss from looting, Chicago Mayor Mason declared martial law and turned the city over to Gen. Philip Sheridan who had accompanied his troops to the disaster area from Ft. Leavenworth, Kansas.

In 1877 Chicago businessmen were further appalled by mob action during the railroad riots. The president brought Sheridan and his Indian fighters back from the plains to end the widespread disorder.

It was again necessary for the federal government to intervene during the Haymarket

riots in May, 1886 when mob rule prevailed and seven men were killed by a bomb.

Following this uprising, the leaders of Chicago asked the War department to establish a military post in the area. On Oct. 6, 1887, A. C. Bartlett, representing a group of businessmen, presented a warranty deed for the land now occupied by Ft. Sheridan to the Secretary of War.

This site, consisting of 630 acres, was located in the northeast corner of Deerfield, close enough to Chicago to provide a permanent garrison for the protection of the heart of the country's transportation system.

According to a newspaper of the times, anyone who lived through the desperate days of 1871 or 1877, breathed more quietly when he knew that "Uncle Sam was on the deck and the regulars at the bat."

The first troops, headed by Maj. William Lyster, arrived at the fort on Nov. 8, 1887. Their assignment was to strip the countryside of heavy underbrush and erect temporary living quarters.

In the Army Bill of 1888, $300,000 was allocated for the construction of permanent buildings. Work began on the fort's historic water tower in 1889 and barracks and quarters for field grade officers soon followed. Between 1891–1908 a guard house, commissary, bakery, and several stables were added.

The regulars were quickly pressed into service. In 1894 the Pullman Car Company employes went on strike following an ordered reduction in wages due to currency legislation passed between 1876–1890.

Irritation towards the company grew daily. When an injunction against Eugene V. Debs, president of the American Railway Union, was filed by Pullman, frenzied strikers burned thousands of railroad cars.

President Cleveland, to protect interstate commerce and the mail, ordered the Ft. Sheridan regulars to Chicago. They marched into the riot torn area on July 5. By July 14 railroad traffic was resumed and an impending food shortage due to the stoppage prevented.

Cuba-bound troops were quickly processed though the newly constructed post offices following the sinking of the battleship Maine in Havana Harbor. April 20, reports the Chicago Tribune, was a day of unrest and excitment as troops prepared to leave for the front.

A buglar blew assembly, and several girls gathered to take part in a sentimental farewell. Following the singing of "The Girl I Left Behind Me" and "Auld Lang Syne" the troops fell in with alacrity, climbing aboard a train consisting of 11 tourist sleeping cars and two pullmans.

After the war, the fort took on a festive peace time atmposhere. Long skirted belles and handsome, uniformed gallants attended gala balls in the officer's club. Tennis, horseback riding, and band concerts helped to while away the hours.

Smart afternoon receptions were held in the three-storied brick officer quarters with a maid or orderly in attendance. The quarters, which are still in use, were constructed on looping, picturesque streets.

Peace and tranquility faded after the assassination of President Madiero of Mexico in 1913. An outbreak of incidents on the Texas border followed the death of the president, and the men stationed at Ft. Sheridan were called into action. At one point in the crisis, when several units had joined Gen. John Pershing in his fight against Panco Villa, 16 soldiers and their sergeant-commander were the sole military occupants of the post.

From 1893 until 1917 the fort remained a regular army post. The picture changed with the onset of World War I. Following the declaration of war against Germany on April 16, 1917, the Lake County facility was re-established as an officer's training camp.

Five thousand men from midwestern states attended the first training session. To meet the increased housing needs, temporary quarters were erected east and west of Sheridan Road. Over 5,800 recruits attended two successive camps and were commissioned as officers. Of these men, 250 were killed while serving in France.

As the war drew to a close, the function of the fort changed. In 1918 the facility became a huge convalescent home. Construction and alterations amounting to $2,950,450 prepared the buildings for the arrival of thousands of wounded soldiers from Europe. The hospital, designed to hold 200 beds in pre-war times, became a 4,780 bed unit.

The passage of the last patients out of the gates in 1920 hailed the change of the fort to a military garrison. A cooking and baking school was established and continued through World War II. The cavalry remained, and horses occupied their brick stables until 1940 when more modern methods of transportation prevailed.

A program of "national preparedness" was prevalent in the 1920's. Ft. Sheridan ranks swelled with representatives of the Reserve Officer Training Corps (ROTC) and the Citizen Military Training Corps (CMTC). The Civilian Conservation Corps (CCC) was established on post in the 1930's and construction of bridges and other structures followed.

Emergency status was resumed when U.S. involvement in World War II became imminent. A recruiting center was established at Sheridan on Nov. 18, 1940. During the ensuing years, over one-half million of the cream of American manhood was inducted at the center.

Smartly garbed women warriors took over Ft. Sheridan quarters following the signing of a bill by President Roosevelt in 1942. The second group of WAC's created under the bill, including 150 enlisted personnel and two officers, were housed at the post.

German prisoners of war were also in residence. The fort served as the administrative headquarters for 46 prisoner camps in Michigan, Illinois, and Wisconsin. Nine enemy soldiers detained in the camps died and were buried in the post's cemetery at the request of their families.

In the postwar years, the fort became a Nike Ajax defense site. The Fifth Army headquarters was transferred to the post bringing with it 900 military and 800 civilian employes in 1967. To meet the needs of the increased population, apartment housing was rapidly construed and temporary buildings turned into offices.

The removal of the headquarters this year resulted in a number of studies as to how necessary the fort was by several factions.

According to a Ft. Sheridan spokesman, no one connected with the fort knows what the facility's future status will be. There are still 1,000 military and 800 civilian employes on the post in addition to 1600 dependents.

The Fifth Army, said the spokesman, comprised only to 8 percent of the post mission. In addition CENA (Coordinating Element Northern Area), including 91 staff members, has been transferred to the fort and taken over one-third of the offices used by the departed army personnel.

A great deal of the work done at the fort today entails humdrum, but necessary, bookkeeping for other military establishments in the middle west.

"This may not seem glamorous but it is still very essential to the defense establishment," said the spokesmen.

The fort, like the tops of the Lake Michigan waves striking against its shoreline, should continue to ride the doldrums and peaks of military history for many a year.

CHRISTIANS SPEAK OUT ON RECENT TRIALS OF SOVIET JEWS

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. McCORMACK. Mr. Speaker, in April 1971, the Interreligious Affairs Department of the American Jewish Committee published "Christian Reactions to the Leningrad Trial of Soviet Jews," a compilation of responses to that trial, and to the underlying issue of Soviet anti-Semitism, from Christian sources—including public statements, telegrams, and letters of protest and concern sent to Soviet and American Government officials, editorial responses in the Christian press, and communitywide activities throughout the country. The document, which provided an impressive record of Christian concern with the fate of Soviet Jewry, has elicited widespread interest among both Jews and Christians in the United States and abroad. It was my privilege to place this material in the CONGRESSIONAL RECORD on May 26, 1971.

Since the publication of that document, additional trials of Jews took place in the Soviet Union, notably in Leningrad and Riga in May, and in Kishinev and Odessa in June but also in the provincial cities of Sverdlovsk, Rostov-on-Don, and Chernovits.

As a result of these closed trials, nearly 30 Jews received sentences ranging from 1 to 10 years for so-called antistate activities, including the printing, possession, and distribution of Jewish and Hebrew material.

These trials elicited additional protests, telegrams, public statements, community activities, and editorial comment. Some of the response was prompted by the visit to the United States of Mrs. Rivka Aleksandrovich whose daughter, Ruth, was tried in Riga and sentenced on May 27 to 1 year in prison.

Because of the sustained interest on this subject in both the religious and general community, and because the earlier document necessitated an arbitrary cutoff date, I am submitting herewith this additional material to fill out the record of Christian involvement and concern for the fate of Soviet Jewry.

This survey of responses, while far from complete, constitutes an impressive testimony of the growing understanding on the part of thousands of Christians and others of the fundamental human rights issues that are at stake in the resolution of the plight of Soviet Jewry. It also represents dramatic evidence of the increasing identification of the American people with this crucial human and Jewish cause of liberty—and that development is one of the most hopeful signs in the struggle for the religious and cultural rights of the 3 million Jews in the Soviet Union.

Mr. Speaker, I submit the following material:

[From Religious News Service, May 21, 1971]

RESPONSES OF NATIONAL AND DENOMINATIONAL LEADERS

[Presbyterian]

PRESBYTERIANS HEAR RUSSIAN MOTHER'S PLEA FOR DAUGHTER FACING USSR TRIAL

ROCHESTER, N.Y.—A mother's impassioned plea for her 23-year-old daughter, soon to go on trial in the Soviet Union, brought a standing ovation from the General Assembly of the United Presbyterian Church in the U.S.A.

Tears were noted in the eyes of many of the delegates as Mrs. Rivka Aleksandrovich begged the delegates "to help Ruth and to do something important for the cause of all Soviet Jews."

The incident marked the first time a Jewish person had ever addressed the General Assembly of the 3.1-million-member body, and the first time that the plight of Soviet Jewry has been brought to the annual meeting of a major Christian denomination in this country.

Mrs. Aleksandrovich declared that her daughter's only "crime" is "being Jewish, her desire to lead a national cultural life which is her right, and her desire to go to Israel, the homeland of her forefathers."

She told the delegates that her home in Rigs, Latvia, was searched by K.G.B. (Soviet Secret Police) agents who confiscated Hebrew books and articles and copies of the family's letters to the Supreme Soviet concerning its desire to emigrate to Israel. . . .

"I appeal to you to help her and to do something important for the cause of all Soviet Jews," she said. . . .

After Mrs. Aleksandrovich's 20-minute talk to the General Assembly, the 1,500 persons attending the plenary session rose to their feet in sustained applause. The first to rise, said one observer, were the black delegates to the annual meeting.

PRESBYTERIAN OFFICE OF INFORMATION, THE UNITED PRESBYTERIAN CHURCH IN THE U.S.A.

ROCHESTER, N.Y., May 21.—A Russian Jewish mother today appealed to United Presbyterians to support her quest of securing the freedom of her daughter now in a Soviet jail awaiting trial for attempts to emigrate to Israel.

Mrs. Rivka Aleksandrovich, for 25 years a university teacher of English in Riga, was invited to address the 183rd United Presbyterian General Assembly (1971) this morning.

She said her 23-year-old daughter Ruth will face Soviet judges next Monday, May 24, in Riga. The daughter has been held incommunicado since las October 7, when she was arrested for attempts to leave Russia to emigrate to Israel.

"I am deeply moved by your willingness to hear me, a mother," Mrs. Aleksandrovich said. "I have a moral right to appeal to you; my daughter is religious. Help me save my daughter who stands accused of undermining and weakening the power of the Soviet Union.

"This is because her only fault is that she is Jewish and wishes to lead a national cultural life which corresponds to her beliefs, her religious beliefs."

Mrs. Aleksandrovich said her daughter had applied four times for permission to leave the Soviet Union. This was not granted.

"It is impossible for people of good will to stand aside and not try to do their best to help," the Jewish mother told commissioners.

In a civilized world, she said, people should not be punished for ideals and ideas, but for crimes.

She recalled being questioned by the Soviet police about a Bible in her possession. A Bible in Russia costs 50 rubles on the black market in Moscow, which is an unbelievably high price. But when she arrived in the United States last Saturday, it came to her as a shock to see a Bible in every hotel room.

Pointing out that her daughter's trial will be held in secret, Mrs. Aleksandrovich said: "I don't know to whom to appeal for help so that my daughter at age 23 won't become the youngest political woman prisoner in the world, which I am told she would be."

She said her daughter is suffering from asthma and that her husband Isaac stayed behind in Russia when the opportunity to leave was given the family, so that he could stay near his daughter.

Mrs. Aleksandrovich was introduced by Rabbi Marc H. Tanenbaum, National Interreligious Affairs director of the American Jewish Committee.

Rabbi Tanenbaum said he wanted to draw attention to the "crucial human and moral issues of the plight of three million Russian Jews and other religious communities in the Soviet Union."

He said that in appealing for massive moral support of the human rights of Russian Jewry and others who are being denied cultural and religious self-determination, the "Jewish community is not interested in heating up the cold war."

The Jewish leader recalled how the world turned a deaf ear on refugees from Nazi Germany in the 1930s "and we have not yet recovered morally and spiritually from that trauma."

He urged Presbyterians "to see Mrs. Aleksandrovich as the latest missionary of mercy to your consciences, to open your hearts and souls to her message, and then to allow the Holy Spirit to move you to do that which this moment of decision requires of men and women of faith.". . .

SPECIAL RESOLUTION ON HUMAN RIGHTS IN THE SOVIET UNION

(Adopted Unanimously by 183rd General Assembly of United Presbyterian Church in the U.S.A., May 26, 1971, Rochester, N.Y.)

In response to the persuasive appeal to this Assembly by Mrs. Rivka Aleksandrovich on behalf of Soviet Jewry; in reaffirmation of the United Nations' Universal Declaration of Human Rights; and in continuing concern for all those who suffer religious persecution and repression in any part of the world; the Standing Committee on Church and Society calls upon this 183rd General Assembly, 1971, to denounce the unjust confinement and forthcoming trials of those Soviet citizens of Jewish and Christian faith who are being denied their right of self determination and their right of emigration.

We appeal to President Nixon to use his good offices and to intercede with authorities of the Soviet Union in order to secure the release and the restoration of full civil rights of these citizens.

We request the World Council of Churches to raise this concern with our fellow Christians within the Soviet Union and ask them to furnish fuller information on this matter to all member churches.

TELEGRAM TO PRESIDENT RICHARD M. NIXON

[National Council of Churches]

At time of the present trials in Latvia I wish to register my deep concern because of information supplied by Mrs. Rivka Aleksandrovich and others concerning deprivation of rights in the U.S.S.R. as defined by the Universal Declaration of Human Rights. Express hope you will continue to exercise all influence to gain human rights, especially of the Jewish community. Supporting your promising negotiations with the U.S.S.R. on critical issues. I must also ask for vigilance and use of good offices to seek redress where violations of human rights occur. We continue to be concerned for all those who suffer religious persecution and repression in any part of the world.

Mrs. THEODORE O. WEDEL,
President, National Council of Churches.

(This telegram was sent on May 25 with copies to the Russian Embassy in Washington, the Soviet Mission to the UN in New York, and Metropolitan Nikodim of the Russian Orthodox Church.)

STATEMENT OF DR. BILLY GRAHAM, MAY 25, 1971

I am deeply concerned and disturbed about the plight of Soviet Jews, some of whom have been imprisoned and held incommunicado. Apparently, their only crime is that they are Jewish. I am asking Christians everywhere to join in prayer on their behalf, especially should we pray for Ruth Aleksandrovich, one of the youngest political prisoners in the world, who has been imprisoned and held incommunicado in Riga for nine months.

JOINT SOUTHERN BAPTIST-JEWISH RESOLUTION REGARDING FREEDOM OF RELIGION IN SOVIET

(Adopted June 16, 1971, at Second National Conference sponsored by Southern Baptist Convention and American Jewish Committee, Cincinnati, Ohio)

[Baptist]

Baptists and Jews share much in common both in rich spiritual heritage and in historic experience. Part of their shared history has been that of victims of a denial of political and religious liberty. Jews have suffered the agonies of anti-Semitism ranging from discrimination to the demonic holocaust of Nazi Germany. Baptists have been forced to flee from nation to nation in search of liberty. Jews and Baptists have both struggled to be loyal to their faiths built on the freedom of the individual conscience. This belief is based in both communities on a deep reverence for Holy Scripture.

Therefore, the Second National Conference of Southern Baptist-Jewish scholars, deeply concerned over the denial of fundamental human rights of Baptists, other Christians and Jewish persons in the Soviet Union, condemns the unjust confinement of the ailing Ruth Aleksandrovich in a brutalizing labor camp which imperials her life. We plead for amnesty for her and other defendants of conscience who have been repressed.

We further denounce the forthcoming trials in Kishinev, the scene of Czarist programs, and in Odessa of Soviet citizens who are being denied religious liberty, cultural self-determination, and the right to emigrate to which the Soviet Union is pledged as a signator of the United Nations Universal Declaration of Human Rights.

We Baptists and Jews appeal to President Nixon and the proper United States government officials to intercede with the highest authorities of the Soviet Union in order to bring about the release of these persons, and to restore their full human rights.

We request also that the Southern Baptist Convention and the American Jewish Committee undertake to make available fuller information on this matter to their respective communities, and to carry forward vigorously a joint effort of intercession in behalf of their persecuted brothers in the Soviet Union.

(M. Thomas Starkes, Secretary, Department of Interfaith Witness, Home Mission Board of the Southern Baptist Convention.)

LETTER TO AMBASSADOR ANATOLI DOBRYNIN, JUNE 16, 1971

You are aware of the reports which are reaching the American public about the systematic suppression of Jewish cultural life in the Soviet Union. It is disturbing to read and to hear that Jews who identify themselves with the Jewish world community and

the State of Israel are subject to severe forms of harassment, even to the extent of imprisonment.

I write to you in the name of an agency whose 100-year history is a record of protest and action in behalf of people seeking selfhood and dignity. It is in this spirit that I appeal to you to personally use your good offices to safeguard the freedom of Jews, to preserve their heritage, and to assure their right to reside wherever they may choose.

Please advise me how we can join you in efforts to achieve social justice for Jews throughout the world and particularly in Soviet Russia.

JAMES A. CHRISTIAN,
Executive Secretary, American Baptist Home Mission Societies, Valley Forge, Pa.

TELEGRAM TO PRESIDENT RICHARD M. NIXON, MAY 26, 1971

[United Church of Christ]

The administrative committee of the United Church of Christ calls upon you to use the great influence of your office to intercede with the appropriate authorities of the Soviet Union in order to secure the release and restoration of full civil rights of Soviet citizens of the Jewish faith who are being denied their right of self determination and their right of emigration.

JOSEPH H. EVANS,
Secretary.

TELEGRAM TO PRESIDENT RICHARD M. NIXON, MAY 25, 1971

[The United Methodist Church]

Appeal to you to use your good offices to intercede with authorities of Soviet Union to secure release of Ruth Aleksandrovich and others now on trial in Riga and restore their full civil rights. This request is an expression of our concern for all who suffer religious persecution and repression in any part of the world.

DR. TRACEY K. JONES, Jr.,
General Secretary of the Board of Missions.

TELEGRAM TO PRESIDENT RICHARD M. NIXON, MAY 25, 1971

As a citizen women's organization we are deeply moved by plight of 23 year old Ruth Aleksandrovich. Urge you to use your office to intercede with Soviet Union on her behalf and others on trial with her in Riga. Urge their release and restoration of civil rights. We cannot stand by while people anywhere endure religious persecution and repression.

THERESSA HOOVER,
Associate General Secretary, Women's Division, United Methodist Board of Missions.

TELEGRAM TO AMBASSADOR ANATOLI DOBRYNIN, MAY 24, 1971

The staff of the United Methodist Board of Christian Social Concerns hereby expresses its profound concern at the trial of Jews now being conducted in secret at Riga. We urge you to convey this concern to those who have the power to effect release and restoration of rights to those now on trial.

WARREN EBINGER,
Assistant General Secretary, Board of Christian Social Concerns.

TELEGRAM TO PRESIDENT RICHARD M. NIXON, MAY 25, 1971

This morning heard personal testimony of Mrs. Rivka Aleksandrovich concerning her daughter Ruth and others now on trial in Riga. Moved by plight of this young woman who seems to be persecuted for religious convictions. Appeal to you to use your good offices to intercede on their behalf with Soviet authorities. Urging their release. Religious persecution and repression in any part of the world must be resisted.

PEGGY BILLINGS,
Assistant General Secretary, Women's Division, United Methodist Board of Missions.

TELEGRAM TO PRESIDENT RICHARD M. NIXON, MAY 28, 1971

Saddened by news in this morning's *New York Times* about conviction of Ruth Aleksandrovich and others. Now that USSR courts have rendered their verdict would they not be open to plea for clemency. Especially in Aleksandrovich case since she has health problem. Urge you to plead for clemency.

PEGGY BILLINGS,
Assistant General Secretary, Women's Division, United Methodist Board of Missions.

CATHOLICS SPEAK OUT FOR SOVIET JEWS

[Roman Catholic]

Newsletter, National Conference of Catholic Bishops Secretariat for Catholic-Jewish Relations, Vol. 2, No. 3, June 1971

Christians throughout the world have responded to the urgent need to protest the Soviet treatment of the 2½ million Jews living in Russia. In the Roman Catholic community, the Pope, cardinals, bishops, priests and the laity have expressed their concern that the human rights of their Jewish brothers are being denied them.

Pope Paul VI, in response to numerous appeals, intervened on behalf of the Jews on trial at Leningrad, as was reported in the Vatican daily, *L'Osservatore Romano.* . . .

Terence Cardinal Cooke of New York, during a talk to 15 Carmelite nuns in a convent built on the site of the former Nazi concentration camp at Dachau, asked them to pray for all suffering today "loss of freedom in various parts of the world, in particular, the Jews of Soviet Russia."

Lawrence Cardinal Shehan of Baltimore, in a statement said, "I join my voice with the chorus of protests at the harsh and inhuman handling of these unfortunate victims of Soviet intimidation."

Archbishop Leo C. Byrne of St. Paul-Minneapolis, in a similar statement urged the USSR to release the Jews who have been arrested, imprisoned and tried "for what appears to be no other crime than their professed desire to emigrate from Russia and to seek their destiny as Jews in Israel and elsewhere."

Archbishop Joseph McGucken, at a "Rally of Conscience for Soviet Jews" held in San Francisco, concluded with the prayer "that each may may live under his own vine and fig tree."

Archbishop Thomas Connolly of Seattle sent a telegram to President Nixon, urging government intervention in the Leningrad trials, and a similar telegram to the Hon. U Thant, Secretary General of the United Nations.

Bishop Joseph L. Bernardin, General Secretary of the U.S. Catholic Conference and of the National Conference of Catholic Bishops . . . supported a petition sent . . . to the Communist party on the eve of its meeting March 30th, asking for a "review of all Soviet policy toward the Jews since 1948."

Bishop Russell J. McVinney of Providence directed an appeal to Christians, stating: "The Jewish people have so often been the victims of tyranny. But now the conscience of the Christian community must decry a further affront to their dignity."

Bishop James W. Malone of Youngstown, in a telegram to the Soviet Ambassador, said, "The conscience of humanity is aroused and the USSR must understand that its anti-Jewish policies are morally intolerable to free men everywhere."

Fifty-four Catholic Bishops, and 8300 Christian clergy, teachers of religion and ecumenists, signed a Statement of Conscience drawn up by the Anti-Defamation League of B'nai B'rith, presented to the U.S. Ambassador to the United Nations. . . .

NATIONAL CATHOLIC ORGANIZATIONS

The National Federation of Priests' Councils, meeting at Baltimore, adopted a resolution on Soviet Jewry. Recognizing that "the discriminating treatment of Jews in the Soviet Union and the suppression of their rights to live in accordance with their cultural and religious heritage is an injustice that summons us to speak in the name of moral and religious principles," and being aware that "the suffering of Jews in the Soviet Union, elder brothers in a special tradition, strikes at the very nerve center of our fraternal consciousness," the priests urged the Soviet authorities to permit Jews to enjoy all the human rights to which they are entitled.

Institute of Judaeo-Christian Studies. Msgr. John M. Oesterreicher, director of the Institute, sent a telegram to Soviet Ambassador Dobrynin, in which he said, in part: "I trust that the Soviet authorities have enough sense of justice to realize that . . . neither the desire of Jews to live as Jews and go to Israel, nor public expression of that desire, can be treated as crimes."

National Council of Catholic Women was one of the national women's organizations taking part in an interfaith meeting at the U.N. Association communications center. At this meeting, sponsored by the American Jewish Congress, Mrs. Jacqueline Grennan Wexler, president of Hunter College, said that women must support all Jews on trial in Soviet Russia. Sister Rose Thering, a member of the Institute of Judaeo-Christian Studies, speaking on this occasion, said: "All who are concerned about their neighbor's well-being, all who are devoted and committed to what is right, moral, and just, simply cannot remain silent when courageous outspoken Jews are being persecuted and imprisoned because of their belief, their convictions."

"The road to Leningrad is the road to Dachau," claims the *National Coalition of American Nuns* in a statement of sympathy and outrage regarding treatment of Russian Jews. The NCAN, an organization of 1,800 Roman Catholic Sisters, voted to protest the Leningrad trials.

Rev. John F. Hotchkin, Executive Director of Bishops' Committee on Ecumenical and Interreligious Affairs, speaking at a prayer vigil for Soviet Jewry in Washington on June 3rd, expressed his solidarity with the Jewish community and assured his listeners that they were not alone in their anguish over the plight of their brothers in Soviet Russia. The vigil was sponsored by the Synagogue Council of America.

DIOCESAN RESPONSE

The Ecumenical Commission of the Diocese of Worcester issued an appeal on behalf of Soviet Jews, which was sent to each parish and also published in the Worcester (Mass.) *Telegram and Gazette.*

The Second Annual Clergy Conference, drawing participants from the Newark Archdiocese, concluded its deliberations at Seton Hall University by preparing a statement on Soviet Jewry which was sent to Ambassador Dobrynin.

Diocesan representatives in *Rockville Centre* (NY), *Cleveland, Toledo, Scarsdale* (NY), also sent telegrams to government leaders. Prayer vigils and demonstrations were held in *Washington, New York, Brooklyn, Hartford, Galveston-Houston, Dallas* and *Los Angeles.*

A letter to all pastors in the *Chicago Archdiocese* from Msgr. Francis Byrne, Vicar General, urged all Catholics to pray "in the spirit

of brotherhood" for clemency for the Soviet prisoners.

The Committee on Catholic-Jewish Relations of the Archdiocese of Boston, composed of members of the Archdiocesan Ecumenical Commission and other Christian leaders in the fields of education and social actions, representatives of the Rabbinate, and representatives of several principal Jewish agencies, adopted a statement signed by nine Catholic and seven Jewish members, calling upon all men of faith to join in the outcry against the suppression of human rights and denial of religious liberty to Jews in the USSR.

TELEGRAM TO PRESIDENT RICHARD M. NIXON, MAY 25, 1971

[Ecumenical and Interfaith]

We appeal to you to use your good offices to intercede with authorities of the Soviet Union in order to secure the release and the restoration of full religious and civil rights of those Jewish citizens currently on trial.

Glenn C. Stone, Editor, *Lutheran Forum,* New York; John G. Donohue, Co-Chairman, Catholic-Jewish Relations Committee, Archdiocese of New York; Dr. Lewis J. Maddocks, Executive Director, Council for Christian Social Action, United Church of Christ, New York; Peggy Billings, Women's Division, United Methodist Board of Missions, New York; David Kucharsky, Managing Editor, *Christianity Today,* Washington, D.C.; Robert A. Fangmeier, Christian Church (Disciples of Christ), Indianapolis, Indiana; Dagmara Vallens, Latvian Press Society and United Baltic Appeal, Inc.; Sister Donna Purdy, Secretariat for Catholic-Jewish Relations, So. Orange, New Jersey; Ricardo Robinson, Office of Communications, United Church of Christ; Allan R. Brockway, Editor, *Engage* Magazine, United Methodist Board of Christian Social Concerns; Betty Thompson, United Methodist Board of Missions; Valerie Brodin, National Council of Churches; Arthur Moore, United Methodist Church; Blahoslav Hruby, Managing Editor, Religion in Communist Dominated Areas; Rev. Robert H. Platman, Chairman, Committee of Christian-Jewish Relations, Episcopal Diocese of Long Island, Garden City, New York; The Rev. Canon William S. Van Meter, New York City Council of Churches.

[From National Catholic News Service, June 9, 1971]

INTERFAITH GROUP CALLS FOR HALT TO RUSSIAN BIAS AGAINST JEWS

NEW YORK.—A petition calling for an end to discriminatory treatment of Jews in the Soviet Union was presented here June 8 to George Bush, United States Ambassador to the United Nations.

The document, containing the signatures of 8,300 leading American Christian clergy and lay church officials, was submitted in an effort to bring it to the attention of the Soviet's UN representative, and the UN's Human Rights Commission.

An interfaith delegation presented the appeal, called a "Statement of Conscience," at the UN headquarters here.

Members of the group were: Father Edward Flannery, executive secretary of the National Conference of Catholic Bishops (NCCB) Secretariat for Catholic-Jewish Relations; Father John Hotchkin, head of the NCCB Ecemenical and Interreligious Affairs Committee; Bishop J. Brooke Mosley, president of Union Theological Seminary; Bishop Francis J. Mugavero of Brooklyn; Dr. Jon L. Regier, associate general secretary of the National Council of Churches, and Suffragan Bishop J. Stuart Wetmore of the Episcopal diocese of New York.

The delegation was headed by Seymour Graubard, national chairman of the Anti-Defamation League of B'nai B'rith, and Benjamin R. Epstein, national director of the league. . . .

The statement protests the suppression of Soviet Jews' "rights under the Soviet constitution to practice their cultural and religious heritage." The petition demanded that Soviet authorities:

Extend to Jews in the Soviet Union the full measure of equality to which they are entitled under the Soviet constitution.

Permit Jews to live accordingly to their cultural and religious heritage, freely and openly.

Eradicate every vestige of anti-Semitism and institute a vigorous campaign against all anti-Semitic manifestations.

Grant permission to those Jews who desire to emigrate to Israel or to any other country and to insure the unhindered exercise of this right.

Among those who signed the petition were Cardinal John Cody of Chicago; Archbishop Thomas Donnellan of Atlanta; Archbishop Philip Hannan of New Orleans; Archbishop Joseph T. McGucken of San Francisco; Archbishop Daniel Sheehan of Omaha; Bishop Walter P. Kellenberg of Rockville Centre, New York; Msgr. John M. Oesterreicher, director of the Institute of Judaeo-Christian Studies at Seton Hall, New Jersey; and Father William F. Graney, executive secretary of the National Federation of Priests' Councils.

[From Religious News Service, July 2, 1971]

OPPRESSION IN USSR DRAWS BELIEVERS TOGETHER, MRS. ALEKSANDROVICH SAYS

NEW YORK.—Mrs. Rivka Aleksandrovich, whose daughter Ruth has been imprisoned for "anti-state" activities in Riga, Latvia, addressed a group here on the problems facing her fellow Jews and all religious people in the Soviet Union.

In remarks that were largely off the record, she noted that in Russia, as in various countries during World War II, people of differing religious persuasions have drawn together in their common belief in God.

Among the groups she mentioned as facing state opposition were the "dissident Baptists," so-called dissidents because they refuse to bow to the government's demand to "register" as a sect and comply with restrictive laws.

Mrs. Aleksandrovich's appearance here was made before a regular meeting of the Advisory Committee of *Religion in Communist Dominated Areas,* a publication which has, for 10 years, covered church-state developments in Eastern Europe.

Her visit here was arranged through the cooperation of Rabbi Marc Tanenbaum, head of the interreligious affairs department of the American Jewish Committee, who attended the meeting.

Participating in the session were Church Women United and the Interchurch Center; both joined with editors of the publication in forwarding a plea to the USSR for the release of Ruth Aleksandrovich. Addressed to N. V. Podgorny, president of the Soviet Presidium, it said:

"Before we come to you with our urgent request we would like to express to you our shock about the tragic death of three Soviet space heroes and our sympathy to you and the people of the USSR.

"Profoundly disturbed by the plight of Jews, Christians, and other believers and national groups and by the recurring manifestations of anti-Semitism in the Soviet Union we join in protest with people of all faiths around the world against the violation of religious freedom and other human rights and in making the following urgent request to the Soviet government:

"To extend to Jews in the Soviet Union the full measure of equality to which they are entitled under the Soviet Constitution.

"To permit Jews to live in accord with their cultural and religious heritage freely and openly.

"To eradicate every vestige of anti-Semitism and to institute a vigorous campaign against all anti-Semitic manifestations.

"To grant permission to those Jews who desire to do so to emigrate to Israel or to any other country of their choice and to insure the unhindered exercise of this right.

"To release Miss Ruth Aleksandrovich of Riga from prison or at least to give her medical aid at the prison hospital and permit her to emigrate to Israel, and to review all recent trials of Jews in the USSR and permit them to emigrate to Israel if they so desire.

"To release from prisons and labor camps members of various religious communities who were condemned because of their religious beliefs and practices, and to take steps that families of imprisoned believers be reunited.

"We subscribe to this appeal because of our firm conviction that religious freedom and other human rights must not be violated."

The note ended with the report to Mr. Podgorny that a copy of the petition was being forwarded to U Thant at the United Nations and to President Nixon at the White House.

Mrs. Aleksandrovich was introduced to the gathering at the Interchurch Center here by Dr. Blahoslav Hruby, managing editor of the *Religion in Communist Dominated Areas.* In coming to the U.S. to tell the story of the Jews' plight in the USSR, he said, "she is doing a great favor and service to this country, and in particular, to the Christian community."

Americans, he said, "are inclined to forget the harassed and persecuted in Communist and Fascist countries . . ."

"When I see how seriously the Jewish community is concerned about the Soviet Jews, how many committees and conferences there are to keep this issue alive before the eyes of the USA and the world, I am ashamed that as Christians we do so little for Jews, Christians and other people suffering in the USSR and other Communist lands." . . .

* * * * *

LETTER TO RICHARD M. NIXON, JANUARY 6, 1971

[YWCA]

As an organization deeply concerned with human rights, the National Board of the YWCA of the U.S.A. has been appalled and dismayed at the signs of increasing repression of the Jewish minority in the Soviet Union. While we are relieved at the commutation of the death sentence against two of those convicted in the recent Leningrad trials, the harshness and severity of the sentences meted out to all the defendants, and the recurrent rumors of more Jewish trials to come seem ominous portents.

We urge you to give to the government and people of the USSR the strongest expression of the profound feelings of Americans of all religious faiths on this subject. The Young Women's Christian Association as an organization of more than two million women and girls has repeatedly advocated open doors of mutual understanding and communication between nations and peoples. We believe that the free flow of peoples and ideas on all levels, both individual and governmental, is essential to world peace.

It is our earnest hope that the great Soviet nation, like our own country composed of many ethnic and cultural groups, will seek to provide a living demonstration of the principles embodied in the Universal Declaration of Human Rights. No nation has yet found a way to embody fully this great statement of human rights and responsibilities; but no nation on that account should fail to speak out in protest when human rights are denied in any part of the world. As we seek greater

justice at home for all our people, so must we be unequivocal in our stance on justice in the family of nations.

Mrs. ROBERT W. CLAYTOR,
President, National Board, YWCA.

COMMUNITY RESPONSES IN THE UNITED STATES

BOSTON, May 28, 1971.—The Committee on Catholic-Jewish Relations of the Archdiocese of Boston is composed of members of the Archdiocesan Ecumenical Commission and other Christian leaders in the fields of education and social action, representatives of the Rabbinate, and representatives of several principal Jewish agencies, who plan and sponsor programs of mutual interest to Catholics and Jews. At its last meeting, the Committee on Catholic-Jewish Relations adopted the following statement:

We the undersigned members of the Committee on Catholic-Jewish relations of the Archdiocese of Boston, protest the discriminatory treatment of Jews in the Soviet Union and the suppression of their rights to live in accordance with their cultural and religious heritage. It is an injustice that compels us to speak in the name of moral and religious principles. We urgently call upon the Soviet authorities

1. to extend to Jews in the Soviet Union the full measure of equality to which they are entitled under the Soviet Constitution
2. to permit Jews to live in accord with their cultural and religious heritage freely and openly
3. To eradicate every vestige of anti-Semitism and to institute a vigorous campaign against all anti-Semitic manifestations
4. to grant permission to those Jews who desire to do so to emigrate to Israel or to any other country and to insure the unhindered exercise of this right.

We call upon all men of faith to join in this outcry against this suppression of human rights and denial of religious liberty.

Rev. James L. Hickey, Archdiocesan Ecumenical Commission, Chairman Sister Elizabeth Corbin, Secretary Committee on Catholic-Jewish Relations.

Mr. Frederick Andelman, American Jewish Committee.

Sister Gertrude Anne, Cardinal Cushing College.

Rabbi Ephraim Bennett, Massachusetts Board of Rabbis.

Sister Janet Cronin, Notre Dame Assembly.

Rev. Robert Kelleher, Confraternity of Christian Doctrine.

Rabbi Samuel Kenner, United Synagogue of America.

Mr. Sol Kolack, Anti Defamation League of B'nai B'rith.

Mr. Sol Leabman, Jewish Community Council of Metropolitan Boston.

Rev. William Murphy, Archdiocesan Ecumenical Commission.

Sister Mary O'Rourke, Marian High School.

Rabbi Murray I. Rothman, Massachusetts Board of Rabbis.

Sister Claire Ryan, Regis College.

Mr. Robert E. Segal, Jewish Community Council of Metropolitan Boston.

Rabbi Sanford Seltzer, Union of American Hebrew Congregations.

Rev. Msgr. Matthew Stapleton, Archdiocesan Ecumenical Commission.

STATEMENT TO AMBASSADOR DOBRYNIN

We are gathered here today, May 26, 1971, at Seton Hall University in South Orange, New Jersey, in a clergy conference on Israel—Roman Catholic and Greek Orthodox Priests, Protestant Ministers, Rabbis and laymen—concerned about justice for Jews in their quest for national and religious survival.

We are deeply disturbed by the manner in which Jews in the Soviet Union are deprived of their rights. We vigorously object to the actions of the government of the USSR seeking to prevent the learning of Jewish tradition and the practice of a Jewish way of life. We insist on the right, of those who desire to leave the Soviet Union to do so, as specified in the Universal Declaration of Human Rights.

Specifically at this time, we call upon the government of the USSR to release those Jews who have recently been incarcerated at the Leningrad trials, and who now face trials in Riga and Kishinev, whose only "crime" is that they want to live as Jews.

We address this to you in the name of justice and in the ideals that helped give birth to your country.

(This statement was unanimously adopted by approximately 75 conference participants and endorsed by representatives of the following organizations: Newark Archdiocesan Committee for Ecumenical and Interreligious Affairs; District One, Greek Orthodox Archdiocese of North and South America; Institute of Judeao-Christian studies, Seton Hall University; Rabbinical Assembly, New Jersey (Conservative); New Jersey Association of Reform Rabbis; Rabbinicial Council, New Jersey (Orthodox); Metropolitan Ecumenical Ministry; New Jersey Council of Churches; Essex County Board of Rabbis.)

THE LONG ISLAND COMMITTEE FOR SOVIET JEWRY, JUNE 21, 1971

A planning meeting was held on the evening of June 16th at *Molloy Catholic College for Women* under the auspices of the Long Island Committee for Soviet Jewry. Sister Marie Celeste, President of Molloy College, graciously welcomed the 36 assembled women leaders of major Christian and Jewish organizations, and Sister Rose Anthony, Head of Religious Studies of Molloy College, the evening's hostess, offered a blessing for the assemblage. Following some brief informative remarks by Harold Applebaum of the American Jewish Committee, the women turned to the purpose of the meeting, the creating of a mechanism for bringing thousands of Christian and Jewish women together in a major fall mobilization whose theme will be Long Island Interfaith Women for Freedom for Soviet Jewry.

The meeting concluded with a unanimous vote to send telegrams protesting the current Soviet trials to the appropriate Soviet representatives and to Rita Hauser, American delegate to the Human Rights Committee of the U.N.

[From the Buffalo Jewish Review, Mar. 26, 1971]

CATHOLIC EPISCOPAL BISHOPS WELCOME DR. RIGERMAN

Some four hundred people attended the "Prison Camp Supper," held at Temple Sinai on March 8 sponsored by the Buffalo Committee on Soviet Jewry and co-sponsored by the Most Reverend James A. McNulty, bishop of the Roman Catholic Diocese of Buffalo, the Right Reverend Harold B. Robinson, bishop of the Episcopal Diocese of Western New York, and Rabbi Joseph Herzog, President of the Buffalo Board of Rabbis.

The guest speaker, Leonid Rigerman, the 30-year-old physicist, recently freed from the Soviet Union, was greeted by a standing ovation as he stepped to the podium. Dr. Rigerman, a short, bespectacled, bearded man, with sparkling eyes, spoke hopefully of the chances for Soviet Jews to emigrate if world opinion is activated and pressure is continually exerted upon the Soviet government. Dr. Rigerman asserted that the Soviets were taken aback by the public outcry at the death sentences given to the two Jews from Leningrad. He asserted that it is world opinion and public protest that will eventually free the Jews of Russia.

[From the Newark News, Mar. 10, 1971]

JERSEY CHURCHMEN BACK RUSSIAN JEWS

Six leading New Jersey clergymen, under the auspices of the New Jersey Council of Churches, yesterday wrote to President Nixon, urging him to do "all that lies within your power" on behalf of Soviet Jewry.

The letter was signed by Paul L. Stagg, general secretary of the council; Joseph Heartberg, president, New Jersey Baptist Convention; Bishop Leland Stark of the Episcopal Diocese of Newark; Edwin L. Ehlers, president, New Jersey Synod, Lutheran Church in America; L. Earle Winters, field secretary of the Reformed Church of America, and Charles G. Chamberlain, associate conference minister, United Church of Christ.

The churchmen said they had been greatly encouraged when the Soviet Union commuted the death sentences of two Jews charged with conspiring to hijack a plane. The charges were denied.

However, the clergymen expressed distress at the news that the trial of other Jews wishing to leave for Israel would be reopened.

"We are convinced that by commuting the death sentences, the Soviet Union intended only to stifle the world's outcry against the barbaric sentences," the letter said in part. "Now that the wave of public protest has subsided, we have reason to believe that the Soviet Union is preparing to resume its campaign of repression and intimidation."

The letter asked the President to try to persuade the Soviets to grant clemency to the Jews who have received severe sentences for their efforts to go to Israel.

[From the Miami Herald, June 12, 1971]

Miami's Christian clergymen are beginning to join their Jewish colleagues in the fight against the tyranny which pollutes the life of religious people in Russia.

More than 100 of Florida's church leaders joined 8,300 others across the country in signing an urgent appeal to end the discriminatory treatment of Jews in the U.S.S.R. The petition was presented Tuesday to George Bush, the American ambassador to the United Nations, to bring to the attention of Soviet representatives and to the U.N. Human Rights Commission.

Then on Wednesday, five of Miami's Protestant and Orthodox leaders and three Jewish spokesmen flew to Tallahassee where they joined two Catholic representatives and appeared before the state legislature to receive from the law-makers a resolution denouncing the treatment of Soviet Jewry.

The Protestants involved were the Rev. I. B. Hall, pastor of the University Baptist Church and president of the Metropolitan Fellowship of Churches; the Rev. J. Lloyd Knox, coordinator of the United Methodist Urban Ministries and secretary of the Greater Miami Ministerial Association; the Rev. Robert Barber, of Good Shepherd Lutheran Church who is chairman of the American Lutheran Church's Pastors Council and past president of the Ministerial Association; and the Rev. Thedford Johnson, of St. John's Baptist Church, who is president of the Baptist Ministers Council and past president of the Fellowship of Churches.

The Orthodox clergyman in the group was the Rev. Demosthenes Mekras, of St. Sophia Greek Orthodox Church, who is vicar of the archdiocese.

The Jewish leaders included Eric Wishner, secretary of the Synagogue Youth of America; the Rabbi Solomon Schiff, executive vice president of the Greater Miami Rabbinical Association and Rabbi Mayer Abramowitz, of Temple Menorah, who, as chairman of the South Florida Conference of Soviet Jewry, organized the group.

In Tallahassee they were joined by Thomas Horkin, executive director of the Florida Catholic Conference and the Rt. Rev. Leo Danaher, personal representative of Archbishop Coleman F. Carroll of the Miami Archdiocese.

JOINT STATEMENT OF RELIGIOUS LEADERS, ST. LOUIS AREA

(Issued during Lenten season, 1971)

Our dedication to the Brotherhood of man under the Fatherhood of God impels us to voice our concern for the desperate plight of Jews in Russia.

As responsible churchmen, motivated by our Christian love and concern for all human beings, we renew our indictment of offenses of the type allegedly perpetrated against the freedom and security of Jews to the Soviet Union.

We firmly believe it is immoral for any state to abridge the freedom and justice of any peoples. We speak for minorities wherever they may be. We cannot forsake justice for any persons or people.

In speaking for the Jews, our deep concern grows out of the reported inability of Russian Jews to emigrate. While free exercise of their religious and cultural traditions are restricted, Soviet Jews are forbidden to leave that country. Unable to live freely as Jews, they risk imprisonment even in seeking visas or passports. Many Jews yearning to go to Israel are not permitted to do so.

In principle, the USSR confirms Article XIII of the Universal Declaration of Human Rights which avows, "a man's right to leave any country including his own." In addition, Premier Alexis Kosygin stated on December 3, 1966, in Paris, that "there shall be no problem concerning Jewish emigration. The doors will be open."

John Cardinal Carberry, Archdiocese of St. Louis;

Bishop George L. Cadigan, Episcopal Diocese of Missouri;

Bishop Eugene M. Frank, Missouri Area, United Methodist Church; and

Pastor Herman Scherer, President, Missouri District, Lutheran Church, Missouri Synod.

[From the Kansas City Star, June 20, 1971]

PRAYER FOR SOVIET JEWS ADDED TO AREA WORSHIP

Nineteen independent fundamental churches of the Kansas City area have introduced prayers for Jews in the Soviet Union in their religious meditations.

The action was in response to the request of the Rev. Lyle P. Murphy, superintendent of the Messianic Witness of Kansas City. In a letter to the church leaders Mr. Murphy called for "a special prayer program for Jews of the Soviet Union in consideration of the general truth that Jews in Russia are persecuted without reason."

Mayor Charles B. Wheeler, Jr., proclaimed a National Day of Prayer for Soviet Jewry June 3, after meeting with local representatives of various faiths.

The proclamation noted that "Jews have been arrested, tried and convicted on charges of anti-Soviet activity when their real 'crime' was their desire to emigrate to Israel as their last hope to live as Jews and pass on their history and traditions to their children."

Among the responding churches: Beth Haven; Bethel Baptist, Raytown; Blue Ridge Bible; Bonner Springs Bible; Central Bible; Centropolis Baptist; Cornerstone Baptist, Muncie, Kansas; Faith Bible, De Soto in Johnson County; First Baptist Mission; Marmon Baptist Bible; Independence Bible; Merriam Bible; New Hope Baptist, Independence; Open Door Baptist, Kansas City, Kansas; Pleasant Grove Bible; Southwest Bible, Prairie Village; Springvale Bible, Kansas City, Kansas, and Victory Bible, Sunflower.

MINNESOTA COUNCIL OF CHURCHES,
June 2, 1971.

From a variety of sources, it seems clear that the current treatment of Jews in Russia is cause for serious concern by all religious-oriented people. Archbishop Leo C. Byrne of the Archdiocese of St. Paul-Minneapolis, Dr. Melvin A. Hammarberg, President of the Minnesota Council of Churches, joined in issuing an earlier public statement to this effect. Each also spoke of his concern and support at a public service at Temple Israel, Minneapolis, some weeks ago.

The time is here to broaden the base of this concern and support.

When millions of Jews faced the holocaust under Hitler during World War II the Christian world said, "we did not *know*." We pleaded ignorance. Today the beginnings of such persecution is reported to be taking place in Russia. In our opinion, it is our religious responsibility to get the facts—to *know*, and then to *act* accordingly.

ALTON M. MOTTER,
Executive Director, Minnesota Council of Churches.

JEROME QUINN,
Chairman, Commission for Ecumenism, Archdiocese of St. Paul-Minneapolis.

CATHOLIC WOMEN FOR SOVIET JEWS

SAN FRANCISCO.—*Catholic Women for Soviet Jews* was established to give encouragement and moral aid to the Jews of the Soviet Union: encouragement from Christians, and particularly Catholic women.

Two hundred and fifty million Catholic women in the world, showing their public support of the desire of three million Jews, who may wish to emigrate, can be an important voice in this dramatic struggle.

Some church leaders have already spoken out for Soviet Jews (Archbishop Joseph T. McGucken for example) and an increased effort would clearly be welcome. This, at a time when the World has been alerted to the sad plight of these oppressed people.

The World community is growing ever closer through travel, public media, and commerce, and we recognize that all mankind is one family. Religious, or ethnic or political differences are purely accidental. We are one human family, and as such, we must care for one another.

As founder of Catholic Women for Soviet Jews, I have, in that spirit, adopted the 3,000,000 Soviet Jews in your behalf. I need Catholic women across the land to help me in caring for these people. Our office has on file the names and addresses of Soviet Jews who are begging for international support and correspondence . . . We must answer their call.

Christ preached the brotherhood of men, perhaps it takes the sisterhood of women to put it into effect.

You are urged to:

(1) Write to as many Soviet Jews as possible (Please: self addressed, stamped envelopes).

(2) Encourage a personal friendship, and do so in the spirit of "adopting" your family.

(3) Support other groups you know of, who are fighting to alleviate the suffering of Soviet Jewry.

(4) Write your congressman or congresswomen in support of the Soviet Jews Relief Act of 1971 (H.R. 5606). A copy of this bill is available from our office. This bill can be approved with your help. It would authorize 30,000 special visas for Soviet Jews who might be allowed to come to the U.S. A similar act was successful after the 1956 Hungarian revolution. Write your friends in other states to write their Congressmen.

(5) Please show your support of Catholic Women for Soviet Jewry by phoning our office or writing to us.

CLARA MARIA HENNING.

[From the San Francisco Jewish Bulletin, June 11, 1971]

More than 70 Catholic and Protestant clergy and lay leaders gathered last Monday in St. Mary's Cathedral to organize the Christian Committee in Support of Soviet Jewry.

Sparked by Father James Purcell, Secretary of the Senate of Priests, Archdiocese of San Francisco and Dr. Clifford Crummey, Executive Director of the Northern California Council of Churches, the group pledged to bring the issue "a matter of human rights," according to Father Purcell, to their churches, their organizations and other religious bodies and to join with the Jewish community in urging the Soviet government to let those Jews who wish to emigrate.

[From the San Francisco (Calif.) Monitor, May 20, 1971]

PRETTIEST CANON LAWYER FIGHTS FOR SOVIET JEWS

"Christ preached the brotherhood of men, perhaps it takes the sisterhood of women to put it into effect," said America's prettiest (and only female) canon lawyer at a recent San Francisco press conference.

Clara Maria Henning outlined plans for a new organization, "Catholic Women for Soviet Jews," which she founded to bring Christ's concern to Jews ensnared behind the Iron Curtain today.

Miss Henning speaks of Soviet oppression from personal experience. Born in Germany in 1941, she was interned in a Russian refugee camp where her grandmother died of starvation. . . .

Miss Henning also urges support of Edward Koch's Soviet Relief Act of March 1971 calling for issuance of 30,000 visas to Soviet Jews. And if they can leave Russia, she asks that Catholics give them active support in establishing themselves in America.

Miss Henning has been in San Francisco for seven months and plans to stay permanently. The first office of "Catholic Women for Soviet Jews" is her apartment. . . . In time, she hopes to open branch offices in Detroit, New York, and Washington, D.C. . . .

PALMA TRENTACOSTE.

CHRISTIAN PRESS REACTIONS

[From Christianity Today, June 18, 1971]

CRIES FOR LIBERTY GROW LOUDER

Devout, courageous Jews are stimulating a major revival of concern for religious liberty.

The immediate focus is the plight of Jews in the Soviet Union. Their activities have been restricted for many years, but the issue has been coming to a head only recently. Many want to emigrate to Israel. Soviet authorities have frowned on this but have let a few go.

The latest event interpreted by Jews as repression was a trial in May of four Jews in Riga, Latvia. They were found guilty of anti-Soviet activity and sentenced to prison terms ranging from one to three years.

The trial provided Exhibit A for a crusading Jewess, Mrs. Rivka Aleksandrovich, 47, who has crisscrossed the Western world in recent weeks to call public attention to Soviet persecution of those who take their Judaism seriously. Her 23-year-old daughter was one of the Riga defendants. "The only crime is that Ruth is Jewish," said Mrs. Aleksandrovich, who taught English in Riga for twenty-five years and was allowed to emigrate to Israel with an 18-year-old son only a few weeks ago. Ruth, a nurse, has been in jail since last October. At the trial in May she was given a one-year term. Her father has remained behind with her in the Soviet Union.

Pleas like those of Mrs. Aleksandrovich are arousing the interest of many who heretofore have thought that religious persecution existed almost exclusively in the minds of right-wing nuts. They are also putting

ecumenists on the spot, obliging them to speak up on the denial of religious freedom in many Communist countries. Thus far, the ecumenical movement has been promoting the kind of dialogue with Communists that sweeps such unpleasantries under diplomatic rugs. . . .

In a meeting with churchmen in New York, Mrs. Aleksandrovich said there are still about forty Jews awaiting trial in the Soviet Union, including nine in Kishinev, Moldavia. But she made it clear that Protestants, Catholics, Orthodox, and even Muslims also were under attack in the Soviet Union. . . . She said she had attended the trial of a Baptist peasant and marveled at his calmness. "I'll never forget his speech," she said. "He told the judge, 'I'm not afraid of you. You are not a judge. I have only one Judge.'"

She said that the prison camp to which her daughter was being sent had eighteen women prisoners, and that most of them were Baptists.

She described as 'an evil position" the stance taken by churchmen who say they avoid speaking out against specific acts of religious persecution because of fear of reprisals against those involved. "It is high time to go ahead and speak," she declared. "Each step is a drop in the cup, and someday it will overflow."

There is a remarkable renewal of interest in religion in the Soviet Union, according to Mrs. Aleksandrovich, especially among young people. . . .

DAVID KUCHARSKY.

RUSSIAN JEWS AND AMERICAN CHRISTIANS

Engage, June 15, 1971 (Published semimonthly by the Board of Christian Social Concerns of the United Methodist Church)

On May 28 four Latvian Jews were convicted, after a four-day secret trial outside Riga (the Latvian capitol) of reproducing and distributing "anti-Soviet publications from Tel Aviv and salacious material," according to the Russian news agency, Tass.

This was the third such trial of Jews in the Soviet Union. The first, we remember, was in Leningrad last December, when eleven Jews were tried for plotting to hijack a plane. The second, in May 1971, resulted in the conviction of nine more for what was called complicity in the hijack plot and for general anti-Soviet activity. The third, and most recent, has nothing to do with hijacking. The charge was simply anti-Soviet activity. All together, only twenty-four persons, all Jews, appeared before Soviet judges.

Yet, the world Jewish community is profoundly disturbed—and is trying to get Christians, as such, disturbed, too. Why? BUT that's not the real question. The real question is: Why do Jews have to work so hard at arousing Christians? Why don't Christians immediately see and understand that when Jews are threatened, Christians are threatened as well? . . .

Many Christians are quick to support and defend the civil rights of Jews here and around the world, including the Soviet Union. But usually the defense is on the basis of *universal* human rights; seldom is it founded on the right of people to be religiously and culturally *different*. The latter right, however, is what is jeopardized by the Riga and the Leningrad trials.

Mrs. Rivka Aleksandrovich, mother of the twenty-three-year-old nurse who was sentenced at Riga to one year in prison, spoke in New York to a group of Protestant and Catholic leaders just prior to announcement of the sentences. The crime of the four on trial, she said, was "being Jews. Their guilt was wanting to be real Jews. Their great guilt was applying for visas to Israel, fighting for their right to immigration." Mrs. Aleksandrovich said she couldn't understand why simply wanting to leave the country to live in Israel was considered to be "anti-Soviet," but Americans, including American Christians, know the answer well. We know the threat that comes to the dominant—"universal"—culture when determined efforts are made by those living within it to act, think, look, believe—in other words, live—differently. In the United Methodist Church we know the threat, not only economically and numerically, but to our self-understanding, to our "faith," when members choose to leave because they reject our life style and/or belief and education structure.

"It is terrible," Mrs. Aleksandrovich said, "that in our civilized age, in the twentieth century, people should be persecuted, should be tried and punished, for belief—and not for crimes, not for deeds. It is not for the first time that the fate of the Jews has become a criterion for what is going on in the world. I insist upon the fact that keeping silence, stepping aside, is a sin."

It is not the first time that a Jew has instructed Christians about sin. This time Christians and the church must harken well. We must heed in words that are themselves action—not simply because we have a universal human concern for persons, but because *Christian faith* requires it of us. . . .

Four trials of Jews, on similar charges (Ruth Aleksandrovich and her three friends were charged with photocopying a Hebrew language primer), are scheduled in the Soviet Union. Where will Christian America be then—and before then? Should we protest through our government and directly to the USSR? Will our protest perhaps make things even worse for those whom we want to help? Mrs. Aleksandrovich thinks not: "No, no! The world was afraid of interfering on behalf of Jews in Germany so it would not be worse for them. It is high time to go ahead and speak. Every step on your part is another drop, which falls into the same glass. The day will come, the obligatory day will come, when the water will overflow."

Another Jew, a long time ago, might have added, "He that has ears to hear, let him hear."

[From Christianity and Crisis, Feb. 8, 1971]

SOVIET POLICY TOWARD ITS JEWS*

From earliest times Jews in Russia have been subjected to various pressures. The parallel alliance of the Russian Orthodox Church and the Tsarist Russian State which ruled medieval Russia could not tolerate persons willing only to be subjects of the throne but not believers in the state religion. Hence the attempts to regularize the Jews' status usually left them with even fewer rights than other Russians. . . .

Under Stalinism, the Soviet citizen was restricted in many ways. But the Jewish people, being both a religious and a national minority, suffered the restrictions doubly. Judaism, like all religions, was viewed as inherently an enemy of the reigning order, namely materialistic scientific-socialism. Therefore, Hebrew, the language of prayer and religious instruction was forbidden from the inception of the Revolution. The teaching of Yiddish has also been forbidden in the Soviet Union since 1948, when even this cultural vehicle of the Jewish "nationality" was suppressed by the Stalin regime. . . .

So strong is the effort to deny Jews legitimate participation in Soviet society that the hundred Jewish soldiers awarded the "Hero of the Soviet Union" title during World War II are no longer included on the rosters relating to that era. The Jewish backgrounds of other important Soviet Jewish figures, including novelist, Pasternak, ballerine Plisetskaya and violinist Oistrakh, are never mentioned. Even Karl Marx's Jewish origins are now omitted from the Great Soviet Encyclopedia. The effect of all this propaganda, however, has not been to reduce the attachment of Jews to their identity, but more often to stir up traditional Russian and Ukrainian peasant anti-semitism into acts of discrimination or vilification against Jews.

Everyone in the Soviet Union carries internal passports as required means of identification. One's nationality is recorded upon birth. Because surveillance is a major purpose of the identification papers, and because Jews are under special surveillance because of their dispersed condition and international ties, a child of Jewish parents is not allowed to claim another nationality. In this way the regime perpetuates its own problem by preventing Jews from assimilating (even if they wanted to). Only children of mixed marriages may legally claim a non-Jewish nationality.

So the unhappy situation continues. While other nationalities in the USSR have schools and publications in their own languages, Yiddish is banned as one link that could hold this people together. While other minority religions (Baptist, Armenians, Orthodox, Georgian Orthodox) have central organizations to coordinate their activities and seminaries to train their ministers, and can occasionally publish holy scriptures and prayerbooks for their congregations, Judaism has no central organization and was allowed but two students and a single training school in the early 1960's. Hebrew is forbidden to be printed because it is viewed as a "Zionist" and "cosmopolitan" threat to Soviet society, and not as just a religious language. And the State continues to close synagogues in many cities, initiating newspaper and radio campaigns of vilification against Jews as a race and against the house of worship as a meeting place for swindlers. . . .

Though the regime disclaims anti-semitism and though its policies may be only rarely motivated by traditional Slavic anti-semitism, still its desire that the Jewish nationality simply meld into the surrounding nationalities, together with its antipathy to all religions and its fear of all external connections (especially now that it has been drawn in heavily to the Arab side of the Middle East conflict), lead it to persecute Soviet Jews more than it generally harms its other citizens.

A partial solution to the regime's dilemma and to the Russian Jews' problem could be the actualization of the minimal demand frequently voiced by Jews and others outside the USSR—including some Western Communist parties—that at least the Jewish families separated by the Nazi onslaught of World War II be reunited through emigration of their Soviet members to relatives residing outside the USSR. This "anti-fascist" move should be the easiest form of "emigration" for the Soviet regime to accept. And it could even be done, realistically, without wide public knowledge, as Jewish emigration has been allowed in recent years by certain other Communist regimes. It is a demand worth pressing to the Soviets, to United Nations officials and to other persons in a position to help implement it.

BRIAN ALMQUIST.

[Editorial from Newsletter, June 1971]

SECRETARIAT FOR CATHOLIC-JEWISH RELATIONS

It is assumed too often by some Christians that the plight of Soviet Jews is no worse than that of other religionists in the Soviet Union. Actually, from the beginning of the Soviet dictatorship, their plight has been much more aggravated than that of Christian bodies. Since early in the Stalin era, discrimination in employment, restriction on cult, suppression of cultural activities, and purges have been visited upon Jews to a degree that is well out of proportion to their number and significance in the Soviet Union.

* Excerpted from a comprehensive article spanning Russian treatment of Jews from czarist times to the present.

Jews have always figured more than others in show-trials that go on to the present moment.

The Jew in Russia is caught in a contradictory Soviet policy. On one hand, efforts are made to "de-Judaize" Jews, to enforce assimilation upon them, and thus cause Jews and Judaism to disappear. On the other hand, they are set off from the rest of the population in special ways, not only by special discriminations but also by a requirement that their identification cards be marked by the word "Jew." According to the United Nations Charter of Human Rights—which has been signed by the USSR—all persons should be allowed to emigrate according to their choosing. Since Jews are marked as a separate nationality in Russia, they have a special claim to be allowed to leave the country, and particularly to emigrate to Israel if they consider this their homeland. To consider this desire as a "Zionist conspiracy" or treason is highly unjust. It is, moreover, but a weak disguise for a Russian anti-Semitism that goes back to Tsarist days. Then the overall policy of the government was the elimination of Jewry by conversion, assimilation, and pogroms. In new and thinly disguised ways this triple pogrom goes on under the Soviets. Jews are to be *converted* to Communism. They are to be totally *assimilated* in the Russification pogrom. Pogroms have been replaced by incarceration, exile to concentration camps, show-trials, and purges. The similarity between the old Tsarist and recent Soviet pogroms is patent.

The plight of the Russian Jew weighs heavily on the Christian conscience. Our Christian feelings impel us to cry out on behalf of that people from which our Founder and Church came, that people which has suffered so much in the course of history, often at Christian hands. We therefore urge all Christians, and Catholics in particular, to assist in bringing pressure on the Soviet government to put an end to the subtle persecution of Jews that is going on in Russia, to put a stop to the show-trials of Jews, and to allow them to emigrate as they desire. This can be done by public statements or by telegrams and letters to the U.S. Government, and United Nations, and Russian officials in the United States. The USSR has become increasingly sensitive to world opinion. A sufficiently large number of such measures would undoubtedly have a beneficial effect on the plight of the Russian Jews. There are few Good Samaritan types of action more worthy of the consideration of the Christian at this difficult moment in history than to extend a hand to the Jews in Russia.

[From the Christian Index, Mar. 11, 1971]

JEWISH FRIENDS NEED BAPTIST AID

The world has been somewhat revolted by the tactics of some militant Jewish people in recent weeks, as they have protested the treatment of their fellow Jews in Soviet Russia. Cries of outrage have risen up against the militant Jewish Defense League and its fellow activist protestors.

But, isn't it strange that so few Christians have spoken out just as strongly about an even more revolting development—the treatment of Jews in Soviet Russia and elsewhere? Why have our "responsible" voices been so silent that the "radicals" had to come into being and action?

Our Jewish brethren have been a downtrodden, persecuted people for too long. Their perpetual harassment around the world, including the United States of America, is one of the darkest stains on the fabric of human history. Evidently some Christians have a warped, twisted view of Jewish "responsibility" for the persecution of our Saviour and some feel duty-bound to avenge His crucifixion by tormenting all Jews.

How alien to the spirit of that crucified and risen Saviour can repression and discrimination possibly be? Baptists above all Christians should be leading the way in calling for compassion and justice and just-plain human kindness for all minority groups of the world, especialily Jews.

[From National Catholic News Service, July 1, 1971]

SYMPATHIZERS MOBILIZE FOR SOVIET JEWS

John E. McCarthy, director of Migration and Refugee Services at the U.S. Catholic Conference in Washington, recently cited a report issued by former Canadian Prime Minister Lester Pearson entitled "Partners in Development."

The report describes the world as a village—a community where the improvement of human conditions is the concern of every man. It says the world's response to this need for improvement will bear heavily on matters affecting the dignity of the individual and the structuring of an orderly but humane future society.

McCarthy—addressing the general conference of the International Council of Voluntary Agencies (ICVA) in New York—agreed with the former prime minister, saying: "The test we face is to ensure every individual his right to find a home of his choice, his right to develop and improve, and his right to determine his own destiny without intervention."

He asked the convention to take up the cause of the Jews behind the Iron Curtain and asked them to secure these basic rights for the multitudes of distressed in the world. Otherwise, he said, "we will not be solving the problem nor exercising our Christian principles."

His call for community action for the sake of the distressed throughout the world has yet to be taken up in full by the American government. In the case of Soviet Jewry, one state department official plainly said the American government "is not an international Jewish defense agency." So, for the most part, those who wish to come to the aid of Jews in the Soviet Union have turned to private groups and organizations—both Christian and Jewish. . . .

LAURA A. KIERNAN.

[From the Providence Visitor, Apr. 16, 1971]

To have been a Jew during any period of history meant exposure to misunderstanding and hostility; to be a Jew today in the Soviet Union is simply intolerable. Behind the smooth phrases of Russian diplomats and the constitutional guarantees of religious and cultural liberty, there lurks a virulent anti-Semitism that has blurred the all too easy distinction between right wing and left wing totalitarianism. Actually, there is no difference. Like an updated version of the same nefarious drama, Russian Jews are reliving the teetering existence of their German coreligionists of some four decades ago. . . .

APOLLO 15 RECEIVES GOOD COMMENT

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the RECORD several editorials on the Apollo 15 mission. The Apollo 15 flight is the most successful and advanced moon flight to date. The good comments follow:

[From the Plain Dealer, July 27, 1971]

APOLLO 15 NOT HUMDRUM OR ROUTINE

Appearances are deceiving. No matter how easy the blastoff looked, there is nothing routine, humdrum or monotonous about the latest mission to the moon.

Apollo 15 whoosed off its Cape Kennedy pad in the most successful blending yet of many skills, many technologies and many mechanisms. That hundreds of thousands of spectators were on hand for the launch and uncounted millions more in a worldwide television audience viewed the action is evidence that Americans and others still cannot take such a meshing of perfections for granted.

In the wake of Apollo 15's moonward flight, congratulations go again to leaders and workers in the U.S. space program whose vision and practicality make lunar exploration possible. And best wishes for success go to Apollo 15's three Air Force crewmen—Col. David R. Scott, Lt. Col. James B. Irwin and Maj. Alfred M. Worden—who have accepted a number of complex and hazardous assignments.

Fear developed early in the flight that a moon landing might not be possible. But the short circuit indicated by a flashing light was found to be in a switch and not in any critical mechanism. So Apollo 15 speeds onward to the moon.

Omens for success in the 12-day Apollo 15 operation so far are excellent. The liftoff was perfect. The departure from earth orbit was on time and on target. The nose-to-nose docking of the Endeavor command ship with the Falcon lunar lander went without a hitch, a far cry from the trouble that marked the same maneuver in the flight of Apollo 14.

If all continues to go well, Apollo 15 will be another giant step for mankind in moon exporation. The mission is to spend more time, to collect more data and samples, to make more observations than previously attempted. For the first time, a vehicle is to be used to transport two of the astronauts on a tour of the lunar terrain.

Flying to the moon, landing on it and getting home again still tests man's skills, technologies and mechanisms. For Apollo 15 there is nothing routine, humdrum or monotonous about it.

[From the Birmingham Post-Herald, July 24, 1971]

OFF TO THE APENNINES

If all goes well (as it does remarkably so in this business) three young men will take off from Florida Monday for a three-day visit to the Apennines. As it happens, they are not interested in the range which splits the peninsula of Italy but the higher mountains of the moon.

Astronauts David R. Scott and James B. Irwin are scheduled to land at the foot of a lunar mountain which rises almost straight up some 12,000 feet. Meanwhile, Maj. Alfred M. Worden will set off in the command module for a continuous orbit of the moon until Scott and Irwin rejoin him Aug. 2.

Each moon landing becomes the "most dangerous yet," because each time the astronauts try to outdo the excursion before them.

Apollo 15 will attempt several new records: They will spend 67 hours on the moon's surface, longest yet; they will land near a mountain range for the first time; they will drive more than 22 miles in a "moon buggy," another first; they plan to bring back more rocks than any other crew, and there will be more television pictures of their activities.

As usual, some of the plans are based more on theory than experience. Nobody ever drove a vehicle on the moon's surface, so space officials, while confident, are not sure the buggy they have devised will operate as they hope. There is no air on the moon and gravity

is one-sixth of earth's gravity, which will make driving a different experience.

It promises to be an exciting 12 days—especially on Aug. 2 when a television camera for the first time will give watchers on earth a view of the blast-off from the moon—probably the most nerve-tingling moment of any moon flight.

It will be years before the value of these adventures to science and to general knowledge can be fully measured, but it should be enormous.

Meanwhile, we can marvel at the precision, skill and knowledge which go into these projects—and get for ourselves a thrilling diversion from political squabbles, strikes, revolutions and other pigmy monotonies of a tired little world. Anyone near a TV set can get in on the act.

[From the New Haven Register, July 25, 1971]

"YOU ARE THERE" AN ELECTRONIC REALITY

In commenting on the successful flight of Apollo 14 last February, we concluded with the observation that, as NASA's operational techniques improve, America may "one day sit back in its living room and take a vicarious trip to the moon, from start to finish."

The Apollo 15 moon voyage, whose launching is set for Monday morning, brings us a step closer to that realization. The color television camera is likely to be somewhat ubiquitous on this trip, and though we won't be treated to a minute by minute visual account, coverage is being expanded to more flight highlights, including the blastoff from the moon. As it is, previous flights have already presented us with the now common blast-off from earth and a pinpoint-targeted splashdown. And Apollo 14 has added the exciting mid-space docking.

Expanded TV coverage of the flights seems to be NASA's most effective answer, at the present stage of explorations, to public apathy to space achievements. Without the electronic picture jogging the mind, and after that first step by Armstrong, the man in the street doesn't appear to have much to stir his excitement. Certainly, the moon rocks don't do it.

Still, each trip has its purpose. And Apollo 15 is stirring the scientific pulse as being the most complex, information gathering voyage of them all. Astronauts Scott and Irwin will spend twice as much time on the moon as anyone did before, will have a great deal more to do and presumably will return with considerably more knowledge.

We suppose that in time, and unless the space flights produce still further advances, even expanded TV coverage will lose its fascination. Which would be a pity. Consider how 13th Century explorers dropped out of sight and lost complete contact with civilization for months on end. And that 20th Century man, thanks to electronic progress, virtually peers over the shoulders of his explorers on voyages that far exceed a sail halfway around the globe. The "You Are There" aspect as history is being made is itself a giant step for mankind.

[From the Los Angeles Times, July 26, 1971]

THE GOALS OF APOLLO 15

By anybody's definition, Apollo 15 should be the most impressive moon mission yet.

The astronauts will be away from earth longer—12 days and seven hours—than any previous Apollo crew. They are to spend almost three days on the surface of the moon, and if all goes well a full 20 hours of this time will be spent outside the lunar module.

For the first time, the moon explorers will have the use of a Lunar Roving Vehicle, or Rover—a jeep-like vehicle which can take them as far as five miles from their spacecraft.

This means they should be able to collect a far greater quantity and variety of rock and soil samples than did any of their predecessors. And in the process, they will get what should be a scientifically valuable look at the foothills of the mysterious mountains of the moon, which tower some 12,000 feet over the Apollo landing site.

Perhaps most dramatic of all, from the standpoint of earthbound televiewers, is the prospect that we will be able to watch the actual, rather than simulated, liftoff of the spacecraft from the moon when the astronauts are ready to return.

No Hollywood scriptwriter could ask for more.

Yet, if we read the current mood in the country correctly, there will be less public interest and excitement over Apollo 15 than the event deserves. We are becoming jaded. We are also becoming more insistent that our investment in space exploration pay off in terms which are concrete as well as spectacular.

This mood has been growing ever since the first manned landing on the moon. And the space agency, in response, has recognized that the space program henceforth must be justified in terms of the potential benefit to life here on earth.

In the eyes of space officials, Apollo 15 marks a giant transitional step between those flights which were primarily aimed at proving man's ability to land and function on the moon, and those which are primarily intended to gather scientific information.

But the program managers have been excessively slow, in our view, to begin using scientists as astronauts in order to maximize the scientific payoff. Thirteen scientists have been trained as astronauts. But none has yet flown in space, and none is currently scheduled to do so.

The space agency reportedly may include Harrison (Jack) Schmidt, who is a geologist by profession and an astronaut by training, in the crew of Apollo 17 next year.

Such a move is both sensible and overdue.

[From the Evening Bulletin, July 28, 1971]

THE "WHY" OF APOLLO 15

In Apollo 15, the United States has invested its greatest sum yet, $445 million, for its longest moon voyage, lasting 12 days and seven hours, and the riskiest of landings in the most rugged terrain on this side of the earth satellite.

The current flight, for these reasons and others, is also raising more questions than prior missions.

Why send men to the moon again and again when it has been proved we can do so, when public support is waning, and earthly problems appear so much more pressing?

Col. David R. Scott, Apollo 15 commander, calls this journey into space "the most singular, significant scientific expedition ever conducted; a journey backward in time to the first pages of the history of the creation of the solar system," 4.6 billion years ago.

It is not a matter of merely bringing home more moon rocks.

Apollo 15's mission is to deliver very special specimens from the foothills of the moon's tallest mountains and the lip of the deepest, most spectacular crevasse, Hadley Rille—rocks that were exposed by the collision or convulsion that shaped the moon's surface.

And thus man may learn what fores and elements formed the moon, and whether the earth is a product of the same.

Blastoff Monday was picture perfect. And except for a minor switch malfunction, the journey to the moon has gone well.

This is what the U.S. does best. Despite Russian successes with a remote controlled moon rover, and in setting up an earth-orbiting space station, American astronauts are still the eyes and ears of every man in a forbidding environment. Who can identify with a robot?

Why go? Because man seeks the answers to his existence, and the moon is a place to search for them. Until it has revealed all its secrets, to neglect them is to settle for speculation.

[From the Christian Science Monitor, July 27, 1971]

PERSPECTIVE ON APOLLO

Apollo 15 heads moonward amid continued debate over America's priorities.

We think the issue is really one of perspective.

No one suggests that spaceflight take precedence over the needs of cities or the poor. But America does have to decide what to make of its spaceflight achievements.

As mission Commander David Scott remarked a few weeks ago, "Scientific exploration has to be one of the foremost priorities in any country's growth." He meant the kind of horizon-stretching, capacity-building present effort that opens new eras of profitable opportunity tomorrow.

Is manned spaceflight that kind of pioneering or not? Has the magnificently successful Apollo program put us in the posture to get commercial benefits from spaceflight, as NASA associate administrator Dale Myers claims, or hasn't it?

That is the question America should consider.

If the answer is negative, then the whole Apollo exercise has indeed been a farce. If the answer is affirmative, and a strong case can be made that it is, then the country cannot afford to drop its opportunity.

The spaceflight debate should focus on how best to realize that opportunity within a set of priorities that does put people first. Rhetoric about diverting funds from earthly needs sidetracks this fundamental issue.

NASA believes the wisest course would be to develop the reusable space shuttle. Mr. Myers argues that the shuttle's tenfold launching cost reduction would evoke a flood of commercial uses.

He envisions refineries using the superhard space vacuum and gravity-free environment to make high-cost materials with a purity impossible on earth. He foresees ready access to orbiting laboratories for many kinds of industrial research and development. In short, he expects the shuttle to open a new world of profitable industry that we glimpse only dimly today.

NASA now is studying how to stretch shuttle development to keep its budget in check. It should have a program to recommend by October.

At that time, we hope the administration will put before Congress a definitive spaceflight plan for the rest of this decade. Then Congress can decide whether America does or does not have a spaceflight future.

[From the New York Times, July 27, 1971]

UNITED NATIONS OF THE MOON

Apollo 15 blasted off on schedule yesterday for what is planned to be the most scientifically productive manned trip to the moon that has yet been made. Only two years have passed since Neil Armstrong first set foot on the lunar surface, but already the historic accomplishments of the Apollo 11 crew begin to look as though they belonged to the Model-T era of moon exploration.

The capabilities of Apollo 15 in terms of lunar exploration time available and of the lunar area it should be possible to cover represent a quantum leap far beyond Apollo 11. There is every reason to hope that the scientific dividends from the present journey will be substantially richer than the returns from all the other Apollo voyages put together.

Present plans call for only two more Apollo flights to the moon. After the second of these late next year the Apollo program will be-

long to history. However, lunar exploration by means of unmanned instrument packages is likely to continue. Soviet statements have indicated that Moscow plans to send additional devices to the moon similar to that which automatically returned a few ounces of lunar soil to earth last year, as well as to send robots akin to the Lunokhod device which is still slowly crawling about a section of the moon surface. Useful and ingenious as these complex machines are, it must be recognized that it would require the activities of a good many of them spread over a fair number of years to accomplish the kind of intensive exploration of one large area that is possible for an expedition like Apollo 15.

Since both the United States and the Soviet Union have apparently decided to give top priority this decade to creating manned space stations, there will evidently be for some years a kind of vacuum in manned lunar exploration, which provides a major political opportunity for far-sighted world leadership. Nothing would do more to unify this badly divided planet than the spectacle of an international group seeking to create the first permanent manned base on the moon, a base from which explorers could move out to every part of that satellite using either surface vehicles or flying rockets.

Creation of such a permanent manned base would require decades at least. But its politically unifying effects would be felt from the beginning of the planning work if it were evident that the project was to be truly international and truly aimed for the benefit of all mankind. If the leaders of the United States, the Soviet Union, China, Japan, Western Europe, the Arab states, Israel and other countries would like a project that would bring them all together, the goal of a manned base on the moon is still available.

[From the Chicago Tribune, July 27, 1971]

BON VOYAGE, No. 5,351

A scant 15 years ago the average American would have regarded the possibility of a satellite whirling through space as fantasy from the comic strips. Even today, it is hard to believe that the Apollo 15 flight to the moon is the 5,351st manmade object propelled into earth orbit since the first Russian sputnik in 1957.

So commonplace have spectacular space flights become that the nation no longer grinds to a halt to watch the liftoff on television. Shortly after Astronauts David R. Scott, James B. Irwin, and Alfred M. Worden blasted off the Cape Kennedy pad, Walter Kapryan, the launch director, described the several hours before liftoff as "the most uneventful countdown that we have had." And the Houston space center reported that the pulse rate of Scott, the mission's commander, was 70 beats a minute—slightly below the normal 72—shortly after the launch.

Despite all of this, the mission is fraught with new dangers for a space flight. The landing target is a site in the midst of a mountain range with peaks towering up to 15,000 feet and near a canyon 1,200 feet deep. The astronauts plan to land on the moon Friday and spend 67 hours there, including 20 hours on the surface. A new form of transportation will be a two-seat lunar rover. On the way back, one astronaut is scheduled to take man's first "walk" in deep space. He will climb outside the spacecraft 200,000 miles from earth. Compared with this, the earlier space walkers were barely on the outskirts of town.

Accustomed as we older folk are to space flights, sometimes it's necessary for a member of the much, much younger generation to remind us how exciting a space flight really is. Like the 4-year-old boy of our acquaintance who, with eyes glued to the television set, kept his uninterested mother abreast of events with a moment-by-moment account of developments. Then, when the television network switched to another program shortly after the liftoff, the child of the space age—with great indignation—proclaimed: "Mom, this is so important it should be on until the soap operas."

Once again, we pray for the success and safe return of our latest team of lunar explorers.

IF ACCORD WITH RED CHINA COMES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. HOSMER. Mr. Speaker, I am not one of those who sees President Nixon's forthcoming visit to mainland China as the beginning of the end of the free world. Neither is columnist L. A. Collins, Sr., of the Long Beach Independent, Press-Telegram.

For my part, I can see no danger in the President's establishing a dialog with the leaders of the most populous nation on earth. Those who harbor deep suspicions about normalizing relations with Red China should, in all fairness, await the results of the President's visit.

In the July 18 edition of the Independent, Press-Telegram, Mr. Collins analyzes the forthcoming Peking trip and his hopes for its result. I share his feeling of anticipation and include his fine column in the RECORD.

Thereafter, is my own statement on the President's trip:

IF ACCORD WITH RED CHINA COMES

(By L. A. Collins, Sr.)

It may be the outstanding news release of this year will be the President's announcement of his projected trip to Red China. There may be later announcements of an accord with North Vietnam and ending of the war. But many experts feel that an accord reached with Red China would be essential to assure a peaceful settlement in Vietnam—Korea and the rest of Asia.

It has been well known that Red China has been the main supplier of arms—and some manpower—to North Vietnam. It has been its policy to aid any Asian nation that was fighting western powers. But the invitation to the touring U.S. table tennis players was an opening event that gave hope that some settlement was possible.

The electrifying announcement that the President's chief adviser on foreign policy, Dr. Kissinger, had had a meeting with Premier Chou En-lai—which resulted in an invitation to President Nixon to visit the country—may be the break that will end our participation in Asian wars for many years to come.

This if successful would have to mean some arrangement whereby the membership of Nationalist China—Formosa—will maintain its membership in the United Nations. It would assure the safety of South Korea—Formosa and hopefully South Vietnam. These are areas where past Red China policies have been a constant threat. Settlement of these problems will call for concessions on all sides. But there is reason to be encouraged when the leader of Red China and the President of the U.S. are ready to sit down and talk about them.

From past attitudes of Red China this has seemed impossible. But we must realize there has been a change in that attitude by Chou En-lai. It is probable he is as weary of war as we are. Sending Dr. Kissinger to meet with the premier may be the outstanding peace movement by President Nixon or any of his recent predecessors.

It is hoped the President will make his trip for the meeting in the near future. He will need the support of the other nations of the world to work out programs that will be attractive to the Red Chinese. He will have to accept conditions that have long been undesirable to this country. But if the Chinese are as anxious for peace and being part of the world peace movement there is hope.

There will be opponents in this country to the President's efforts. But they will be of little effect because the American people want a peace settlement of our differences—more than they have in many years. There may be objections from the Russians who have been at odds with the Communists of mainland China.

President Nixon has been quietly sending his envoys to these troubled places for many months. He deserves the support of all our people in his efforts to overcome the problems that have endangered the entire world. He has the problem of making concessions in response to concessions that may be offered. He has a strong group of realistic experts as his advisers. But the real hope is his attitude that concessions must be made and accepted to bring about a peaceful world. Each of us should pray for the success of the efforts he has been exerting to bring about a solution to the tragic wars we have fought in Asia.

STATEMENT REGARDING THE PRESIDENT'S INTENTION TO VISIT MAINLAND CHINA

(By Congressman CRAIG HOSMER)

Mainland China is the most populous nation on earth and President Nixon should not be faulted for doing away with the fiction that it does not exist.

Events make it increasingly clear that means ought to be found for the governments of that country and the United States to communicate sufficiently to avoid collision courses.

Events also make it increasingly certain that the Soviet Union reaps needless politico-military advantages from this very lack of communication.

The President has stated that an interchange with mainland China will not be established at the expense of nationalist China. Nor need it be, nor should it be.

But, by like token, the basic interests of the United States cannot and should not be subordinated to those of nationalist China. Already the fragile status quo between the two Chinas and the United States has persisted longer than reasonably to be expected.

In his initiative President Nixon's objective has been to nudge the inevitable movement of events in a direction favorable to the United States rather than permit them to drift in adverse directions.

HOME RULE GAINS SUPPORT

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. FAUNTROY. Mr. Speaker, last week, Senator BROOKE and I announced the formation of a national coalition to secure self-determination for the people of the District. Almost simultaneously, the Senate District Committee adopted a strong home rule measure, for which the members of the committee are to be

commended. I want to share with my colleagues an excellent newspaper article and two editorials commenting on the committee's bill and on the national coalition. I could not agree more with the thrust of the two editorials, both of which accurately point out that the strong support of the President and his administration is vital if the momentum created by the bill approved by the Senate District Committee is to be carried forward. The text of these articles is set forth:

A STRATEGY OF COMPROMISE ON A NEW HOME RULE BILL

(By Irna Moore)

Senator Thomas F. Eagleton (D-Mo.) and the six members of his Senate District Committee don't believe in exercises in futility. Seated around a table in the majority leader's Capitol office last week they agreed not only on a new home rule bill but on a strategy of pragmatic compromise calculated to produce results.

"Like most compromises, this bill won't make everyone happy but it has what it takes to get the job done," said Sen. Charles McC. Mathias Jr. (R-Md.). "We weighed the human equities and the political realities and came up with an attainable solution," Mathias should know something of the political realities of home rule. As one of the chief supporters of the last home rule measure in 1965, he stood on the House floor and watched the Senate-passed home rule bill go down to defeat despite frantic last-minute attempts to modify some of its provisions. So this time around Mathias, now the ranking Republican on the Senate District Committee, collaborated with Eagleton to design a bill that was a compromise within the committee, a compromise with potential Senate opposition and a notice to the House that this Senate committee is ready to talk without getting hung up on any one item, and more interested in constructive action than in argument.

Neither senator, to be sure, was predicting that the bill would sail through the House, where six earlier Senate-passed home rule bills have been killed in the past two decades. Not only is sentiment in the House difficult to predict in 1971 on the basis of votes in 1965, but the total commitment from the White House that brought the 1965 bill out of the House District Committee has not been forthcoming this year. Without it, the prospects in the House are uncertain at best. What does seem certain is that the Senate committee's final product will at least be more difficult for House opponents to attack on any issue other than the merits of self-government for Washington.

What the committee sat down to work with were bills introduced by Mathias, Eagleton and D.C. Delegate Walter E. Fauntroy. All three called for vesting an elected mayor and 11-member city council with the legislative and fiscal authority to run the District of Columbia. But they differed in their approach to many of the same legislative details that House opponents of home rule used successfully to defeat the 1965 Senate bill:

Item: Should local elections be nonpartisan; wouldn't partisan voting plunge the District into conflicts over the Hatch Act's ban on political activity by government employees, and also guarantee the election of Democrats to local office?

Item: Should the President have the power to veto anything the local government enacted? Fauntroy said no. One of the last ditch concessions the 1965 proponents made to assuage fears about "protecting the federal interest" was the addition of a provision authorizing the President to use federal troops or take over the local police if necessary.

Item: How should the annual federal payment to the city be fixed? Opponents six years ago argued that a federal payment that didn't have to be approved each year by Congress amounted to "backdoor spending." And they claimed that a payment calculated as an off-set to the federal government's exemption from local property taxes would be tantamount to letting the District tax the Capitol and the Washington Monument.

Item: Should the President continue to appoint local superior and appeals court judges? Fauntroy said the mayor and council should have that power.

Item: Should the city government be allowed to enact a commuter tax on suburban residents who work in the District?

That last point would be the stickiest to compromise within the committee. Mathias clearly had to oppose anything short of an absolute ban on a commuter tax in the interests of his Maryland constituents. Looking ahead to the entire Senate, Eagleton could envision the two Maryland and two Virginia senators staging a filibuster against a home rule bill that would allow a commuter tax.

"We kept a prohibition on a commuter tax in the interest of getting a unanimous bill and in the best interests of getting the bill passed," Eagleton said. "Otherwise, it would have been a tough battle in the Senate and impossible in the House."

Some of the other questions were resolved by taking a piece from the Mathias and Eagleton bills here, and a section from the Fauntroy bill there: elections would be partisan, with the council setting its own and the mayor's salary; judges would be appointed by the mayor and confirmed by the council. There would be no presidential veto power.

"I think the fear that a veto is needed is inflated," said Sen. Daniel K. Inouye (D-Hawaii), a member of the committee. "There was a presidential veto when Hawaii was a territory and it was never exercised in 54 years."

"I felt strongly that there shouldn't be both a presidential and legislative (congressional) veto," Eagleton added. "I think the legislative veto is adequate."

The constitution clearly states that "the Congress shall have power . . . to exercise legislation in all cases whatsoever" over the capital city, and it has been argued that no further provision for a congressional veto is needed in a home rule bill.

But the past cries of "protecting the federal interest" led the District Committee to add a compromise provision to its bill: either house of Congress would have 20 days to nullify an action of the city government under its expanded powers. Action that the city now has the power to take—naming department heads, setting the property tax, reorganizing city agencies—would not be subject to the 20-day veto.

Finally, the prickly issue of the federal payment was made somewhat easier to handle by scraping the idea of a payment based on property tax the federal government would have paid. Instead, the committee decided on a payment based on a percentage of what the city would collect in local taxes each year. It would start at 35 per cent in fiscal 1973 and go up to 40 per cent in fiscal 1975. While this formula would blunt some of the past opposition, the committee kept the concept that the federal payment would be given to the city automatically each year without congressional approval.

Given the House's unbroken record of hostility to home rule legislation and the Nixon's Administration's apparent lack of support, why did the committee go to so much trouble? For one thing, the feeling was that you've got to start out with a bill to get a bill, something that hasn't happened in six years. For another, the Senate committee does not appear to be wedded to each and every one of its compromises and has left itself ample room for future maneuvering.

"This is a realistic bill," Eagleton replied when a reporter asked him if he considered the committee's work a futile gesture. "We've got to try."

[From the Washington Post, Aug. 2, 1971]

A "REASONABLE CHANCE" FOR D.C.?

The Senate District Committee has produced an admirable bill to grant home rule to our colony and one can assume that in the Senate the chances are reasonably good but that in the House of Representatives the going will be rough. So in the end it will probably depend—as it has in the past—on whether the President of the United States cares enough to bring his power and prestige to bear, and unhappily, when one turns in that direction for some hint of whether there is any hope of getting somewhere this time, one discovers that, for all practical purposes, on this issue the White House is out for lunch. There is the trip to Peking to think about, and the cost of living, and the plight of Lockheed; we have a war policy dedicated to giving the South Vietnamese a "reasonable chance" to determine their own destiny and a foreign policy which would apply this principle of self-determination to every single nation in the world. But not to the capital of the United States. When it gets down to home rule for our colony, the Nixon administration has so far not spoken except in the most general way; it has endorsed no legislation or otherwise engaged itself in the cause. Worse, it has suggested that a Study Commission now looking into the management of the present city government consider various alternate approaches to self-government. Well, we all know what that means; when you consider the study that has been given to this subject over the years, to "study" can only mean to stall. And that is all the more lamentable in the light of the splendid start that has been made by Senators Eagleton and Mathias and the rest of the Senate Committee, with respect not only to the contents of their proposal but to the spirit with which they approached the job.

As described in an article by Irna Moore appearing elsewhere on this page today, the two ranking committee members of both parties went at their work with a careful eye to the obstacles ahead, both in the Senate and in the House. Without sacrificing anything of large significance, they have tailored their bill to anticipate the hang-ups that have bedeviled home rule legislation in the past—whether local elections should be nonpartisan, the extent of presidential veto-power over local government actions, the formula for fixing federal payments to the city. Some of the tougher questions were simply eliminated as issued (the computer tax) and otherwise were compromised (the federal payment would be fixed as a flat percentage of local general revenue; instead of a presidential veto, either house of Congress would have 20 days to cancel an action by the city government).

Just as the sponsors of this new blueprint for home rule are making no claims that it is perfect, so we would make no such judgment. In the main, however, it strikes us as an extremely sound and sensible proposition, with some details open to argument on the merits but nothing in it of a basic nature that you could seize upon as a fatal flaw unless, of course, you were basically against the whole idea. It is an honest effort—and the first effort of any kind for six years. All it lacks, really, is the support, all along the line, of all of those who profess to believe in the cause. As of now the most conspicuous absentee is the President.

[From the New York Times, Aug. 1, 1971]

THE CAPTIVE CITY

Senator Edward Brooke, Republican of Massachusetts, has formed a National Citi-

zens Committee to arouse support around the country in behalf of democratic self-government for the city of Washington. For nearly a century, the nation's capital has been deprived of home rule. A small breakthrough a few years ago produced an elected school board, but all other municipal affairs are controlled by a Mayor and City Council appointed by the President and tightly supervised by committees of Congress.

Since members of the Senate quite rightly regard running the city of Washington as a tiresome chore which their own constituents did not elect them to perform, they have six times in the last twenty years passed bills conferring home rule. Another such measure has now cleared the Senate District Committee. But the bills always founder in the House. A clique of parochial Congressmen, most but not all of them rural Southerners, enjoy the power and perquisites of being the unaccountable rulers of a large city.

It is an ugly fact that many members of the House in both parties have long been reluctant to turn control of Washington's municipal government over to its citizens because two-thirds of those citizens have black skins. The last major drive for home rule was in 1965 when President Johnson made a herculean effort and forced the bill to the floor by a discharge petition, only to be frustrated at the last moment by a parliamentary maneuver managed by Representative B. F. Sisk, a California Democrat fronting for Southern racists.

Turning sentiment around in the House now is going to be just as difficult as it was then. It cannot be done without the active support of President Nixon and the House Republican leadership. Instead of leading the fight, as his predecessor did, however, Mr. Nixon has kept a deep silence on the subject. Senator Brooke's admirable missionary effort will have to begin at 1600 Pennsylvania Avenue.

DRAFT BILL CONFERENCE REPORT VIOLATES HOUSE RULES

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. BROYHILL of North Carolina. Mr. Speaker, recently a House-Senate conference report on the draft extension was reported from conference committee. The conference report contains a number of changes from the House-passed bill. Many of these are major changes and in fact violate rules of the House of Representatives. So that Members will be familiar with the changes made in one part of the legislation, I include at this point a copy of a statement I made before the House Rules Committee today:

STATEMENT OF CONGRESSMAN JAMES T. BROYHILL

Mr. Chairman and members of the Committee, I am appearing to testify in opposition to the request for a rule waiving points of order on the consideration of the conference report on H.R. 6531, the extension and revision of the draft law.

I would like to concur in the remarks made by Mr. Steiger of Wisconsin on the pay provisions of this legislation.

I would also like to express my strong dissent from the action of the conference committee on an amendment which I sponsored providing exemption from involuntary induction for any young man who has lost a father, brother, or sister from service-connected causes.

My amendment was accepted by the House during the debate on the draft bill on April 1 by a large margin. It was removed from the bill by the Senate Armed Services Committee, and a similar amendment was offered during the Senate debate by Senator Bob Packwood and accepted by the Senate.

Although there were slight differences between Senator Packwood's and my amendments, the intent was the same. The language of my amendment provided exemption from involuntary induction under the following conditions: if the father or a brother or a sister was killed in action or died in line of duty or subsequently died or is totally disabled as a result of injuries received or disease incurred during military service, or during any period of time in which the father or a brother or a sister is in a captured or missing status as a result of military service.

Senator Packwood's amendment contained this language, with the inadvertent omission of the words "totally disabled". In addition, the Senate version contained additional language providing that any young man serving in the military could be discharged, upon his request, if he became eligible under these provisions subsequent to his induction. The Senate language also provided that such discharge could not be granted if court-martial charges were pending or if the serviceman was in military prison.

In presenting my amendment to the House, I had assumed that the section added by Senator Packwood could be taken care of by Department of Defense regulation and that there was no need to write it into the law. However, the Senator saw fit to include this additional language and it is because of this difference from the House-passed version that this part of the bill was a conferable point.

I would like to emphasize again that there was absolutely no contradictory intent in the Senate and the House versions of this section of the bill.

The conference committee, in resolving the differences in the House and Senate language, took the language of the Senate bill for the conference version. However, the conferees took it upon themselves to add a date of effectiveness which appeared in neither version and which severely limits the impact of this change in the law.

I would like to quote from the conference report at this point: "The conferees agreed to accept the Senate language with an amendment providing the sister or brother must be 'of the whole blood' and *providing further that the exemption applies in the case of family members lost subsequently to December 31, 1959.*" (emphasis added) This limitation severely restricts the effect of the provision and for all intents and purposes nullifies exemption from the draft for any young man whose father died during the Korean War or from injuries sustained during World War II. The amendment as originally proposed implied a time limit on its effectiveness by the family member listed—father, brother, or sister. This language would limit the effectiveness to one generation and would vary with the circumstances in each family.

Perhaps of greater significance, this unwarranted change is also a flagrant violation of the Rules of the House as amended by the Legislative Reorganization Act of 1970. Under an amendment sponsored by this Committee, clause 3 of rule 28 now provides that conference reports "shall not include matter not committed to the conference committee by either House, nor shall their report include a modification of any specific topic, question, issue, or proposition committed to the conference committee by either or both Houses if that modification is beyond the scope of that specific topic, question, issue, or proposition as so committed to the conference committee."

Because of the significant change in the effect of this section of the conference version from the House and Senate versions, and because of the violation of the Rules of the House, I urge the Committee to reject a rule waiving points of order so the conferees can bring this bill back to the House with these changes properly resolved.

THE CATFISH FARMING INDUSTRY

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. PRYOR of Arkansas. Mr. Speaker, on July 13, in the parking lot at South Capitol Street, over 2,000 people attended a catfish fry. For many of them, it was the first time that they had been given an opportunity to sample this succulent resource of my home State of Arkansas.

Roy Reed of the New York Times has recently written an article on the newly emerging catfish farming industry. I would like to bring it to the attention not only of those who were fortunate enough to have sampled, first hand, the product of that industry, but also to the rest of my colleagues whose first experience is still to come. I include in the RECORD at this time the article "They're Farming Catfish by the Acre, but Supply Is Short":

THEY'RE FARMING CATFISH BY THE ACRE, BUT SUPPLY IS SHORT

(By Roy Reed)

DUMAS, ARK.—On top of all its other troubles, New York is outside the catfish belt.

But help is on the way. Catfish are now being raised on the farm just like corn, wheat and potatoes, and as soon as the farmers get the kinks out of their marketing system, at least one of the city's problems will be solved.

The catfish was once despised and avoided everywhere except the South. But during the last three or four years, thanks to the genius of American agriculture, people have learned to love it in Los Angeles, Chicago, Kansas City, Peoria and many other places where it was once considered unfit to eat because of its scavenging diet.

INADEQUATE SUPPLY

Only the formidable size of the population of New York has kept the catfish out of that city. New Yorkers may think the reason is their taste but that is not it. Catfish farmers feel that it would be morally wrong and economically unsound to tease New York with an inadequate supply of their irresistible product.

Meanwhile, down on the farm, men like Edgar Farmer and his two sons, Harold and Kelly, are working night and day to raise enough fish to close the gap between supply and future demand.

"We've got about 800 acres of catfish and we're building another 300 acres of ponds this summer," the father said last week, sitting in the air-conditioned living room of his large, expensive brick house—the house that catfish built.

In speaking of catfish, farmers use the same language that they use in discussing their rice, cotton, soy beans or cattle, all of which Edgar Farmer raises on his 3,000-acre farm.

Ask a farmer how many catfish he is raising and he will reply in acres. Mr. Farmer has one pond that is populated by an estimated half a million six-inch catfish, but he refers to it as 6½ acres of fish. The fish are "fed" like chickens, "harvested" like rice, and eventually "skinned" and "dressed " like cat-

tle. When ready for harvesting they weigh about a pound.

Mr. Farmer's acreage is part of about 50,000 acres that will produce 36 million pounds of catfish and bring $20 million to farmers in several states this year. The industry has almost doubled in size during the last five years.

Most catfish farms are in Mississippi and Arkansas, but they are moving rapidly into Louisiana, California and even beyond the nation's border.

Farmers in these warm regions are attracted to catfish farming because it can be more profitable than any other crop, if managed properly. Only the more substantial farmers can get into the business because large capital is necessary to build the ponds and buy equipment.

Once in, shrewd farmers have found that they can make up to $700 an acre in gross returns on the fish. That is about twice the return on rice.

Most don't make that much on the new crop because they have not learned to raise and market the fish efficiently. Many have tried and lost money.

Raising fish as a crop is considerably more complicated than throwing a hook into the Arkansas River, as the catfish lovers around here traditionally have done.

Mr. Farmer was one of the first to discover, in the late nineteen-fifties, that fish fed with a high-protein food, such as soy beans, would grow much more rapidly than fish left on their own to feed on smaller fish, crayfish and insects. That discovery made the industry possible.

After that, however, the farmers found that every step called for techniques they had never had to think about in raising cotton and other crops.

For example, feeding the fish by hand would have been impossible. Now there is a machine that blows soy bean pellets across a pond.

Harvesting is still a headache. One afternoon recently, when the temperature was a little more than 100 degrees and the sun was spinning vapors on the harsh, flat Delta land, Kelly Farmer and a crew of two other men and four boys waded into a six-acre pond 12 miles west of Dumas and began fishing in earnest.

First they spread a 150-foot seine in a wide semicircle across the middle of the pond. With one end tied to a tractor and the other to a pickup truck, they pulled the seine slowly to the bank. Then they went into the tightened crescent with a smaller seine, and wading in water to their armpits, pulled the trap closer to shore.

DELIVERED LIVE

Finally, a metal scoop swinging from a mechanical boom was lowered into the muddy water, and the flouncing fish were lifted into a tank truck. They would be delivered live in carefully cooled tank trucks to markets around the South.

Dr. Fred P. Meyer, chief of the Interior Department's fish farming experiment station at Stuttgart, Ark., said recently that perhaps the fish farmers' major problem was marketing: Where should the major outlets be, how many sizes of fish should be sold, should they be "breaded, steaked or fileted," how can the farmers provide large quantities with every fish the size of every other fish to a tolerance of half an ounce? These and other questions may take 10 years to answer, he said.

Leaders of the new industry and their allies in the Federal Government are confident that catfish will gain in popularity not only because of its taste—which is rather delicate, if the fish has had the proper diet—but also because of the increasing attractiveness of foods low in saturated fats.

Farm-raised fish generally are less polluted with pesticides and industrial wastes than wild fish, Dr. Meyer said.

LESS POLLUTED

"The levels in farm-raised fish are far lower than in those taken from the major natural streams," he said.

Farmers have to be careful not to build ponds on land used for long periods to grow cotton because cotton for many years has been treated with long-lasting pesticides. The fish will die in such ponds, Dr. Meyer said.

The farmers are trying to get a bill through Congress to have all phases of catfish farming regulated by the Department of Agriculture. They now have to deal with Agriculture, Interior and Commerce. The farmers feel more at home with the Agriculture Department and, some say, it would be easier to get Agriculture to approve new chemicals and drugs that might be used raising the fish.

But the Agriculture Department reportedly is not keen to take on this new job with little background of personnel and expertise. And, Government sources point out, setting standards for chemicals and drugs has been removed to the new Environmental Protection Agency.

For the inevitable invasion, New Yorkers should be prepared with an elementary knowledge of how to cook and eat catfish. It can be cooked many ways, but the most popular in the South has always been frying it in deep fat after coating it with corn meal. It is often served with hush puppies, small fried corn meal sticks that used to be tossed into the yard to quiet the dogs at meal times.

The Catfish Farmers of America held a fish fry in Washington last month for members of Congress. Senator J. William Fulbright's wife, Betty, explained for the visiting Congressmen and a skeptical press the proper way to eat catfish.

"You eat them with your fingers, like a chicken leg," she said, and then demonstrated with smiles and greasy fingers that she was right.

GAS SUPPLY THREATENED

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. MURPHY of New York. Mr. Speaker, New York and California are many miles apart, but they have this in common: both are threatened by a critical supply of natural gas.

I have spoken before about the situation in my State. Now I have learned that the California Public Utilities Commission reports a substantial and increasing need for new natural gas supplies from out-of-State sources to meet projected future requirements.

The expected deficit in supply, according to the report, will be particularly serious in the heavily populated southern California area by next January. Because there are no pending applications for new supplies for this section of the State before the Federal Power Commission at this time, the report concludes that projected demand, particularly for large interruptible gas service, "cannot be met from present resources."

The California commission explains that El Paso and Transwestern pipelines have already informed gas companies that they will not be able to furnish additional supplies of this indispensable fuel. The Southern California Gas Co. plans, of necessity, to reduce supplies available for electric power generation to Southern California Edison Co., the Los Angeles Department of Water & Power and other cities in the Los Angeles area, and the San Diego Gas & Electric Co.

The expected deficit in gas supply in southern California will be 400 million cubic feet per day by January 1972, rising to 1,350 million cubic feet per day by the end of 1975. And in northern California, gas distributors estimate that heavy additions to present supplies will be required in January 1972 and thereafter.

Mr. Speaker, it is a matter of great concern to the entire population that not enough gas is being produced in the United States to meet the constantly rising demand. The margin of safety provided by the Nation's proven gas reserves has been dwindling for some time.

During each of the last 3 years, more gas was consumed than was discovered. Known reserves in the 48 contiguous States have been reduced by a net total of 28.5 trillion cubic feet during these 3 years. That is why we find ourselves in such a grave plight. The ratio of discovered gas reserves to annual production has dropped steadily over the last 25 years.

Increased demand is only one reason. The demand could be met except for the fact that there has been a drastic faltering in the search for new gas reserves.

The interests of U.S. consumers are directly at stake in this matter. For their protection, it is essential that new sources of natural gas supply be found and developed.

H.R. 2513, which I introduced early in this session, is designed to make a start toward providing this necessary protection. It is a simple effort to give sales contracts between gas producers and interstate pipeline companies a validity they do not now have.

When I say that such contracts lack validity, I mean that under present law and regulatory policies of the Federal Power Commission the gas producer lacks knowledge about the price he will receive for his gas or how long he will be paid a set price. He does not know how much gas he must deliver or how long he must continue to make deliveries. All these factors are subject to change by the Federal Power Commission even though it originally approved the terms of a contract.

My bill does not remove the authority of the commission to control the prices at which gas is sold to interstate pipelines. New sales contracts will still have to be submitted to the Commission, as they are at present. The regulatory body can then exercise its power to approve the contract, to approve it subject to stated conditions, or to disapprove it.

Mr. Speaker, I do not claim that H.R. 2513 will immediately and completely solve the gas supply shortage looming over the consumers of our Nation. But its enactment by Congress would be a positive step toward that imperatively necessary goal. Assuring the gas producers of valid contracts will encourage them to intensify their efforts to find new supplies of gas, and that is of basic importance.

Hearings are scheduled on H.R. 2513 soon after the coming recess.

ARE THE NONPRESCRIPTION INSOMNIA PREPARATIONS HABITUATING?

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mrs. SULLIVAN. Mr. Speaker, recent hearings by Senator NELSON'S Senate Monopoly Subcommittee have pointed up a problem which many of us have been concerned about, involving the advertising, particularly on television, of numerous preparations proposing to cure every ill or enable people to cope with the pressures of modern living. Testimony in the Senate hearings indicated a direct relationship between the experimentation by so many young people with narcotics, hallucinogens, and the so-called mind-expanding drugs and the degree with which adults in the same family use amphetamines or tranquilizers or barbiturates of various kinds, or reach for one or another of the magic pills advertised widely on television for the reduction of tensions. The American public seems to have become convinced that they must always feel, if not euphoric or happy, at least content, comfortable, and free of all aches and pains.

Our laws place upon physicians the responsibility for deciding when patients should be prescribed the more powerful medicines, including the prescription antidepressants, stimulants, or tranquilizers. Few of use feel competent to arrive at independent judgments on the use of such drugs. But nonprescription drugs are available to everyone in the stores as over-the-counter items and are, of course, widely sold. Under a provision of the Kefauver-Harris Act of 1962 which came originally from the 1961 version of H.R. 1235, my omnibus bill to rewrite the Food, Drug, and Cosmetic Act of 1938, we have a right to assume that such drugs are not only safe to use in the maner intended but are efficacious.

In the 9 years since the 1962 act was passed, however, it appears that very few of the drugs which were on the market 9 years ago, and were temporarily "grandfathered" by the 1962 act, have been subjected as yet to required proof of efficacy. My latest version of H.R. 1235 introduced this year would terminate the grandfather clause so that all pre-1962 drugs would have to establish proof of efficacy in order to remain on the market.

REQUIRING PROOF OF EFFICACY OF CERTAIN "OTC" DRUGS

Saturday's Federal Register contained what I believe is the first step toward requiring proof of efficacy of over-the-counter—OTC—nonprescription drugs for which no "new drug application" had ever been filed under the Kefauver-Harris Act. This was in the form of a notice, dated July 21, 1971, and filed with the Federal Register on July 30, by Dr. Charles C. Edwards, Commissioner of Food and Drugs, that suppliers of certain over-the-counter preparations intended as an aid in the relief of insomnia and in the inducement of sleep should provide the best available evidence supporting the safety and effectiveness of their product.

The notice referred to is as follows:

[From the Federal Register, Vol. 36, No. 148, July 31, 1971]

OTC METHAPYRILENE-CONTAINING DRUGS FOR RELIEF OF INSOMNIA—DRUGS FOR HUMAN USE; DRUG EFFICACY STUDY IMPLEMENTATION

The Food and Drug Administration has considered a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Dormin Capsules, containing methapyrilene hydrochloride, 25 mg.; marketed by Dormin, Inc., 1 Spring Street, Ossining, N.Y. 10562 (NDA 7–659).

The Academy evaluated Dormin Capsules as probably effective as an aid in the relief of insomnia and in the inducement of sleep.

The documentation on which the Academy relied was: Feinblatt, T. M., and E. A. Ferguson, Jr. Sedative and somnifacient effects of methapyrilene-niacinate: Comparison with methapyrilene hydrochloride in 53 cases. J. Amer. Geria. Soc. 11: 909–913, 1963; and Straus, B. J. Eisenberg, and J. Gennis. Hypnotic effects of an antihistamine-methapyrilene hydrochloride. Ann. Intern. Med. 42:574–582, 1955.

There are numerous OTC products on the market which contain a methapyrilene salt as a single active ingredient or in combination with scopolamine, aspirin, acetaminophen, salicylamide, and other drugs and which are recommended for use for relief of insomnia or inducement of sleep.

A partial, but incomplete, list is as follows:

Compoz Tablets; Jeffrey Martin, Inc., 1020 Commerce Avenue, Union, N.J. 07063.

Mr. Sleep Tablets; Jeffrey Martin, Inc.

Neo-Nyte Capsules; BBC Labs., 700 North Sepulveda Boulevard, El Segundo, Calif. 90245.

Nods Capsules; The Carroll Chemical Co., 2301 Hollins Street, Baltimore, Md. 21223.

Nytol Capsules and Tablets; Block Drug Co., Inc., 257 Cornelison Avenue, Jersey City, N.J. 07302.

Proquil Capsules; Hance Bros. & White Co., 12th and Hamilton Streets, Philadelphia, Pa. 19123.

San-Man Tablets; Plough, Inc., 3022 Jackson Avenue, Memphis, Tenn. 38101.

Sleep Tablets; Drug Fair, Inc., 6315 Bren Mar Drive, Alexandria, Va. 22314.

Sleep-Eze Tablets; Whitehall Laboratories, Inc., 685 Third Avenue, New York, N.Y., 10017.

Somnicaps Capsules; American Pharmaceutical Co., 120 Bruckner Boulevard, Bronx, N.Y., 10454.

Sominex Capsules and Tablets; J. B. Williams Co., Inc., Pharmaceuticals Division, Cranford, N.J., 07016.

Somnatron Capsules; Dart Drug Corp., Landover, Md. 20785.

Sure-Sleep Tablets; American Labs., Division of Towne, Paulsen & Co., Inc., 140 East Duarte Road, Monrovia, Calif. 91016.

Tranquil-Aid Tablets; Thompson Medical Co., Inc., 79 Madison Avenue, New York, N.Y. 10016.

Asper-Sleep Tablets*; Yonkers Labs., Inc., 923 Old Nepperhan Avenue, Yonkers, N.Y. 10703.

Excedrin P.M. Tablets*; Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.

The Administration's evaluation of the efficacy and safety of such drugs will be made after the review of any pertinent data which may be submitted pursuant to this announcement.

All such products on the market will be affected by the conclusions of this reevaluation. Therefore, before the Administration reaches a conclusion concerning the effectiveness of such drugs, suppliers of over-the-counter preparations containing methapyrilene salts, with or without other active ingredients, and offered for such uses as insomnia relief of sleep induction, and any other interested persons, are invited to submit to the Food and Drug Administration, within 180 days following the date of publication of this announcement in the FEDERAL REGISTER (1) the quantitative composition and complete labeling for the drug, and (2) the best available evidence, other than the studies relied on by the Academy, supporting both the safety and effectiveness of the drug. Any data submitted should be well organized, be accompanied by a full factual analysis, and be derived from adequate and well controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as the sole support of claims, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

Data submitted in response to this announcement will be reviewed, together with the Academy's evaluation by appropriate outside experts and the Food and Drug Administration. Upon completion of this review, the Administration will publish in the FEDERAL REGISTER its findings and whether or not additional supporting data will be required.

A copy of the Academy's report has been furnished to Dormin, Inc. Communications forwarded in response to this announcement should be identified with the reference number DESI 7659, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Requests for Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

Data and all other communications: Drug Efficacy Study Implementation Project Office (BD–60).

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 21, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs

[F.R. Doc. 71–10928 Filed 7–30–71; 8:45 am]

"TAKE NYTOL . . . AND BE READY TO TACKLE PARIS IN THE MORNING"

Even though it has taken nearly a decade for action of this nature to be undertaken as regards "OTC" formulations or ingredients cleared for safety prior to 1962 but never subjected to the efficacy test under the 1962 act, I am pleased that the Food and Drug Administration has begun to look critically at the claims for these products.

Assuming that some or all of the preparations listed in the notice—including such highly advertised products such as Compoz, Nytol, Sleep-Eze, Somminex, Excedrin P.M., and so forth—can now demonstrate that they are effective for the purposes for which they are being promoted and sold, a very big question still remains as to the manner in which these products are advertised.

Do they encourage, or trap, people into becoming habituated in the use of sleep-inducing products which perhaps then

*Presently in litigation regarding new drug status.

turn out to be less effective in the individual case as time goes on, thereby leading to eventual requirement for, and dependence upon, barbiturates?

This issue was called to my attention some time ago by a constituent who advised me that he had been using some of the over-the-counter sleeping aids which had gradually lost their effectiveness. Once his dependency was established, however, he said he then went to the Veterans' Administration hospital for help, and was prescribed stronger medication—

But I had to keep steadily increasing them until I couldn't sleep at all—just lay there in bed feeling intoxicated, then try to work in the morning. I lost my job, most of my possessions, my self respect, and still I couldn't sleep properly. So I wish you could force these companies to take all their sleeping pill and pep pill commercials off the TV Those pills are much worse to the moral fiber of the country than cigarets could ever be.

This man was prompted to write to me by a Nytol commercial showing, he said:

Two girls in their first night in Paris. The blond girl is nervous and anxious about seeing the sights in the morning. She says she can't sleep. Her girlfriend then gives her a Nytol and assures her she will sleep like a baby and be ready to tackle Paris in the morning.

DOES THE ADVERTISING LEAD TO HABITUATION AND DEPENDENCE?

He added:

My concern about this commercial is that it is an open invitation to kids to start taking drugs. I am a veteran and am under a doctor's care right now. The only way I can sleep is take large doses of Seconal and Librium. You government people finally got the cigaret commercials off the air. In my opinion, cigaret commercials were a little part of the problem of our over-drugged, over-stimulated society. So it takes 20 years and a risk of lung cancer. But the sleeping pills and tranquilizers can ruin your life in a few short months. I know from first-hand knowledge.

One individual's experience with a product advertised on television is hardly a basis for seeking legislation to prohibit such advertising, but the point my constituent raised about the potential dangers of habituation and overdependence on these drugs, leading eventually to barbiturate addiction, seemed to me to be worth pursuing, and I wrote to Commissioner Edwards early this year asking a series of questions on this issue. I asked if there was any indication of harmful effects from Nytol, Sominex, and similar products if used to excess, and also whether the man who had written to me had expressed a valid fear when he said that by providing perhaps some temporary or moderate relief from insomnia they may lead the user to become dependent upon ever heavier doses and perhaps into eventual dependence upon barbiturates.

REPLY FROM FOOD AND DRUG ADMINISTRATION

The following reply from the Food and Drug Administration will be of interest, I am sure, to all Members of Congress. The enclosures referred to in the letter, not included here, consisted of various pamphlets distributed by FDA warning against drug abuse, drug habituation, and drug dependence:

FOOD AND DRUG ADMINISTRATION,
Rockville, Md.

Hon. LEONOR K. SULLIVAN,
House of Representatives,
Washington, D.C.

DEAR MRS. SULLIVAN: This is in reply to your January 14, 1971 letter about Nytol and Sominex.

According to their labels, these preparations both contain the active ingredients methapyriline hydrochloride and salicylamide; Sominex contains, in addition, scopolamine aminoxide hydrobromide.

Several preparations of this type, offered as an aid in sleeping, have been marketed for years and have a large volume of sales. Although we have had an occasional report of individual adverse reaction to this type of product, we do not at this time have reason to believe they will generally cause significant adverse effects when taken according to directions.

We do, however, have serious reservations about some of the media advertising for these preparations. However, our jurisdiction is restricted to prescription-drug advertising; the advertising of nonprescription drugs is regulated by the Federal Trade Commission.

The subject of habit-forming potential is a complex one. We know that some people may become habituated to just about anything, including aspirin tablets. On the other hand, many people resort to nighttime sedation and never become habituated. Therefore, narcotics aside, as much depends on the personality of the patient and his environment as on the nature of the sedative or other medication being taken.

We do not believe it can be denied that people who habitually take any nighttime sedation to help them sleep are potentially capable of resorting to stronger depressants. Fear of this leading to habituation is valid, but it is a fear that could be applied to any drug, even though perhaps more particularly to depressant drugs.

Your constituent may find helpful the enclosed question and answer booklet on drug abuse; drug habituation and dependence are discussed. We are also enclosing a leaflet on sedatives.

We hope our comments and the enclosures will prove helpful. Please let us know if there is any additional assistance we can provide.

Sincerely yours,

M. J. RYAN,
Director,
Office of Legislative Services.

ARTICLE BY MORTON MINTZ IN THE WASHINGTON POST

Also, Mr. Speaker, I include as part of my remarks an article in this morning's Washington Post reporting on the action by the Food and Drug Administration over the weekend to inquire into the efficacy of the over-the-counter preparations sold for the relief of insomnia and the inducement of sleep. This article is by the Post's prize-winning consumer reporter, Morton Mintz, formerly a St. Louis newspaperman, whose articles about thalidomide in 1962 probably had more to do than any other single factor in the passage of the landmark Kefauver-Harris Act.

The article referred to is as follows:

[From the Washington Post, Aug. 2, 1971]

FDA WILL PROBE CLAIMS MADE FOR TRANQUILIZER PILLS

(By Morton Mintz)

The Food and Drug Administration is taking formal action today to assure at some time in the indefinite future, that non-prescription sleeping aids are safe and meet the claims of efficacy made by their manufacturers.

The action, announced in the Federal Register, affects all of the numerous over-the-counter (OTC) preparations that contain an antihistamine called methapyrilene—including such widely advertised ones as Compoz, Mr. Sleep, Neo-Nyte, Nytol, Sleep-Eze, Sominex, Excedrin P.M. and Dormin.

The FDA is giving manufacturers 180 days to submit "the best available evidence" of safety and effectiveness derived from "adequate and well-controlled investigations."

The agency then will review the evidence, along with earlier studies that were submitted a few years ago to the National Academy of Sciences-National Research Council for evaluation by FDA scientists and "appropriate outside experts."

The FDA will publish its findings and a decision whether to require additional supporting data.

Whether this process eventually may lead to an effort to require a drastic toning-down of claims made for the products was left vague.

Today's FDA action is based on an NAS-NRC report that found Dormin to be "probably effective" as an aid in the relief of insomnia and in the inducement of sleep, but on the basis of studies made at least eight years ago.

On July 21, however, FDA Commissioner Charles C. Edwards said that these studies, while warranting the NAS-NRC rating, were inadequate.

"The effectiveness of two tablets or a 50-milligram dose of methapyrilene hydrochloride in promoting and maintaining sleep has been noted in only two studies in the published literature, both before 1963," he testified at a hearing of Sen. Gaylord Nelson's Monopoly Subcommittee.

"Since that time the study of sleep and of sleep-producing drugs has improved considerably," Edwards continued.

"Three well-known investigators, in carefully controlled studies during the past few years, have found that 40 mg. of methapyrilene hydrochloride is no more effective than a placebo," or a dummy drug, he said.

Edwards commended to the subcommittee a study by Dr. Karl Rickels, a University of Pennsylvania psychiatrist, as "one of the few, or perhaps the only well-controlled evaluation of OTC sedatives."

Rickels, testifying the next day, told of a clinical trial of Compoz, claimed to be the largest-selling OTC sedative for temporary relief of nervous tension. Each tablet contains 15 mgs. of methapyrilene (compared with 25 in Domin), 10 mgs. and another antihistamine, pyrilamine, and small dosages of two other ingredients.

Rickels said the study, funded by the National Institute of Mental Health, showed:

That neither Compoz—"the prototype of a group of OTC tranquilizers"—nor aspirin was more efficacious in patients than a placebo.

That neither Compoz nor aspirin was as effective as Librium, a prescription drug, in reducing nervous tension.

That more side effects, none considered serious, were reported for Compoz (16) than for Librium (15), aspirin (6) or a placebo (8).

One of the ingredients of Compoz and numerous similar OTC preparations is scopolamine. Rickels cautioned that medications containing that substance cause such effects as blurred vision and increased urinary retention, and have a potential—with higher dosages and prolonged use—of producing mental confusion, excitement and delirium.

DICK ROBBINS: THE LAST OF THE GIANTS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. SHRIVER. Mr. Speaker, Richard W. Robbins, a distinguished Kansan who became first president of Transcontinental and Western Airlines, today known as Trans World Airlines, died suddenly on June 29, 1971. It was more than 35 years ago that he had left a successful business career in the growing aviation field to return to Kansas where he, along with his sons and nephews, developed a successful livestock and cattle business. He made his home in Pratt, Kans.

Mr. Robbins believed in speaking out on governmental issues; and he often took pen in hand to express his views to elected officials in Topeka and Washington. His voice will be missed by all of us who knew him and respected his opinions.

W. L. White, editor of the Emporia Gazette, asked a longtime personal friend and associate of Mr. Robbins, Mr. Harold P. Trusler of Emporia, to write an editorial eulogizing his friend—Dick Robbins. It is appropriately entitled, "Dick Robbins: The Last of the Giants."

I include the following excerpts in the RECORD from that editorial:

[From the Emporia Gazette, July 12, 1971]

DICK ROBBINS: THE LAST OF THE GIANTS

When Girdner Crofoot called to tell me of Richard Robbins' death, my first and continuing reaction was "the Last of the Giants is gone." For Dick was a Giant intellectually, ethically, financially and socially. He had no facade or front dressing; he needed none. He was genuinely interested in every person and in every problem. He never contradicted anyone. If told some preposterous story, he merely replied, "It could be."

Born in southwestern Kansas, he was sent to live with an aunt in Hartford, Conn., as a boy to attend the Hartford High School. At that time this school was ranked with the Ivy prep schools of New England. Latin, mathematics, English and even Greek . . . Upon graduation he entered Yale from which he graduated in 1913.

He spent some time at Carnegie Tech. How much I don't know.

Somehow he became acquainted with the Mellons, the DuPonts, and the General Motors crowd. Some or all of them must have financed the organization of Trans Western Airways in the late 1920's. Dick served as President of T.W.A. from 1931 to 1935.

It was during his presidency that President Roosevelt cancelled the air mail contracts between the government and the private air lines. He decreed that the Army Air Corps should fly the mail. The training for flying a bomber under most favorable conditions and the training for flying passenger planes regardless of weather, apparently were quite different. At any rate, the losses of pilots and planes by the Army Air Corps were so great and so constant that the plan soon was abandoned and the contracts were reopened with the private carriers.

During one of his campaigns President Roosevelt made an impassioned radio address expressing his sympathy for the "forgotten man." In depression times it was most effective politics. Pundits gave Roosevelt great credit for creating the phrase.

Not so, said Dick. That is the phrase of William Graham Sumner. Sumner was the very great professor of the Science of Society at Yale long before Dick's time.

I am able to report that Dick was correct. Sumner used the "Forgotten Man" as the subject of a lecture before the Brooklyn Historical Society on Jan. 30th, 1883 (Essays of William Graham Sumner, Volume I, Page 467).

Sumner's example went something like this: Do-gooders A and B have a meeting, and contrive to do something for downtrodden D. And C pays for it. C is the forgotten man. Quite differently than the way Roosevelt used it, Dick would chuckle.

After his TWA days Dick returned to Kansas, where his heart remained ever after. He maintained his eastern contacts and was frequently in Chicago and New York.

In 1941 he was elected a director of the Santa Fe and continued in that position until he retired in 1967 at the age of 75. I suspect they must have changed the by-laws to permit him to remain on the board at that age. But in addition to being immensely popular with all the Santa Fe crowd he happened to own more stock than most of the other directors combined.

During the 20 years before his death in 1951, Lacy Haynes was unquestionably the most powerful political force in Kansas. He had a secure base as Kansas Manager for the Kansas City Star, but he also had the faculty for making friends and knowing which ones would make good elected officials and also who could be elected. Mr. Haynes and Mr. Robbins became close friends. Dick was a Western Kansas man. Circulation of the Kansas City Star did not extend much west of Emporia so the combination of the two was perfect, at least mathematically. Dick Robbins never ran for public office (nor did Mr. Haynes). They were in politics for the joy of it and both had the confidence of all the political figures worthy of mention. This did not prevent Dick, in 1952, from supporting Robert Taft, his Yale friend, instead of Dwight Eisenhower, a fellow Kansan. But, of course, the Taft movement in Kansas was quickly smothered.

In 1964 Dick furnished the balance of power which elected Sam Mellinger as Republican National Committeeman. And after Sam's untimely death in 1966, Dick used all his influence for the election of Jerenne Millinger as Republican National Committeewoman. Dick had high regard for the Mellingers.

Some five years ago the Davy Evanses, J. L. Morgans and Truslers were in New York together. Dick Robbins chanced to be there at the same time. Among other rallies he took us to the University Club for a luncheon. During his T.W.A. days, Dick's first assistant was Charles Lindbergh and they both stayed at the University Club. Mr. Lindbergh was a national hero and so many people wished to shake his hand that Dick said it was hard to find time for dinner together.

Dick seldom missed a Republican National Convention. Others have written about his political power. And also about his immense land, cattle, and securities operations. So I shall not attempt to touch on them.

I might add a recollection which rather illustrates Dick's innate modesty. George Davis of Kansas City was one of the important directors of the First National Bank. He also owned a great deal of land in Chase, Morris and Wabaunsee counties. After Mr. Davis' death, the president of the First National Bank called Dick and asked him to be a director of the bank, to take George Davis' place. Dick replied, "I will be flattered to sit on the Board, but I doubt I can take George Davis's place."

In April of 1967 Dick had the good fortune to marry the very charming Mrs. Virgil Teeter, widow of a Hutchinson banker and long family friend. I think the remaining four years of his life was among his most happy ones.—Harold Parsons Trusler.

FEDERAL STRIP MINE LAW

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. HAYS. Mr. Speaker, the test of a great legislature is its ability to resolve conflicting interests with justice to all sides. The destruction of land caused by coal strip mining confronts the Congress with the most difficult of decisions. We must have power to serve our homes and to fuel a growing economy, but we have a pressing obligation to preserve the beauty and productivity of our land for ourselves and future generations. We need a strip mining law which will treat these opposing interests fairly.

The Columbus Dispatch recently published an editorial which gives a brief, astute analysis of our task. The editorial reads as follows:

FEDERAL STRIP MINE LAW

The failure of most states to protect themselves against coal strippers is putting new pressure on Congress either to ban strip mining altogether or to pass a tough reclamation law—like the one in Pennsylvania—requiring strip miners to restore the land after the digging is done.

Three major strip mining bills are before Congress. And even states that traditionally have catered to the mining interests are imposing new restrictions on coal stripping.

The reason is that the rising clamor for coal-fired electrical power is clashing head-on with the crusade to save the nation's natural resources.

Nearly half the states have surface mining laws of one type or another, but with rare exceptions these laws are too weak or too loosely enforced to prevent widespread devastation.

The damage to land and water caused by savage mining practices is even worse than it was eight years ago when Harry M. Caudill described the rape of Appalachia by the coal companies in "Night Comes to the Cumberlands."

For one thing, nearly 40 per cent of the nation's coal now comes from strip mines, compared to 30 per cent in the mid-1960s.

To ban strip mining outright, as Rep. Ken Hechler (D-W. Va.) suggests, simply would create an electric power shortage and put thousands of miners out of work. It also would force more men into dangerous deep-shaft mining to meet the demand for coal.

Yet the Hechler bill—which would outlaw all coal stripping in six months—has support in both the Senate and the House.

The Nixon Administration, meanwhile, is promoting a less drastic bill that would force estates to set minimum strip mine reclamation standards within two years or accept federal intervention.

More direct is a proposal by Rep. Wayne L. Hays (D-Ohio) who wants to set up a three-member federal Strip Mine Reclamation Commission with the power to issue licenses, collect bonds, fees and fines and require strippers to backfill and beautify ravaged land.

This is the approach used in Pennsylvania since 1963. It works—if it's properly enforced. And there is no reason why it couldn't be applied to all states by federal law.

SHOOTING OF EAGLES FROM HELICOPTERS IS ILLEGAL, UNSPORTSMANLIKE

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 3, 1971

Mr. SCHWEIKER. Mr. President, I was shocked and dismayed to learn yesterday of the outrageous shooting of nearly 500 rare bald and golden eagles from aircraft over ranches in Wyoming and Colorado.

Yesterday, in hearings before the Senate Environmental Appropriations Subcommittee, chaired by the distinguished Senator from Wyoming (Mr. McGEE), a helicopter pilot named James O. Vogan testified that he had personally piloted flights during which eagles, coyotes, foxes, bobcats, and other animals were killed.

Mr. President, on April 19, 1971, I introduced S. 1563, a bill to amend the Fish and Wildlife Act of 1956, to provide a criminal penalty for shooting at certain birds, fish, and other animals, from an aircraft. An identical bill in the House, H.R. 5060, introduced by my Pennsylvania colleague, JOHN P. SAYLOR, passed the House on May 17. Although shooting eagles is prohibited under Federal law, other animals, fish, and birds are not so protected.

This cruel and unsportsmanlike activity must be stopped. I call upon the Interior Department and the appropriate State agencies to prosecute those guilty of these killings to the full extent possible under existing laws, and I urge the Senate to act quickly on my legislation in order to prevent future needless shooting of wildlife.

I ask unanimous consent that this morning's article in the Washington Post, describing the hearings, be printed in the RECORD.

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

FIVE HUNDRED EAGLES SLAIN FROM COPTERS, HILL TOLD; UNITED STATES VOWS PROSECUTION

(By Elsie Carper)

A helicopter pilot told a Senate subcommittee yesterday that nearly 500 rare bald and golden eagles were gunned down in flights last winter over ranches in Wyoming and Colorado.

James O. Vogan testified that he ferried sharpshooters on the flights but never shot any of the eagles himself. Sheep ranchers paid $30 a day or from $10 to $25 an eagle but some of the hunters were not paid and shot the eagles just for the sport, according to the testimony.

The ranchers ostensibly paid to have the eagles killed to protect livestock.

The Interior Department said that federal officials are now in Wyoming with subpoenas to seize the records of the eagle kills and are searching for a mass grave where the carcasses were buried.

Expressing "complete dismay and personal outrage," Interior Secretary Rogers C. B. Morton later issued a statement declaring that Interior will "take all possible steps to criminally prosecute those found responsible for the alleged slaughter of these regal birds."

Appearing before the subcommittee, Assistant Interior Secretary Nathaniel P. Reed called the killings a "callous, deliberate defiance of federal and state law."

The baid and golden eagles are protected by federal law. Both species are threatened with extinction.

Interior estimates that there may be two to three thousand bald eagles and up to 15,000 golden eagles in the lower 48 states, with more in Alaska.

Vogan, who appeared before the Senate Environmental Appropriations Subcommittee, refused to testify when the hearing opened, citing the Fifth Amendment protection against self-incrimination. But he opened up after subcommittee chairman Gale McGee (D-Wyo.) read an order issued by a Federal court in Wyoming granting Vogan immunity.

McGee said that Vogan called him several days ago to say that the poisoning deaths of 23 eagles near Casper, Wyo., that the subcommittee investigated last June was minor compared with what he saw while operating a helicopter for the Buffalo Flying Service, Buffalo, Wyo.

"We had a regular haystack of these eagles when we first started bringing them in," the 48-year-old pilot said yesterday. At one time last November, he said, more than 65 dead eagles were piled up at the Bolton Ranch, owned by Herman Werner, at Rawlins, Wyo., and that Wyoming game and fish wardens saw them there but did nothing. After that, he said, he was instructed to stack the dead eagles in a sheep-shearing shed and later the carcasses were buried.

PREDATORS HUNTED

Vogan said that he piloted aircraft hunting eagles, coyotes, foxes, bobcats, and other predators on 13 ranches, with the bulk of the flights over ranches owned by Werner. In one flight last December, he testified, 33 eagles and 14 coyotes were killed one day and 34 eagles and 12 coyotes the next day all on Werner's Bolton Ranch.

Killing of any species of wildlife from aircraft is prohibited by law. Eagles can be shot only under a special permit issued by the Interior Department on the certification by a governor of a state that the birds are killing livestock. Interior has not issued any such permits since 1969.

Vogan said that Doyle Vaughn, manager of the Buffalo Flying Service, told the shooters he had a permit under the predator control program.

SHOTGUNS USED

The eagles were shot while roosting or in flight with 12-gauge shotguns. The helicopter would retrieve the carcasses.

Vogan said he worked for Buffalo from last September to mid-February of this year and then was hired by Werner.

In the Interior Department testimony, Reed said that following the investigation of the poisoning of the eagles the department learned that some ranchers in Wyoming and Colorado were employing pilots and gunners using both fixed-wing aircraft and helicopters to kill eagles and coyotes. He said that estimates of the number killed this way far exceeds those poisoned by thallium. "If these figures turn out to be approximately accurate," Reed said, "they are absolutely sickening statistics."

GET THE GUNS OFF THE STREETS—II

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. MIKVA. Mr. Speaker, some people, including a number of my colleagues, have found it difficult to understand the need for stopping the sale and manufacture of handguns in this country. They maintain that current legislation is sufficient or that "guns don't kill people, people kill people." But the crime rate is rising. There are more shootings and more armed robberies. And the handgun is making it easy for the criminal.

Twenty-thousand Americans were shot to death last year, 200,000 people were wounded by gunfire. Since 1900, the casualties from civilian gunfire have exceeded the combined total of military casualties in all the wars, from the Revolution to Vietnam. The violence will not decrease until the number of guns decreases. We must have effective gun control legislation to begin to solve the problem.

A Washington, D.C., television station, WMAL, has been broadcasting a series of editorials calling for gun control. A transcript of the second editorial in the series follows:

GUNS—II

Get the guns off the streets. This is another in the editorial series pointing out crimes committed with the aid of a gun. Here is a typical case reported to the D.C. Police: A Glen Burnie woman stopped for a traffic light in downtown Washington, at 6th and Massachusetts Avenue, Northwest, 11:30 p.m. A young man thrust a hand gun through the open window of the car into the face of the driver. The woman, an employee of Fort Meade, quickly surrendered her pocketbook at the gunman's order. For the threat of murder, the holdup man got $15. That could have happened to anyone driving in any section of the metropolitan Washington region. It could happen to anyone until Congress acts to *get the guns off the streets.* Only the involvement of citizens writing their legislators will cause Congress to act. Each day we will suggest a different member of Congress that you can write to get the guns off the streets. For example, if you live in Maryland like the victim of the robbery mentioned today, write Senator Charles McC. Mathias Jr., U.S. Senate, Washington, D.C. Tell him you want to get the guns off the streets.

CENTENNIAL CELEBRATION OF LADDONIA, MO.

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HUNGATE. Mr. Speaker, this year marks the centennial of Laddonia, Mo., in my congressional district, and I would like to extend my congratulations to the citizens of Laddonia on this significant event and to share a glimpse of the history and people of Laddonia prepared by one of its most prominent citizens, Judge J. Gordon Pasley:

CENTENNIAL CELEBRATION OF LADDONIA, MO.

LADDONIA, Mo.—The boyhood home of Congressional Medal of Honor Recipient Samuel G. Fuqua is observing its Centennial with eight days of celebration beginning August 7 and continuing through August 14, 1971. Retired Rear Admiral Fuqua was born in the Laddonia community and graduated from Laddonia High School before entering a career which would see him to the ranking surviving officer on board the *U.S.S. Arizona* in Pearl Harbor on December 7, 1941. Admiral Fuqua will be in Laddonia during Centennial Week and August 14 has been designated as "Admiral Fuqua Day."

Other famous Laddonians include Lloyd Morey and Roy Judson Snell. Lloyd Morey was born in Laddonia and graduated from Laddonia High School. He became a nationally prominent expert in the field of college and university finance, as Comptroller of the University of Illinois. Morey was President of the University of Illinois and, following the "Hodge Scandal", he was appointed State Auditor of Illinois. Morey and his wife achieved at least semi-professional status as musicians in Urbana, Illinois.

Roy Judson Snell was born in Laddonia. He was a noted radio lecturer and author of adventure books for boys. Between 1916 and 1945, Snell wrote at least one book per year and altogether wrote over 70 books. A display of Snell's books is on exhibit in the Laddonia library as a part of the Centennial festivities.

Laddonia's only woman mayor, Mrs. Alice Moss Ferris was prominent in Democratic politics. She was the first woman to speak from the platform of a Democratic National Convention.

Grain has always been important in Laddonia's history.

The home office of Slater and Fowles Elevators, Missouri Agricultural Enterprises (large grain trucks), and Fowles Elevators is located on Front Street in Laddonia. Slater and Fowles' Laddonia elevator has the largest capacity truck scales in Northeast Missouri and the elevator in Laddonia has a storage capacity of over 1,500,000 bushels.

Beginning 20 years ago with one truck, Clyde Brown has developed Soil Service into the major fertilizer plant in the area. In addition to a large plant in Laddonia, Soil Service operates another plant in Mexico, Missouri.

M. F. A. has a large grain elevator in Laddonia and Agrico has a fertilizer plant. Robert Schlemmer and Don Bishop run livestock feed grinding services for area farmers.

The home office of Guinn Enterprises is in Laddonia. These enterprises consist of Laddonia Lumber Company, Guinn Mova-Homes, and Guinn Lumber Company. One major feature of the operation is a large house building company.

Probably the most diversified businessman in Laddonia is Albert Watson. Watson does business as Laddonia Garment Company and also owns Value-Mart Hardware, Value Mart Clothing, and the local laundromat.

Apparently the longest continuously operating business in Laddonia is the Laddonia State Bank. Founded in 1931 at the height of the depression by H. P. French, it continues to serve the Laddonia area under the presidency of Edward P. French. The Laddonia State Bank has been the location of two mid-day armed robberies in the last twenty years.

Kenneth Gore has been in business in Laddonia for 36 years. He first called his business Gore's Produce and now calls it Gore's Insurance and Seed Service.

Kenneth Shinn, owner of Shinn Drug and Sundry Store, is another long time businessman in Laddonia, as is Wilbur Bienhoff, owner of Bienhoff Insurance and Wilkey-Bienhoff Funeral Home. John and Charles Heim own and operate Heim Equipment Company where they have been the local Allis-Chalmers dealer for 21 years. Joe Shaw is the local barber. Galloway and Naysmith are the area distributors of Phillips 66 products and also operate a service station and car wash. Other service stations are operated by Folta and Sons, Kenny Young, and Al Mackey. Ray Lovelace operates the Shady Rest Motel and Service Station. Ray Hamlett is the local M.F.A. Insurance Agent and Hamlett and Virgil Atkins are agents for Farmers Mutual Hail Insurance Company of Missouri. Richard DeTienne builds small farm buildings. Leland Brenneman operates a garage and used car dealership. Mr. and Mrs. Roy Woodruff operate the Country Kitchen Cafe. The local grocery store is Motley's IGA operated by Don Motley. William H. Robey, D.O., is the local doctor.

The Laddonia Athletic Association owns the Laddonia Ball Park and sponsors the local Khoury League activities. One of the largest Fourth of July Celebrations in Northeast Missouri is held each year at the Ball Park.

Laddonia has four churches—Baptist, Catholic, Christian, and Presbyterian. It is a part of Community School District R–VI, with the schools being located at Scott Corner, five miles south of Laddonia.

A new post office was dedicated in Laddonia in 1968. Congressman William L. Hungate gave the principal address at the dedication ceremonies.

The Audrain County World War I Memorial Building is located in Laddonia.

The second story serves as the Laddonia branch of the Audrain County Library and there is a public meeting room on the lower floor.

The City of Laddonia operates the water and sewer service. Missouri Power and Light Company supplies electricity and gas. Missouri State Telephone Company of the Continental System provides telephone service.

Laddonia was founded in 1871 by Amos Ladd. Ladd had been the superintendent of construction for the Iowa State Penitentiary in Fort Madison. He had served on the Fort Madison Board of Aldermen and had a construction contract on the Lee County Courthouse in Fort Madison. He operated a ferry boat between Fort Madison and Nauvoo, the Mormon stronghold.

Amos Ladd was Sheriff, Collector of Revenue, and Treasurer of Audrain County, Missouri. He was Mayor of Mexico, Missouri. He was an Audrain County newspaperman. (His son, J. Linn Ladd was also an Audrain County newspaperman and once owned the *Mexico Ledger* and *Vandalia Leader* at the same time. Linn Ladd founded the *Vandalia Leader* and sold the *Mexico Ledger* to Col Robert White, grandfather of Robert M. White, II, the present editor.)

Amos Ladd was a major dealer in Audrain County real estate. Between 1859 and 1877, no name appears as often in Audrain County transactions. He was a principal landowner in Ladd's Addition and Ladd's Extended Addition to Mexico. He was a principal landowner in early Vandalia.

There does not seem to be a society to perpetuate the memory of Amos Ladd. It seems like bitter irony that this man should lie in an unmarked grave in Elmwood Cemetery in Mexico.

There is a memorial to Amos Ladd in Audrain County, Missouri. It has survived and grown during the past 100 years. It is Laddonia.

This year, 1971, also marks the centennial of operation for one of the railroads serving the Laddonia area. The Louisiana and Missouri River Railroad Company was chartered in 1859. The railroad was funded by local initiatives. When completed in 1871, it brought new growth and development to east-central Missouri, and it was connected with a major line, the Chicago and Alton Railroad, which agreed to operate its lines. The railroad was responsible for creating cities such as Laddonia, Farber and Rush Hill. It also made Mexico, Missouri, a hub city of east-central Missouri commerce.

INHERITANCE TAX REFORM

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. PICKLE. Mr. Speaker, today I am introducing a bill to correct some inequities in our present Federal inheritance tax system—inequities which are hard hitting our small farms, ranches, and businesses. Specifically, I propose to base the amount of tax not on the estimated gross value of the estate, but on the basis of its earning power.

At the present time, the tax value of an estate is based on local market value. In the case of small farms and ranches, however, this can turn out to be grossly unfair.

In a growing number of instances, the market value of a farm or ranch is being based not on the amount the farmer or rancher might get per acre were he to sell his land to another farmer or rancher—but is based on the amount a nearby land speculator pays per acre for land he intends to develop or he purchased for tax purposes.

The earning power of a small farm is often small compared with the total value of the property, especially when speculative figures are used. This means that without a substantial source of outside income it is often impossible to pay the staggering inheritance tax.

And the alternatives are simple—the recipient can sell the property or he can borrow money to pay the taxes. But there may be no speculators around when he needs to sell—and instances are common where the tax is so high and the earning power so low that the annual interest on a loan to pay the taxes would outstrip the earning power of the farm.

I do not think a family should be forced to sell inherited property simply because they are middle or lower income and cannot pay the Federal inheritance taxes. Often the property is already heavily mortgaged and other taxes on ownership of property are also high.

I am not changing the tax rate. That would still be in effect. But it would not prohibit a middle or lower income family from inheriting an estate because it would be proportionate to the amount of capital the property brings in.

Mr. Speaker, I urge my colleagues to support this long-needed proposal. It attempts to correct a situation which was not foreseen but which can be corrected. I hope that in the near future it will once again be possible for families to receive what should be theirs—particularly with respect to our small farms, our small ranches, and our small businesses.

THE NEED FOR REVENUE SHARING AND WELFARE REFORM

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 3, 1971

Mr. SCOTT. Mr. President, in an address before the Republican National Committee in Denver, Colo. on July 23, Gov. Nelson A. Rockefeller, of New York, made a compelling case for immediate congressional action on the President's revenue-sharing and welfare reform proposals. I commend Governor Rockefeller's remarks to the Senate and ask unanimous consent that excerpts from them be printed in the RECORD.

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

EXCERPTS OF REMARKS BY GOV. NELSON A. ROCKEFELLER AT THE REPUBLICAN NATIONAL COMMITTEE, DENVER, COLO., JULY 23, 1971

The President has accomplished an extraordinary amount in the short time he has been in office.

He is bringing to an end the long war which has torn the very fiber of our country as never before in history. He has taken a bold and daring initiative in relation to mainland China. It is an initiative which could well change the course of history. It could bring about a new era of constructive cooperation between three great nations who up to now have been spending such a large percentage of their resources for military purposes. It is a long and difficult course. The President needs our support.

On the domestic front he inherited another problem—inflation coupled with rising unemployment, and the actions he has taken to wind down and end the war have an inevitable impact on his program to restore the equilibrium of our economy. The return of hundreds of thousands of men from Vietnam, the sharp reduction in defense procurement and the cutback in the space program, together with the cancellation of the SST contracts in a period of tight money have all compounded the difficulty in achieving his goal of stopping inflation and increasing employment.

But I would like to speak briefly about two major initiatives which the President has successfully undertaken which in my opinion show his awareness and concern for basic human values, his deep belief in and understanding of our federal system of government and his vision and faith in our capacity as a nation to make the radical changes in our system that are essential to keep it relevant to human needs in these rapidly changing times.

The two areas I refer to are his Family Assistance Plan and his concept of revenue sharing to preserve the vitality of government close to the people—state and local—which has been one of the great strengths of our nation.

I. WELFARE REFORM AND THE FAMILY ASSISTANCE PLAN

The President's Family Assistance Plan for replacing the current welfare system ranks as the most significant social legislation proposed since the 1930's. Nowhere is the staggering and growing financial burden of state and local governments more evident, particularly in the urban areas, than in the case of welfare. Nowhere has the need for strong effective national leadership been clearer than in the case of welfare.

The fact that we have not had a national welfare system, with uniform standards supported by uniform taxes, has resulted in a tremendous disparity among the states in benefit levels and supporting tax structures.

This disparity has resulted in a flow of people from low-benefit states. In turn, this migration has overloaded the social system of high-benefit states—schools, housing, transportation, welfare and health services, etc.—forcing constant state and local tax increases and threatening a serious movement of job and revenue-producing businesses and industries away from high-benefit states.

The President's Family Assistance Plan for the first time, sets a uniform national minimum for public assistance. His plan, for the first time, offers assistance to the working poor thus ending the intolerable inequity, in certain cases, where those on welfare gets more than those who work. His proposal offers help where it is needed so that the poor are not driven to other states in search of higher standards of public services and benefits. Perhaps most important, the President's proposal recognizes, for the first time, that welfare is a national problem, and it offers a national solution.

H.R. 1., the bill recently passed by the House, largely incorporates the concepts contained and advanced by the President in his Family Assistance Plan.

But while the President's Family Assistance Plan and H.R. 1, represent a major step forward, they continue to give the greatest financial relief to the very states who have been doing least for their needy people. For those states that have tried to meet their responsibility to their needy, these measures do progressively less.

The ultimate need is for a program that provides a national solution in the form of a total Federal takeover of welfare costs.

In the meantime, however, the President's Family Assistance Plan is a historic step forward, and H.R. 1., incorporating most of the principles of the President's Plan, is legislation I support and which I urge the Senate to enact.

The New York State welfare situation

1. The Dimensions of New York's Welfare Problem

Yet, until a program of substantial Federal relief is enacted, the states that have done most for the needy face devastating welfare problems.

For example, in the past twelve years, total welfare costs in New York State have risen from $446-million to $4-billion, and we had to anticipate an increase this year in welfare of another $1-billion.

Right now, 15 per cent of the people in New York City are on welfare. Last year, 130,000 persons were added to the City's welfare rolls. At that rate, the welfare population in 5 years would equal about 23 per cent of the City's total population.

I don't believe our society can survive a situation where almost a quarter of the population which is non-productive is being supported by the other three-quarters.

2. New York's Recent Welfare Reform

We aren't even able to cope with the numbers of people on welfare now in New York. That is why I proposed and the Legislature adopted a total welfare reform program this year. In it, I reversed a position I had previously taken, and signed an emergency measure setting a one-year residency requirement. This requirement has temporarily been enjoined by a Federal Judge and we are taking the case to the Supreme Court.

Secondly, we tied welfare benefits to work and job training requirements. In the Home Relief category, that is the welfare program which is totally state administered since it gets no Federal funds, able bodied persons must either:

Take available jobs,

Be enrolled in work training;

Be in either a Federally financed or State-financed public service job program;

Or else they become ineligible for welfare benefits.

And finally, we created the Office of Inspector General with the responsibility to root out welfare fraud.

We are presently in the process of proposing that the Department of Health, Education and Welfare allow us to set up three demonstration projects, one each in a city, a suburb and upstate. In these districts we would set the welfare benefit for a family of 4 at $2,400, the amount set in H.R. 1. We would add to this $2,400 supplemental payments for work and work training sufficient to bring the total benefit up to the present State standard.

3. Recent Welfare Developments in New York

(a) Large number of checks not picked up

In keeping with the work requirement concept, we now require that the welfare recipient pick up his or her benefit check at an office of the State Employment Service. Previously these checks were mailed to recipients. Since this new procedure began on July 1, less than 1 month ago, a considerable number of these checks have not been picked up. The failure to pick up checks was initially running about 25 per cent of the total and has now leveled off at about 18 per cent.

Initially, we thought that the failure to pick up checks might have been largely due to communication failures in implementing the new policy. But now that the rate has steadied at the 18 per cent figure, we think there may have been numbers of people formerly receiving checks in the mail who should not have been receiving welfare benefits."

(b) An encouraging decline in caseloads

Also, there has been a decline noted in total caseloads in the most recent months for which figures are available. In what had been the big welfare growth categories, Home Relief and Aid to Families With Dependent Children, the rolls dropped last April by 6,835 persons statewide and by 2,630 in New York City. In May, there was an even sharper drop, 10,600 statewide and 4,802 in New York City.

These are somewhat encouraging signs that we may be starting to move towards our twin welfare goals: to halt the increase in persons going on welfare, and to reduce the numbers of persons already on welfare.

These are the various initiatives we have taken in New York State to instill the value of the work ethic into the welfare system. This is an absolute necessity. If we lose the concepts of work, of the dignity of labor, of individual responsibility, we will lose the vitality that is America's true greatness. We must have, as the President has said, a system for helping the poor "that will help them to raise their heads in pride and dignity—a system fair to the poor, fair to the taxpayer, and true to the spirit of independence that has built America and made it great."

II. REVENUE SHARING

The President's other great domestic initiative is the revenue sharing plan proposed in his State of the Union Message this year. As the President said in proposing Revenue Sharing: "The time has now come to reverse the flow of power and resources from the states and communities to Washington and start power and resources flowing back from Washington to the states and communities and, more important, to the people all across America."

I would like to discuss with you today the background to revenue sharing and why it is essential to state and local governments and to the future workability of our unique Federal system.

A. Economic and social developments

To trace the present plight of state and local governments, we have to go back to the Industrial Revolution which launched a steady migration from our Nation's rural areas to its industrial and urban centers. This migratory trend has been accelerated in our own time by the rapid industrialization of agriculture displacing unskilled workers particularly in the southern areas. The result has been a concentration of large populations of low-income people, particularly from minority groups in our cities.

B. Political and fiscal developments

At the same time that this migration has been changing the population makeup of our industrialized urban states, a political and fiscal revolution has taken place in the relationships between the Federal, state and local governments. The most drastic change began with passage and ratification of the 16th Amendment in 1913, permitting the Federal government to impose income taxes without returning the revenues proportionately to the sources from which the money was collected. Then, the Depression of the Thirties came along and gave the first major impetus to the vast expansion of Federal domestic programs to meet the tragic social problems of that period.

With the outbreak of World War II, Federal spending soared, financed largely by a major expansion of the Federal income tax.

At this time, the withholding principle was introduced, the tax was extended to include lower incomes and the rates were increased. Between 1940 and 1944 Federal income tax collection increased from $2.1-billion to $34.4-billion.

After World War II, there was a temporary cutback in Federal expenditures, but three developments caused a resumed surge of Federal spending, the Korean War in the Fifties, the Vietnam War beginning in the Sixties and the tremendous and rapid expansion of Federal grant-in-aid programs to state and local governments to accelerate the pace of social progress, also begun in the Sixties.

These grants required matching funds from state and local governments and they were restricted largely to new, enriched, or innovative programs. But categorical grants made virtually no contribution to basic, ongoing services such as primary and secondary education, police and fire protection and sanitation. Because of their restrictions and because of the need for state and local matching, the Federal grant-in-aid program has tended, year after year, to force state and local governments to continue to spend beyond their means and their resources.

The fiscal situation of state and local governments has been further exacerbated by inflation. Between 1960 and 1970, Federal government costs rose by about 40 per cent while state and local government costs increased by 54 per cent.

Up to now, the Federal government has had relatively little problem in financing these huge increases in its expenditures primarily because of two related factors. Our society has been going through the most fantastic period of economic growth in the history of any nation in the world; and this enormous expansion has generated a tremendous growth in Federal revenues. The Federal government has been the prime beneficiary of economic growth because it collects 91 per cent of all the income taxes paid in this country, and this is the tax that responds most readily to economic growth.

C. The problem today resulting from these forces

As a result of the migration from the land to the city cited earlier, we have today millions of the poorest and least skilled people concentrated in the urban centers of what had been regarded earlier as the wealthier states. Furthermore, there has been a complete reversal of the pattern of fiscal relationships in this country. While state and local governments collected more total taxes than the Federal government in 1930, today the Federal government collects two-thirds of all the taxes, while the states and their localities collect only one-third.

Adding to the problem is the fact that the Federal government was devoting over 80 percent of its total budget to domestic purposes prior to 1940, but today only 44 percent of the Federal budget goes for domestic purposes. However, contrary to this trend, services for the American people, where they live and work, are still expected from their state and local governments. Aggravating the situation further, the cost of state and local services which had been rising at an annual rate of 12 percent a few years ago are now rising at an annual rate of between 15 and 17 percent. But, state and local income from existing taxes is rising at a rate of only 4 to 6 percent annually.

In brief, the problem we face is that two-thirds of the people's tax money is going to Washington, while a good deal more than two-thirds of the people's problems are remaining and growing at the state and local government levels.

The immediate questions are how, under these circumstances, to close this growing gap between the costs of state and local government services and available revenues and how to hold down the rate of increase in the cost of government services. If this desperate situation is not resolved, this country is going to experience a wave of bankruptcies spreading from cities to states all over the Nation during the next five years.

D. The critical nature of the present situation

America's long-range need is to achieve a radical and revolutionary change in the structure of our Federal system so that states and localities can meet their traditional responsibilities under that system. However, we have to find an emergency, stopgap response to meet the immediate fiscal crisis that confronts state and local governments.

The total gap between the needs of these governments and their growth in revenues from existing taxes is already $20-billion this year. Based on recent trends, this gap is projected to rise steadily every year until in 1976 it could reach $40-billion.

Only three immediate, short-term approaches will close this continually growing gap: increases in state and local taxes, major increases in Federal aid or a drastic reduction in state and local services. Let us consider the practical realities of each.

1. Increased State and Local Taxes

Many states and localities admittedly now make a relatively low effort to tax themselves and could increase their taxes. If these states and localities raised their taxes to the level of the 10 highest tax-effort states, this would produce another $18-billion in state and local revenues for them.

But the top 10 states have virtually reached their practical taxing maximum. New York State offers a perfect example. We are now at the top in total state and local taxes per capita. Consequently, any further substantial increase in taxes in New York is going to drive out its job-producing, revenue-producing industries, and the individuals who have to pay high income taxes.

The same problem faces the other high tax-effort states. These states are attracting low-income persons from other states because of the higher level of social services they provide. And these migrations are overloading our fiscal capacity to continue providing these services. These high tax states, because of their competitive economic disadvantage, have virtually reached the end of their capacity to raise taxes to meet their needs and those of their local governments. The result of these growing disparities in state and local tax structures is a balkanization of America.

Only the Federal government has the power to impose taxes that will affect all the states equally and end this balkanization. But that is a matter for the future. State and local governments need financial relief now.

2. Increase in Federal Aid

(a) Increase in present categorical grants

There are three major problems with the expansion of the present categorical grant-in-aid programs as a response to the present state and local fiscal crisis. These grants are heavily weighted in favor of the so-called poor, rural states, a definition established during the depression which is no longer applicable in the light of the tremendous poverty in the Nation's industrial and urban centers. Further, the 1,000 various categorical grants generate an enormous amount of bureaucratic red tape.

Finally, the requirement on state and local governments to match these grants and to use them for new efforts causes constant increases in costs while these governments cannot even meet the costs of their ongoing programs.

The expansion of categorical grant programs, as presently constituted, will not meet the needs of state and local governments. But it would be an enormous improvement in the present grant system if categorical grants were simplified into more general block grants, as the President also proposed in his State of the Union Message.

(b) Revenue sharing to cities and local governments only

A plan of Federal revenue sharing just to cities and local governments would be an important step in the right direction. But revenue sharing to localities deals only with half the problem. It could have the very real effect of reversing one of the healthiest recent trends in state and local relations, the increasing willingness of state government to get involved with, and help solve urban problems.

Furthermore, aid exclusively to cities would perpetuate an archaic political structure no longer viable in its present form: the present structure of our big city governments. I believe that the restriction of revenue sharing to cities is likely to produce a situation in which cities will end up as "Federal reservations" in which most of the people will be dependents of the Federal government.

(c) General revenue sharing

The best immediate answer to the immediate fiscal crisis we face is a form of general revenue sharing that will provide Federal aid to states, the cities and all other local governments. I believe there should be a $10-billion revenue sharing program, half of the current state and local fiscal gap, if we are to avert a real breakdown in government at the state and local level in this country.

The only remaining alternative is the continual cutting back of state and local services such as we are now beginning to witness. This approach can only produce a continuing deterioration of public services, particularly in our urban areas. The Federal government will then have to pick up the pieces and take over the services. And that will make the end of the Federal system under which this Nation became great.

One word in conclusion.

We are the party of Lincoln—the party of the people. Our strength lies in our diversity and broad representation of all peoples and points of view—but a diversity that is welded together by a unity of purpose.

That purpose is the well-being and brotherhood of all Americans and the strength and integrity of our nation.

We are not a monolithic party.

We must constantly strive to broaden the base of our party's strength with the people, and guard against any attempts to move our party toward a monolithic base.

The biggest challenge facing us today as a party is the 18-year-old vote which both the President and I have advocated for a long time. We need the idealism, the faith and the perception of the young people in our party. They are the future of America and let's encourage them to help that future through the Republican Party.

1972 is not far away. We have a dedicated, proven leader. Let's give him the support he deserves—from coast to coast. As a long-time party leader in New York, I pledge my full support to him and to you in a united effort to win again in 1972.

GREECE IS PRO-WEST; AID SHOULD NOT BE DENIED

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HUNT. Mr. Speaker, the Foreign Assistance Act of 1971 is scheduled to be taken up later this week, and I note that it contains a new provision, written in by the Foreign Affairs Committee, that will deny aid to Greece unless the President reports to the Congress in writing that the "overriding requirements of the

national security of the United States" require the continuation of such aid.

I frankly doubt that our Greek friends will look very kindly upon this political blackmail and I, personally, view the effort as the kind of double standard which has characterized our foreign aid program to its serious detriment. Over the years, we have extended aid to certain Communist countries with the rationalization that perhaps when the chips are down, they might look to us with favor. We have continued aid to military regimes in South America without so much as a wince in the belief that if we did not do so, they would turn to Russia or China.

Now, for reasons that I suggest do not altogether meet the eye, there are some among us who evidently feel that the military regime in Greece is more of a threat than the pro-Communist governments which our country has nurtured for years at the expense of tens of billions of dollars, without return on the investment. This is not to say that I favor the military Greek regime over the restoration of constitutional processes, but we should certainly be realistic in the recognition of the existing regime as a pro-West stalwart. This fact should not be compromised or jeopardized by an ill-conceived move that will surely strain historically friendly U.S.-Greek relations.

I would like to share with my colleagues a well-reasoned letter I received from a constituent who is presently in Greece and is completing his thesis for a master's degree in political science on the topic: "The Role of the Military in Modern Greek Politics." This is the kind of perspective I feel will be particularly valuable when this provision of the Foreign Assistance Act is considered, and I trust it will be deleted.

The letter follows:

JULY 22, 1971.

Hon. JOHN E. HUNT,
House of Representatives
Washington, D.C.

DEAR SIR: I have read with great interest the proposal . . . introduced in the House of Representatives concerning aid to Greece. I am an officer in the United States (Armed Forces) stationed in Greece . . . While I am in Greece I plan to complete my thesis for my Master's Degree in Political Science. My thesis is entitled "The Role of the Military in Modern Greek Politics". I have read every source document on the subject that I could get my hands on. But, more significantly, I have talked to the Greek people. I admit that it is difficult for me to discuss politics with a large number of Greek citizens, but I believe my sample of interviews covers a broad cross-section of the population. The result of my survey is actually obvious to any alert visitor to this proud nation. The people are happy and satisfied. I dare say they are much more satisfied with their government than the silent majority is with the government in the United States. All over Greece—even in downtown Athens—women walk the streets at night with no fear of being molested. There are absolutely no restrictions on the movement of the people as there was prior to the Coup d'Etat of 1967. I have been told by some they were afraid to drive in downtown Athens during the turmoil years prior to the Coup. Now the people are free to carry on their personal and professional business without fear of mob interference. The people who instigated the trouble in quest of power are gone. And the Greek people are glad of it. Under the stable leadership of Papadopoulos, the country is prospering and growing. And all the Greeks I have talked to hope he lives forever.

The real tragedy of admonishing the Greek leadership and people by (the) proposal is the pain it will instill in the hearts of the Greeks who love and respect the great freedom-loving American people. The Greeks feel particularly close to the United States because of the support she gave Greece in her most desperate moment—during the civil war with the communists from 1946–1949. They give a great deal of credit to President Truman and his doctrine for their survival. The Greeks fought hard for their freedom and they are enjoying it immensely. Many of them fear that a return to democracy as it is known in the United States could only mean a restriction on their freedom because of the trouble-making power-hungry politicians it will let loose.

If it is necessary to cut-off aid to Greece for financial reasons, then go ahead; but when the reason is to interfere with the internal workings of the government of Greece, then the United States has exceeded her scope of authority. Greece is independent and free and does not need the United States to meddle in her affairs. Since she has gained her independence, Greece has had very few years of peace and quiet. Study her history and you will see this to be true. She has peace now—why should the United States interfere and maybe destroy the Greeks' great opportunity to progress peacefully?

I can understand Congressional committees making mistakes in judgment based on supposedly reliable information, but I can't understand how the committee can make a decision based on the testimony of the wife of Andreas Papandreou. Andreas was the main instigator of the political turmoil prevalent in Greece before the Coup of 1967. His quest for power placed no limit on the usage of disruption and corruption. As a result he was exiled and lucky that he wasn't executed. How could his wife present any semblance of objective testimony to the Congressional Committee? If you can explain, I would greatly appreciate it. I urge you to use all your influence on the floor of the House to defeat this proposal and preserve the dignity of Greece and prevent the United States from making another serious blunder into the affairs of other nations. I would appreciate your views on the subject and any information at your disposal that substantiates your views.

Sincerely,

(s) ———, ———.

Mr. Speaker, I have withheld the name of my constituent at my own discretion for his own protection as a member of the military service.

H.R. 10310—SEAL BEACH NATIONAL WILDLIFE REFUGE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HOSMER. Mr. Speaker, on behalf of myself and 16 California colleagues from all parts of our State and both sides of the aisle, I am pleased to introduce legislation today to create the Seal Beach National Wildlife Refuge. The bill introduced is H.R. 10310.

The purpose of this legislation is threefold. We want to protect the ecology of one of the last remaining natural salt marshes in southern California.

We also want to assure that the important activities at the Seal Beach Naval Weapons Station can be continued.

And we want to block construction of the proposed Pacific Coast Freeway right through the marsh and weapons station, where it has no business going.

Today, nearly 70 percent of California's prime coastal wetlands have already been dredged, filled, or otherwise lost to the fish and wildlife resources. Many waterfowl, shorebirds, and other water-associated birds are dependent upon these coastal wetlands for their continued survival, especially during migration and wintering periods.

The salt marshes we propose to include within the Seal Beach National Wildlife Refuge are contained within the boundaries of the naval weapons station. The Navy and the wildlife have lived in harmony at Seal Beach since the station was constructed in 1944. We want to keep it that way.

This area now supports the largest known population of light-footed clapper rails in California, estimated at 50 birds. This rail is now in danger of becoming extinct due to the loss of its salt marsh habitat. Furthermore, the least tern and the brown pelican also utilize the area. All three species have been classified by the U.S. Department of Interior and the California Fish and Game Commission as "endangered."

Assigning refuge status to this area would offer additional protection over and above that provided under existing environmental protection laws.

Joining me in sponsoring this legislation are my California colleagues GLENN ANDERSON, ALPHONZO BELL, DON CLAUSEN, DEL CLAWSON, JAMES CORMAN, GEORGE DANIELSON, BARRY GOLDWATER, JR., HAROLD T. JOHNSON, ROBERT L. LEGGETT, WILLIAM S. MAILLIARD, PAUL N. "PETE" MCCLOSKEY, JR., JERRY L. PETTIS, LIONEL VAN DEERLIN, VICTOR VEYSEY, CHARLES E. WIGGINS, and BOB WILSON.

A copy of H.R. 10310 follows:

H.R. 10310

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That the Secretary of the Interior is authorized and directed to establish the Seal Beach National Wildlife Refuge (hereinafter referred to in this Act as the "Refuge") as part of the National Wildlife Refuge System.

SEC. 2. (a) The Refuge shall consist of certain lands, to be determined by the Secretary of the Interior with the advice and consent of the Secretary of the Navy, within the United States Naval Weapons Station, Seal Beach, California.

(b) Upon determination of the boundaries of the Refuge by the Secretary of the Interior and the Secretary of the Navy the Secretary of the Interior shall immediately designate the area agreed upon as the Refuge by publication of a description of such area in the Federal Register.

SEC. 3. The Secretary of the Interior shall administer the Refuge in accordance with the provisions of the Act entitled "An Act to provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the National Wildlife Refuge System; and for other purposes", approved October 15, 1966 (16 U.S.C. 668dd et seq.), to the extent that such Act is not inconsistent with the operation of the United States Naval Weapons Station, Seal Beach, California.

H.R. 2502—SETTING UP AN EMERGENCY GUIDANCE BOARD TO COMBAT INFLATION

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. MEEDS. Mr. Speaker, I am pleased to join in reintroducing H.R. 2502, to combat inflation by setting up an Emergency Guidance Board that would encourage voluntary adherence to price and wage guidelines.

The administration has fiddled along month after month while the hopes and futures of American citizens burn away in rising prices and vanishing jobs.

What makes it especially exasperating is the knowledge that Congress has repeatedly given President Nixon the tools to deal with the pocketbook cancer of inflation.

For a year now, Mr. Nixon has had congressional authorization to freeze prices and wages. The silence of inaction has been deafening. This inaction was proclaimed official policy in June, when Secretary of the Treasury Connally announced the administration was, in effect, going to do nothing but hope strongly for the best.

Well, you do not pay the mortgage or buy groceries on hope. I am sure inflation is a matter of strong statistical concern in the sheltered White House. But out here in shrinking wallet country, where the pocketbook that pays the prices is your own, those statistics on the cash register really hurt.

Inflation rose at an annual rate of more than 7 percent in June, the worst jump in more than a year. And the distinguished chairman of the Federal Reserve Board, Mr. Arthur Burns, told the Joint Economic Committee that inflation is roaring along unchecked just as it did in 1969 or 1970.

Yet, all Mr. Nixon seems to say is, let them eat promises—promises and statistical convolutions that prove by Catch-22 logic that things are getting better when they are worse.

A year ago, when I urged on the House floor that strong action be taken against uncontrolled inflation from prices and wages, I said the President is in a much better position to administer price and wage guidelines than is the Congress. But that if he did not act within a reasonable time, I would be willing to vote otherwise.

Well, the future is now. Mr. Nixon's economic nonpolicy, Nixonomics I believe it is called, has fought the twin evils of inflation and recession by giving us more of both. Everything that should be going up is going down and everything that should be going down is going up. The cost-of-living is way, way up, unemployment is up, the stock market and housing starts are down.

Under H.R. 2505, Congress would create an independent Emergency Guidance Board to set up price and wage guidelines—then publish reports on whether the guidelines are being lived up to. It is a sad case when Congress has to perfom presidential jawboning, but Mr. Nixon seems to have an unbreakable case of economic lockjaw.

Areas of the Nation that are reeling from the ailing economy, in particularly my own Pacific Northwest, are insulted beyond the injury of unemployment by being forced to suffer inflation, also.

This is a roundabout way of taking effective action to achieve economic relief, but the deadwood in the executive branch leaves no alternative. The costs of inflation, both statistical and human, are more than we can afford to pay.

BSI SCHEDULED FOR HOUSING HEARINGS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. MOORHEAD. Mr. Speaker, the Housing subcommittee has begun hearings on the 1971 housing bill. Included in these important deliberations will be a morning of hearings on a bill which I sponsored, that could cut out much of the redtape and obsolete techniques currently employed in the building industry.

The bill would create a Building Sciences Institute that would develop and disseminate innovative construction techniques and principles. There would be a conduit through which these techniques would be employed in government sponsored construction programs, with the end result being, hopefully, national acceptance of new building materials, products, techniques, and codes—all developed by the Building Sciences Institute.

The July issue of Building Design and Construction carries both a very supportive editorial on BSI and an excellent article on the proposed Institute.

I insert in the RECORD at this time and congratulate Keith Ray, BD&C editor, for his fine work.

NIBS: A NEEDED SUPERAGENCY

Ordinarily we frown on the creation of U.S. government agencies; already there is a plethora of bureaucracies in the federal structure. But the idea behind creation of a National Institute of Building Sciences (NIBS), which would function as a sort of superagency at the federal level, is appealing.

Bipartisan legislation recently introduced in Congress calls for establishment of an organization to develop building material standards, promote and coordinate uses of new technology, and perform myriad other functions. While the emphasis is on housing and the need for revision of existing codes, the commercial, institutional and industrial building field would also be affected. Any federally assisted building project would have to comply with code revisions.

The Senate sponsor, Jacob Javits (R-N.Y.), rightly points out that building construction costs are boosted by lack of uniform building code standards. And on the House side, Rep. William S. Moorhead (D-Pa.), is aggressively promoting NIBS because of its potential usefulness in coordinating the efforts of the numerous agencies that develop code standards.

An inherent danger in such an agency, of course, is the tendency to generate reports in sextuplicate about studies of studies. And there seems to be no real safeguard against this activity in the proposed agency, which would function as a quasi-governmental entity under the National Academy of Sciences. We trust this wrinkle will be ironed out during hearings.

Another potential problem, that of creating an unworkable set of standards for the entire nation, has been avoided by inclusion of a realistic provision in the bill that allows for consideration of local conditions.

Industry support for the measure is broad-based. The AIA, the Building Research Advisory Board, the Producers Council, ANSI, and the Advisory Commission on Intergovernmental Relations, have endorsed the bill.

Similar but not identical legislation introduced last year was snagged on the method of financing the agency. Basically, the industry wanted 100 percent federal financing and 100 percent private industry control. This can't be.

We believe the current legislative packet contains a workable compromise; it stipulates federal funding on a declining basis over a period of five years, at which time NIBS would become self-sustaining. We urge your consideration.

CONGRESS TAKING SECOND LOOK AT BUILDING SCIENCES INSTITUTE

WASHINGTON.—Updating the building industry—removing it from the quagmire of antiquated state and local laws and building codes—is sought in pending federal legislation to create a National Institute of Building Sciences.

This is the second go-around for this bill. Similar, but not identical, legislation failed to make it in the last Congress. Sponsors see more support this year, and are optimistic that it will fare better.

The proposed Institute—a nonprofit, nongovernmental corporation—would (1) develop and publish standards affecting building materials and local building codes; (2) promote and coordinate tests and studies, and provide research and technical services for new building products and construction techniques; (3) assemble and coordinate all present activities in these areas, (4) generally promote and develop cost-saving innovations.

WOULD REQUIRE FEDERAL USE

The proposed law would require all federal agencies to make use of the standards, techniques and developments certified as acceptable by the Institute. The same requirement would apply to all programs and projects receiving federal financing or assistance.

The Building Sciences Institute would be "non-governmental, but government-related." For its first five years it would receive funds from the federal government, and its board of directors would be nominated by the President, with the advice and consent of the Senate. The intention is to "phase out" government participation.

Initial federal funding for the Institute is proposed to be on a declining scale—$5 million for the first two years, $3 million for the next two years, and finally $2 million. After that, it would become self-sustaining through contracts, donations and fees.

The board of directors—organized with the advice and assistance of the National Academy of Sciences-National Academy of Engineering Research Council—would represent various regions of the nation and segments of the building community including industry, labor, government, technical experts, professional societies and consumers.

The Institute would carry on a specific and continuing program of cooperation—including the development of in-service training programs for building officials—with state and local governments "designed to encourage changes in existing state and local laws that impede rather than facilitate modern construction techniques."

HAS IMPOSING SUPPORT

The legislation has imposing support. It has been endorsed by the President's Committee on Housing, AIA, the Producers Council, the

American National Standards Institute, the Building Research Advisory Board and the Advisory Commission on Intergovernmental Relations.

But some industry sources see flaws in the plan.

The CEC, for example, says the project is meaningless unless unions are required to handle new cost-saving materials.

"It would be an exercise in futility," said Larry N. Spiller, CEC's director of governmental relations, "to pass this bill without insisting unions use the products."

Spiller said:

"CEC/US generally endorses the concept of a National Institute of Building Sciences so long as its activities do not constitute promulgation of a national building code. Consultants would like to see much stronger assurance by its [the bill's] Congressional sponsors that NIBS will utilize, rather than compete with, private testing laboratories, and there should be some prohibition against unions refusing to handle cost-saving, prefabricated materials or products which NIBS has OK'd. It isn't going to do much good to obtain clearance and specify new products if union builders won't install them."

More enthusiastic support comes from William L. Slayton, executive vice president of AIA, and AGC Executive Director William Dunn.

NEED UNIFORMITY, CONSISTENCY

Said Slayton: "The need for increased public-private cooperation in the field of standards and codes has never been greater. It is our hope the legislation proposed by Sen. (Jacob) Javits and Congressman (William S.) Moorhead will provide a framework in which the concerns of all parties are fully assessed with the ultimate result fully in the public interest.

"The continuing lack of uniformity of standards and the inconsistency of codes and regulations represent two of the major obstacles in helping our nation meet its housing and general construction needs. NIBS could provide an environment in which the maximum feasible uniformity and consistency could be achieved."

Dunn, noting that AGC has long advocated simplification of the many complex building codes and standards used in the U.S., said: "Such standardization would result in savings that could be passed on to the public. An organization such as the proposed Institute of Building Sciences could also help to keep the industry informed on changing technology."

JAVITS: BUILDING GOALS NOT MET

In introducing the bill in the Senate, Sen. Javits (R-N.Y.), said, "The absence of an authoritative national source to advise the housing industry and local authorities as to the latest technological developments in building materials and construction techniques and to propose nationally acceptable standards for local building codes has proved to be a great obstacle to efforts to meet the national housing goals set forth in the Housing and Urban Development Act of 1968.

"Moreover, the lack of a system of uniform building code standards increases cost of construction and inhibits innovation in techniques. The resulting fragmentation in the housing industry is clearly not in the public interest."

Rep. Moorhead (D-Pa.), who introduced identical legislation in the House, said, "For the first time, an authoritative technical institute would be available to coordinate the efforts of the many agencies, institutions, professional and trade groups now engaged in developing code standards and testing and evaluating new materials and methods."

ALABAMA'S OLDEST THEATER IS RESTORED

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BEVILL. Mr. Speaker, Alabama's oldest theater, the Fort Payne Opera House, is once again hosting musical plays, singing groups, drama, band and symphony orchestra concerts, thanks to the efforts of many dedicated citizens.

The theater, which was constructed in 1889 has undergone a complete restoration under the guidance of Landmarks of De Kalb County, city and county officials, the Chamber of Commerce and thousands of concerned people in the Fort Payne, Ala., area.

I am placing in the RECORD a most interesting article which recently ran in the Alabama Municipal Journal, describing the history of this famous building.

RESTORED FORT PAYNE OPERA HOUSE IS ALABAMA'S OLDEST THEATER

(By J. R. Kuykendall, President, Landmarks of DeKalb County, Inc.)

The Fort Payne Opera House was in the process of being built in 1889, the same year that the town was chartered. This was a thriving industrial center in those early days as many New England residents had migrated here through the effort of promoters of the Fort Payne Coal & Iron Company which had branch offices in Boston and Philadelphia. One member of the Board of Directors of this company, W. P. Rice of Boston, built the Fort Payne Opera House at a reported cost of $80,000. The theater opened in 1890 with many colorful performances to please the culture of the New England residents. During this "boom era," *The Fort Payne Journal* proclaimed, "Fort Payne can boast of the most convenient and handsomest opera house in the state."

The Opera House was threatened with oblivion many times. A host of present day residents recall the years that it was used for silent movies and vaudeville. It was during the 1930's that the Opera House ceased to be used as a theater, and many of the elaborate furnishings had been removed.

CITY ASSISTANCE

In 1969 during Alabama's Sesquicentennial year, Mrs. W. M. Beck, Sr. was appointed Coordinator for DeKalb County by the Governor and the local Sesquicentennial Committee surveyed the idea of using the old Opera House for DeKalb County's Headquarters. With the assistance of the City of Fort Payne and the DeKalb County Commissioners along with patrons and the fortitude of the Sesquicentennial Committee, the Fort Payne Opera House was opened for exhibits on July 12, 1969, with Mayor Hoyt Wilson and DeKalb County Commission President Morris LaMunyon cutting the ribbon at the entrance. The acceptance was overwhelming with visitors and local people. In August of that year Landmarks of DeKalb County was organized for the purpose of preserving a portion of our heritage and this non-profit organization purchased the Opera House from Mrs. A. C. Davis on October 2, 1969.

COMPLETE RESTORATION

A complete restoration was begun on the old theater and on May 3, 1970, "A Sunday Afternoon Musicale" was presented from the stage that had not been used in more than 30 years. Announcement was made on this date that the building had been placed in the National Register of Historic Places. Since this time, renovation has continued and Landmarks, Inc. has become one of the largest historical organizations in the state and received the Distinguished Service Award from the Alabama Historical Commission on July 13, 1970.

The 1970–71 season at the Opera House included musical plays, singing groups, drama, band and symphony orchestra concerts. The old theater is on the guided tour of the annual Pilgrimage held each year in mid-May. Additional restoration is planned for the Opera House and outstanding attractions are scheduled with the assistance of the Alabama State Council on the Arts & Humanities. The people of Fort Payne along with the Chamber of Commerce and the DeKalb County Tourist Association can boast of having the oldest theater in Alabama that was originally built as a theater and is in use today as a theater.

THE REBIRTH OR "GREETING" OF AMERICA

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. SHRIVER. Mr. Speaker, I include the following excellent address which was made by Miss Claudia Mason, of Wichita, Kans., during commencement exercises at Mount Carmel Academy in Wichita this year. Miss Mason was the class valedictorian. She has ably described the challenge which the young men and women of her generation face. Her thoughts and ideas are worthy of the attention of my colleagues in the House.

The address follows:

ADDRESS BY CLAUDIA MASON

John F. Kennedy once said, "We have among us the power to be either the greatest generation in the history of all mankind or the last."

These words, our Senior Class motto, have never seemed more timely than today, May 23, 1971. We hear from all sides that America is crumbling, and some of us panic when we take a look at the society we've built. We are plagued with war, poverty, uncontrolled technology, destruction of the environment, the decline of democracy, an artificiality of work and culture, an absence of community, and—most important—a loss of self. For years these symptoms have lingered benignly in the corners of our nation. Only recently have they been diagnosed as dangerous, malignant tumors.

Why has it taken so long for this crisis to crystallize? It is because we are just now realizing our powerlessness. We are being swept along by a system which has confiscated our ability to control our own lives. Technology, which was to have liberated man to the freedom of searching for the highest form of human existence, has enslaved us as robot-tenders of the machine. Thousands are trapped in unfulfilling jobs, frustrating personal relationships, and a general fear of the impersonal society in which they live.

It is to this paralyzed sense of helplessness that Charles Reich speaks in his book, *The Greening of America*. He says, "There is a

revolution coming. It will not be like revolutions of the past. It will originate with the individual and with culture, and it will change the political structure only as its final act. It will not require violence to succeed, and it cannot be successfully resisted by violence. It is now spreading with amazing rapidity, and already our laws, institutions and social structure are changing in consequence. It promises a higher reason, a more human community and a new and liberated individual. Its ultimate creation will be a new and enduring wholeness and beauty—a renewed relationship of man to himself, to other men, to society, to nature, and to the land."

It is to this challenge that the new generation is called. We must channel our energies into the restoration of man's dignity. We cannot accept the position of injustice, war, and poverty as the inevitable human condition. This blossoming consciousness is going to help us make technology and science work for, not against us. If we can but match our material standard of living with an aesthetic and spiritual richness, we will have once again revived the great American dream.

The signs of redemption are already evident. We are striving to break out of our neon sterility: the systems, schedules, clocks, and customs into which we've patterned life. There is a new celebration of self. People are not allowing themselves to be instrumentally used. They are no longer content to work at a meaningless job which is inconsistent with their beliefs and interests. The new crime is alienation from one's self and others. Dishonesty in personal relationships or "using" another person violates the code of community and togetherness which is the only cure for our depersonalized society. This revolution of warmth and closeness will be responsible for restoring, protecting, and fostering our human senses. It is going to create an America where, once again, your neighbors will be your friends; not just the people who happen to live on your street.

The rebirth or "greening" of America has begun. As it picks up momentum, it will touch each one of us here, if it hasn't already. It is this awesome rediscovery of true values in life that can and will bring America to its full potential. The most important contribution of the new generation will be to ripen mankind for the "greening" of America.

GASOLINE BY ANY OTHER NAME

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BRASCO. Mr. Speaker, for years it has been increasingly obvious that the gas and oil companies of the Nation have become a power unto themselves. One way they do this is by seeking creation of power conglomerates they control, which become vertical monopolies and horizontal ones. Now many of the major coal companies are owned by oil companies.

Home heating fuels are rising rapidly in cost, particularly to the massive urban conglomerations of our Eastern and Midwestern cities. Constantly we hear that prices must rise as the Federal Power Commission meekly acts as an agent of the companies, allowing raises as often as it dares.

Yet nowhere is this trend more pronounced or vicious than in the sale of gas and oil products to the motorist. The average small businessman struggling to make a success of a gasoline and service station is more often than not victimized in the most vicious, unscrupulous manner. Unfortunately, the truth, ugly as it is, rarely emerges to public view. However, Nicholas von Hoffman, of the Washington Post, has written a devastating exposé of this barbarous series of practices. It is, strong as it appears, an understatement, not mentioning the gimmicks, promotions, nonsensical and parasitical trading stamps and the actual coercion and price undercutting that the major oil companies engage in.

Brooklyn has been the scene of many such atrocities against the small gasoline station operator. I offer his excellent column for inclusion in the CONGRESSIONAL RECORD.

LOSS IN THE GAS GAME

(By Nicholas von Hoffman)

LAUREL, MD.—George Pint bet his BP and lost.

Until June 1st, George and his partner, Les Adler, had the BP oil franchise on Route 198, an ugly, short stretch of road with 15 other gas stations on it. George's is the most modest, a white-painted cinder block affair with no ribbons, electrified signs or coins or glasses or silverware to give away.

It doesn't bother George that his small station isn't a luminescent eyesore. What George and Les want is to be able to work hard and make enough money so they will be their own bosses; they want to be economically free men.

They know something about that. George and Les are Hungarians who fought the Russians and then escaped to America. They know something about work, too. You should see George's hands. His face looks younger, but his hands show he has worked most of his 61 years.

George isn't just a hard worker; he's a good worker, a skilled technician and a craftsman who can renovate rusty old European sports cars to make them new again. The kind of worker whose disappearance we're always lamenting.

George is in danger of disappearing. He got the gas station a couple of years ago when the doctor told him to ease up on the 16-hour days; his heart couldn't take it. He didn't know what a heart breaker having a gas station franchise can be. He probably believed those ads the oil companies put in the classifieds. Like this one the other day: "Mobil Has Service Stations Available Now. Be Your Own Boss. Profits from $15,000 to $30,000. Paid training and business counseling available. Start Now! Why Wait?"

In fact, gas station owners are miserably unhappy in many parts of the country. The situation in Detroit is so bad that these be-your-own-bosses are trying to start a union. Similar efforts have been attempted in South Bend, Ind., and Oakland, Calif., according to "U.S. Oil Week."

To make money, George dropped his prices. He figured he could do it by selling a high volume at low prices, but he says that BP wouldn't sell him enough gas. Even so, he reports, sales quadrupled under his new policy and then, "Comes two young men from BP Company and ask why I sell so cheap? I say not his business even if I give away free because I pay for gas."

One thing led to another and George, in anger and without the advice of a lawyer, signed a paper terminating his connection with BP. Shortly thereafter, a flashy new BP station opened up across the street.

Mr. R. A. Straub, BP's regional manager, contradicts George's story. He says the company never put any pressure on George to keep the price of his gas up. "The termination," says Mr. Straub, "had absolutely nothing to do with it. Historically, that station has always been aggressively priced. We don't want to put Mr. Pint out of business. As for the new station, we had a sign up there for months saying it would be put there. We probably would have considered Mr. Pint for the franchise had he expressed a desire."

If BP wasn't mad at George for lowering its prices, why did it come to him and ask to terminate the agreement? Why didn't it offer him a crack at the fancy new station across the street? To these Mr. Straub was only able to answer that BP did what was good business for BP.

Don't get angry from this and go boycotting BP. You can't because Maryland officials have charged that BP gas has been delivered to and sold out of Esso, Mobil and Phillips station pumps. You may be buying BP when you think you're buying something else. Not that it matters to your car, because it appears that all gasolines differ far more in their advertising and merchandising than in their chemistry. Defense Department officials who buy 300 million gallons of gasoline a year have told a Senate Subcommittee that there's scarcely a particle's difference between the major brands.

Indeed, the whole gas business appears to be a rapacious chaos cum con game in which the big oil refiners give it to the jobbers, station owners and the general public. Everywhere you turn there's something new and fishy. And not just oil import quotations and tax breaks; lab tests reveal that the highly advertised lead free gasoline has lead in it; The Los Angeles Times reports that, continuing a trend that has reduced that percentage of independent California gas stations from 20 to 3 per cent in 11 years, 200 more private brand stations have been forced out in the last couple of months; at the same time, the major refiners are putting out spurious brands that are being marketed to look like cut-rate independents, and all the while the be-your-own-boss franchise owner is being forced to live off of thinner and thinner markups as the major refiners put in more and more gas stations, many of which a small businessman can't possibly compete with because they have self-service, vending machine pumps.

Millions of us wage slaves have always thought of the gas station as our little ace in the hole, the last place a guy with a couple of thousand bucks could go into business for himself, not to get rich but to make enough so we didn't have to take any guff. That pipe dream is over.

Look at George Pint. The only reason he is eating regularly, he says, is because his wife is working. The gas station, which now sells a private brand, doesn't make enough to feed him.

Still, George isn't giving up. As his partner Les says, he's a fighter. He fought for freedom in Hungary against the Russian tanks, and as long as he can hold out, he's going to fight for freedom against the corporate oil tanks here.

EDWYNA SYNAR SPEAKS ON 4–H COMMUNITY ROLE

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. EDMONDSON. Mr. Speaker, it was a real pleasure for me to attend a recent breakfast here in Washington with a number of young Oklahomans who are actively engaged in 4–H Club work.

One of the finest speeches given at the breakfast was by Miss Edwyna Synar, daughter of Mr. and Mrs. Ed Synar of Muskogee, Okla. The Synar family is

well known throughout all Oklahoma and was recently selected the 1971 All-American Family for our State. It is, therefore, no surprise that Edwyna should carry out this fine tradition of excellence in her 4–H work.

Edwyna was a contestant this year in the Farmers Union speech contest, and I think her remarks on the contributions made by 4–H organizations across the country are deserving of the attention of each Member of this body. I insert the text of Edwyna's speech at this point in the RECORD:

HOW MY ORGANIZATION PROMOTES GOOD COMMUNITY LIVING

My 4-H organization appreciates the excellent opportunity which is provided through the twenty-first annual Farmers Union Speech Contest to discuss, "How the 4-H Club organization promotes good community living." In behalf of 4-H Club work, we also express our thanks to the organization instrumental in our growth and creation.

The fifth "H" of the 4-H organization represents the home. The home is the bulwark and cornerstone upon which any strong progressive community is built. It is basic to good community living. The 4-H Clubs of America are like the burning torch of freedom, forever kindling a spark of hope by which to ignite the individual initiative and ingenuity of each of its members. Members whose individual talents and abilities are cultivated so as to produce sound successful citizens that can become full partners in building a better tomorrow.

By the exercise of the head to think clearly; the heart to be kind and sympathetic; the hands to be useful and skillful; and health to build a strong body, 4-H is helping to build successful men and women with vision who will serve as the future leaders of tomorrow to guide our America on the destination of liberty and individual freedom. Yes, liberty and freedom that will assure good community living.

The 4–H Clubs of America, like the Farmers Union with its many members, strives to promote and develop a better life for our rural America. Each, by working with its members, endeavors through joint projects or programs to promote the cause of American agriculture; to improve the environment and community in which we live. Each strives to encourage its members to prepare for the future, to better its position in society, and to provide our America with a sound segment of free thinking Americans who are and always will be the soundest armament against any threats by any subversive power which might seek to destroy us.

4–H Club work promotes good community living by giving its young people a purpose to perform to the best of their ability by striving to make the best better. The 4–H youth organization seeks to bring out the best qualities in its members so that they might strive for a home life that represents true character, comfort and contentment.

Our 4–H Club program attempts to mold each of its members into better citizens. Young citizens who have respect for law and order and who refute the radical elements of our society. Citizens who have the ability to stand on their own two feet and solve their own problems; citizens who have the wisdom to choose the proven performance of our American way of life over the unfulfillable promises of any foreign ideology.

Yes, the 4–H organization promotes the best in good community living. Show me a good 4–H Club family, and I will show you a happy, respected and successful family. A family who is looked upon as the leaders of their community. Above all a family who has faith in God.

My friends and fellow Americans, may God see fit to preserve a strong Union of American Farmers to produce a surplus crop of energetic 4–H youth, the leaders of tomorrow, the protectors of our democracy; builders of good community living.

Thank you.

THE PROBLEM OF EMERGENCY EGRESS FROM AIRCRAFT

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. MILLER of California. Mr. Speaker, the Pan American Airways 747 accident on Friday, July 30, 1971, at San Francisco, Calif., has again brought the problem of aircraft safety to the attention of the Congress. While the crew and passengers involved in this 747 accident apparently did not have emergency egress problems, the incident reminds us that there may be the possibility of a survivability accident in a 747-type aircraft.

In the past, many people have died in accidents simply because they could not evacuate the aircraft due to doors and exits being jammed closed by the impact. The cause of death in almost every case was fire and asphyxiation. What is appalling is the number of people who may be involved in an accident in one of our new generation jet aircraft that carry as many as 300 or more people.

On June 6, 1971, an Allegheny Airlines Convair 440 crashed at New Haven, Conn., and of the 31 passengers and crew involved, 28 died. A major portion of these deaths can be attributed to jammed doors. We cannot imagine the horrible consequences of a 747-type aircraft, fully loaded, crashing and killing a major portion of the passengers and crew only because of jammed doors and exits.

A new high energy—pyrotechnic and explosive—system has been developed which can be utilized to open doors and exits in milliseconds during any post-crash situation. Variations of the same system have been proven in missiles, fighter/bomber aircraft, and in manned spacecraft such as Mercury, Gemini, and Apollo. The systems have been available for over 2 years, are said to be 100 percent reliable, quite inexpensive, and very safe in operation. However, these systems are not being used in either commercial air carriers or in military transport aircraft.

It is my opinion that serious and immediate attention should be given this problem of emergency egress by both the Federal Aviation Administration and the military services. The development has been accomplished, the record is proven, and such systems should be applied as quickly as possible to our aircraft.

A more detailed description of the egress system is described in the attached remarks which were given to the Committee on Science and Astronautics on July 22, 1971, by Mr. Hubert I. Bennett, president of Teledyne McCormick Selph:

EGRESS SYSTEM

Mr. Chairman, distinguished Congressmen, as one who has a deep respect for the Congress and the democratic process, I am honored to appear before you and to discuss a vital subject, the saving of human lives.

We in the aircraft safety business currently are faced with a number of significant problems. Each problem, in its own right, must be solved to insure the lives of aircraft passengers and crews as well as conserving expensive flight equipment.

My specific interest and the interest of my Company, Teledyne McCormick Selph, is in possibly the most critical and at the same time almost totally neglected area of safety. That area is: the safe emergency evacuation (emergency egress) of passengers and crews after a survivable aircraft accident. The broad definition of a survivable accident is one in which one or more fatalities occurred and one or more persons survived the crash.

Over the years we have had many survivable accidents but some have become classics due to the events recorded prior to, during and post-crash. Among these are the United Air Lines Boeing 727 at Salt Lake City (11/11/65—91 passengers and crew—43 killed), the Trans World Airlines Boeing 707 at Rome, Italy (11/23/64—73 passengers and crew—48 killed), the Trans World Airlines Convair 880 at Cincinnati (11/20/67—82 passengers and crew—69 killed), the ALM[1] Douglas DC–9 at St. Croix, Virgin Islands (5/2/70—63 passengers and crew—23 killed), the Capitol International Airways[2] DC–8–63 at Anchorage, Alaska (11/27/70—219 passengers and crew—47 killed), and most recently, the Allegheny Airlines Convair 440 at New Haven (6/7/71—31 passengers and crew—28 killed).

Our interest in emergency egress was initiated through our development of high energy (explosive and pyrotechnics) severance systems for various missiles and spacecraft, and later the F–111 aircraft. The highly successful use of these systems in manned spacecraft and military fighter/bomber aircraft led us to the realization that this new but proven technology could aid in saving lives in both public aircraft transportation and military transport operations. Our early studies had indicated that no really reliable means of emergency egress existed in the current jet aircraft. (A torqued-in exit will not respond to pneumatic, hydraulic or mechanical override mechanisms.)

I, therefore, in 1968, contracted with the Flight Safety Foundation, Inc. to study commercial air transport accidents through the period 1957–1967.[3] The resultant statistics pinpointed a number of significant safety problems, the main one being that there was no really reliable means of emergency egress from our modern jet aircraft. This is also true today, 2 years later, I refer to systems which will actuate and positively open a door or emergency exit within milliseconds during or after a survivable crash.

In the purely commercial area, the analysis of fatal accidents showed that 34 were survivable (those were accidents in which one or more persons came out alive) and 91 were non-survivable (there were mid-air collisions, hitting mountains and diving into the ocean, where no one survived). In addition, there were 22 emergency evacuations (bomb scares and engine fires prior to takeoff). Of the total of 147 accidents, it was found that 56 were survivable at a 38 percent survival opportunity.

The total passengers involved in survivable accidents was 1,584, the non-survivors

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[1] Overseas National Airways operating as Antilliaanse Luchtraart Maatschappi's

[2] Operating under USAF Military Airlift Command Contract

[3] Study of Failure in Aircraft Emergency Evacuation Systems, Flight Safety Foundation, Inc., May 1969

totaled 794. The number of passengers involved in emergency evacuation (bomb scare and engine fire prior to take-off) was 1,403 of which 143 were injured. It was discovered that perhaps as many as 35 to 50 percent of the 794 non-survivors of survivable accidents could have been saved if adequate exits had been available. The majority of these non-survivors died from asphyxiation and fire, not from trauma due to impact.

Incidentally, during the period 1968 through 1970, an additional 653[4] fatalities have occurred in survivable crashes.

Detailed data were available on only 26 of the 34 survivable fatal accidents. However, in the 26 analyzed, it was found that of the 215 exits available only 53 were used, or a percent usage of 24.7. Even during emergency evacuation of 17 aircraft with 152 exits available only 44 were used, or a percent usage of 28.9. Now this averages only 26.8 percent exit use for all these accidents.

In 1969, the USAF[5] presented statistics covering USAF passenger-carrying aircraft accidents during the period 1964 through 1968, where it was shown that 665 persons lost their lives. This set of statistics closely parallels the statistics on commercial aircraft egress discussed here.

There are logical reasons why 75.3 percent of doors and exits are not used in a post crash situation. After impact fuselages are torqued and the resultant effect is jammed doors and exits, equipment sometimes is torn loose and crammed against exits making them completely inoperable or impossible to open, and slide/rafts sometimes inadvertently are inflated inside the aircraft and contribute to blocking exits. Panic, nighttime and smoke darkness also play their part. In the St. Croix accident a slide/raft was inadvertently inflated inside the cabin and contributed to a number of lives being lost.

It is a fact that in almost every survivable accident the fuselage is twisted or torqued due to impact and in a large percentage of cases manual actuation of many doors and exits is impossible.

In the recent Allegheny Airlines, New Haven crash, the rear door was jammed. Twenty-eight persons died in that one. The testimony of the stewardesses after the DC–8–63 accident at Anchorage, Alaska disclosed that the galley service door wouldn't open, the cockpit door couldn't be opened, the main cabin door was jammed shut, and the door opposite was opened only 1-foot since it was jammed against an embankment. Of the 219 passengers and crew involved, 47 died and a substantial percentage was caused from fire and asphyxiation, not trauma. This was a typical survivable accident; only one of many where we have the facts related by the survivors. In my opinion, with an emergency egress system, we could have saved most of those lives.

Today, you don't have to have an accident to jam doors. In normal operations on current stretched version jet aircraft, after landing and taxi, the aircraft must sometimes be aligned by pulling the nose wheel in a perfectly straight line of 20 feet or more in order to allow easy manual opening of cargo doors. We also have it on good authority that excessive ground braking of the Boeing 747 has contributed to jamming some exits.

The net result of our studies and investigations shows us that we have a major and very serious problem facing us in getting people out of aircraft. There is, however, a solution to the problem and it is available to us now. We simply utilize high energy chemistry-explosives—to sever panels, doors, exits and hatches from the aircraft. When we talk explosive systems, we mean a highly reliable and technologically sound scientific discipline without which we would not have placed man in space. We used this technology to develop these systems for missiles and spacecraft because they were reliable, simple, safe and have the ability to deliver the greatest amount of power and work for a given weight or volume of any non-nuclear source of energy available.

Such a system has been part of the F–111 aircraft since inception, has been operational for six years and is used to separate the crew module from the remainder of the aircraft during an emergency. This allows the crew module, containing pilot and copilot, to be ejected and descend to earth by parachute. The system has worked perfectly in every case in which it was used and has resulted in many lives saved. We have lost some crews, but not from the failure of the severance system. Those losses were the result of parachutes not being deployed or activation of the system upside down at very low altitudes where recovery was impossible. The new B–1 Bomber will also incorporate a system similar to the F–111. Other high energy chemical systems are used for varying purposes on the F–5 and F–8 aircraft. In the missile and space field high energy systems are used in almost every major missile and spacecraft and their reliability cannot be questioned.

To create an exit in a typical transport aircraft linear shaped charge (LSC) is routed around the periphery of a door or exit and bonded in place. Linear shaped charge is an inverted "V" or chevron-shaped material some ¼-inch in width and of varying length which can be bent, routed or contoured to any skin surface, stringer or frame without comprising either the structural or aerodynamic integrity of the aircraft. When initiated, a high energy shockwave is concentrated on a very thin line along its length and results in a clean, knife-like cut in materials such as steel, aluminum and titanium. In the case of doors or hatches the cut will be made inside the door frame or jamb, thereby maintaining the structural integrity of the pressure hull. When severed and due to the explosive cutting, the door or hatch section will be ejected out and away and a positive opening created. The cutting action is instantaneous.

Even when the fuselage is badly torqued and bent due to impact, explosive cutting action will provide an escape path. Very little explosive is necessary to perform the work; approximately 50 grams of explosive to cut out a door or large emergency exit on a typical wide-diameter jet aircraft.

This system is nominally a backup system to insure egress. In some cases it will be possible to manually open doors after an accident; however, if they cannot be opened, they must be cut clear.

Escape slides are attached to main doors and exits and are automatically inflated as the door is ejected, to afford a rapid flow of passengers from the aircraft. In the event of ditching emergency exits are actuated in the same manner as a dry land situation. In a severe cabin fire, such as occurred in the Salt Lake City accident, temperatures may rise as high as 1800 to 2000 degrees F. In this situation, it is also possible to sever holes in the fuselage to vent the heat and save lives.

We have stated that these systems are currently available and can be built into new aircraft or retrofitted into older aircraft. They have been developed and engineered, considering all the system safety and human factors aspects to provide a positively fail-safe operational system.

I have made the following statement many times and wish to repeat it here. Until this technology was proven, we had to live with—and sometimes die with—hydraulic, pneumatic or other mechanical means to attempt to open doors. Such systems are normally useless in opening a jammed exit and no longer have to be relied upon.

The operating egress system for a transport aircraft is simple and effective. It is mechanically activated and will always operate even when the aircraft electrical power is lost. We have a master control panel with a visual readout located on the flight deck where the pilot can arm the system at each door and exit. He can safe the system at each door and exit; he can initiate the system at all doors and exits; or he can safe and arm, and then initiate the doors and exits selectively. A secondary master control panel with a visual readout is located and hidden by or near the stewardess jump seat in the passenger section of the aircraft. This secondary panel can perform precisely the same functions as the master control panel and allows the stewardess to control the exits if the flight crew is incapacitated. Doors and exits can only be initiated when they are armed and the system is only armed during take-off or landing or when there is a positive indication of an emergency underway. These procedures are part of the flight checklist and system status indicators are provided at each pertinent flight crew station.

Briefly, I would like to discuss safety and reliability of the system we've discussed. The explosives used are insensitive to impact; for example, high-caliber bullets can be fired into them without causing them to initiate. They will withstand temperatures in excess of 500° F. for hours without degradation. In a fire, they will not explode but will burn or melt and will not sustain a fire. Lightning will not set them off and they cannot be initiated by lasers. Finally, they will not ignite jet fuel or other fluids spilled during an accident.

This system is and has been available for the past several years. In order to brief and educate personnel of foreign and domestic airlines, ALPA, airframe manufacturers, individual members of both Houses of Congress, DOT, FAA, NTSB, NASA, and the military services, I enlisted the aid of Major General Joseph D. Caldara, USAF (Ret.), former President of the Flight Safety Foundation and earlier Director of Aerospace Safety, Headquarters, USAF, and Mr. Frank B. Pollard, Flight Safety Consultant. Between us, we have literally gone around the globe briefing the aviation community on this system which is so important in saving lives.

To further educate, I have put on eight live demonstrations for key members of the aviation community, many of whom have attended. I also have put on a live demonstration at Scott Air Force Base for General Jack Catton and members of his USAF Military Airlift Command.

I have found a great deal of interest and verbal approval of our approach. With the exception of some few diehards, everyone has expressed the fact that this is an extremely feasible system and should be utilized. They have, in fact, stated that such a system is the only reliable means available to insure life-saving capability, post-crash. I can say unequivocally that so far the only real, active interest aside from verbal gymnastics has come from the Military who understand the problem and are beginning to take action. The people concerned with public lives have not yet chosen to do so though the problem is very real and the solution is available.

If such a system were expensive or the weight penalty was excessive, we would understand its lack of use. The cost of a system for a 747 type aircraft, we estimate to be $25,000 per aircraft when installed during manufacture and system total weight is in the neighborhood of 20 pounds. This does not appear to be very much money to invest in saving even one life.

There are several companies in the United States qualified to design and build this

[4] NTSB Annual Report to Congress 1970

[5] Emergency Ground Egress from USAF Passenger-Carrying Aircraft, Major Charles Brown, Directorate of Aerospace Safety, Headquarters, USAF, 1969.

kind of system; mine is only one, but the leader in this technology. The very fact that we are the leader in this field gives me a strong sense of personal responsibility and motivation to make it known that this proven life saving technology is available.

I have tried to take the leadership in educating and making those who can take action aware of the problem. It has been expensive, time consuming and sometimes disappointing. It is also frustrating to see those who can take action and are aware of the problem, doing little or nothing in its solution.

We have worked with the FAA, that is, we have had many discussions with them, at the Administrator level and the working level. We have tried to interest them in testing a system on an FAA aircraft. Logically, the reason is that we want the system proven and certified for commercial use.

The FAA has not yet chosen to take any action and have not yet utilized the leadership which I believe is their prime function. In my opinion, they must recognize their responsibility, re-evaluate their position and their function in aircraft safety, and then exercise some initiative in this area. Without complete FAA approval first, no airline or airframe manufacturer will move to incorporate this system on their aircraft.

If I project our past statistics in survivable accidents and look at the future with the new generation of jet aircraft, such as the 747, carrying anywhere from 250 to 500 passengers, I am appalled. I know that sooner or later there will be a survivable accident with one of these aircraft and the fatalities will not be numbered in the 40's or 50's. The figure will more likely be 200 or more.

Now, after you've needlessly—and I mean needlessly, killed this many people, the storm of protest from the public will come through "loud and clear." I would not like to be on the receiving end of that outcry.

In earlier testimony before the House Appropriations Committee, Sub-Committee on Transportation, I called this "tombstone safety." That is, waiting until after you have a major disaster before you provide the solution to the problem: A solution which was available two to four years before. In addition, the emotionalism after such a disaster will force egress systems to be installed on aircraft immediately. This frightens the safety people, because when you rush systems into use, you many times compromise design and the results can be nearly as disastrous as no system at all.

I will continue to brief and educate everywhere I can to insure the fact that we never succumb to "tombstone safety" at least where emergency egress is concerned.

It is my hope that through briefing this Committee and others that this matter is brought to a head and that the Congress have the opportunity to exercise its authority in helping to save lives in this critical area.

We have the answer and can place emergency egress systems on any aircraft today. We want to be certain that they are fail-safe. We know that they are since we have reliability figures from long use in spacecraft and military aircraft. However, we must test them on commercial aircraft before they are declared operational. This work must be accomplished now. We need the systems in our aircraft.

In summary, there is a critical problem, a practical solution now exists and action is required to put it into use. I earnestly urge this Committee to use its great prestige and authority to see that the solution is applied.

Thank you.

BERLIN SELLOUT?

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. ROUSSELOT. Mr. Speaker, the publication of the secret telegrams of the West German Ambassador in Washington, Rolf Pauls, by the West German magazine Quick has created a political storm in Bonn. This magazine states that the telegrams of Ambassador Pauls to his home office disclosed very unusual, behind-the-scene political conversations between West German State Secretary Egon Bahr and Assistant to the President for National Security Affairs, Henry Kissinger.

This appears to be a strange exchange indeed. Mr. Bahr comes out of this conversation as the strongest advocate for a buildup of the Soviet position in West Berlin. Bahr not only clearly supported the Soviet demand expressed in the so-called Abrasimov Paper—of Soviet Ambassador Petr Abrasimov to East Berlin—of March 1971, for a Soviet General Consulate in West Berlin, but he also clarified the West German position that "Berlin is not the land of the Federal Republic of Germany" and that "no constitutional agencies of the Federal Republic should conduct any official business in West Berlin."

This unilateral, direct concession to the Soviet Union by State Secretary Bahr were made in spite of many previous statements to the contrary by his own government representatives, including Chancellor Willy Brandt. In a subsequent interview, Mr. Bahr denied to have made these statements but they are now on the public record and the Bonn Government is investigating the source of the leak.

This is, indeed, a very strange conduct for an official representative of government which is an ally of the United States. Our country has a direct and immediate interest in the status of Berlin. We are currently in the midst of negotiations on this matter. We have a very direct interest in whether or not the Soviets are in a power position as a result of the agreement. I find it shocking that Mr. Bahr has deliberately moved to strengthen the Soviet hand in these negotiations.

It is a fact that as far as the Brandt government is concerned, the "satisfactory" solution of the Berlin problem is sine qua non for the ratification of the West German Bundestag of the Moscow and Warsaw treaties signed by the Brandt government last year. Mr. Bahr who is responsible for the negotiation of these treaties, is now apparently trying to make concessions in advance to the Soviets on the Berlin problem in order to push the treaties through the Bundestag.

Mr. Speaker, the United States is in a key position in the Berlin situation. Our interests in the Berlin problem must be paramount. We cannot stand to have lesser officials of the Brandt government attempt to sabotage our position and the position of all those in the free world. If, in fact, Mr. Kissinger has not supported this effort, it should be denounced by him. Any attempt to make concessions with prestamped Soviet approval is much beyond a reasonable compromise acceptable to those in the free world.

EDUCATION SPECIAL REVENUE SHARING

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. QUIE. Mr. Speaker, after the recess the Committee on Education and Labor will take up the President's proposal for special revenue sharing in education. The issues involved in this proposal are important ones to American education and to local and State taxpayers. They deserve the fullest possible understanding in the Congress. The best exposition of the President's proposal which I have seen is in a recent address by Charles B. Saunders, Jr., the Deputy Commissioner of Education for External Relations, delivered at the seminar for State legislative leaders in Manchester, N.H., in July.

I hope that every Member of the House will have an opportunity to study Mr. Saunders' thoughtful analysis and exposition of the President's proposal.

ANOTHER LOOK AT EDUCATION REVENUE SHARING

(By Charles B. Saunders, Jr.)

You are all well aware of the national debate taking place on the issue of revenue sharing, and the potential significance of this proposal for State and local governments. President Nixon's $5 billion General Revenue Sharing proposal is now the focus of hearings, and we are optimistic about the prospects for action on this far-reaching legislation during the 92d Congress.

You are equally aware of the fundamental nature of the debate. General Revenue Sharing would not only provide critically-needed fiscal relief, it would strengthen and reinvigorate State and local government, thus restoring confidence in the basic institutions of the Federal system at a time of widespread disenchantment with its capacity to meet national needs.

Revenue Sharing, of course, is not a new concept. Such fundamental issues cannot be decided overnight, and the approaching climax of the debate is the outcome of a decade of discussion. The idea has long been advocated by leaders in both political parties—by both their 1964 Presidential candidates, and by both their platforms in 1968. Now the idea's time has come and the President's General Revenue Sharing proposal is approaching a point of national decision.

However, an important element of the President's recommendations has not yet received sufficient public attention or congressional scrutiny. Complementary to General Revenue Sharing, and integral to the total package of governmental reforms proposed by the President, are his Special Revenue Sharing proposals in six broad functional areas: transportation, manpower, law en-

forcement, urban community development, rural development, and education. While General Revenue Sharing would correct the fiscal mismatch between States and localities, where the needs for service are rapidly outpacing revenues, and the Federal government with its faster-growing revenue base, Special Revenue Sharing would correct the complex and inefficient way Federal assistance is provided, consolidating literally hundreds of categorical programs into broader areas of national concern, freeing states and localities from a maze of bureaucratic red tape and permitting them far greater freedom to determine their own priorities and how to meet them.

I submit that the implications of Special Revenue Sharing are as important as General Revenue Sharing—even though they have not received anywhere near the attention and are, for reasons of committee jurisdiction, outside the scope of the current debate. For while General Revenue Sharing offers the prospect of significantly increased Federal assistance, Special Revenue Sharing offers a far more effective mechanism for states and localities to use those Federal funds. The reform and revitalization of the Federal system will not be accomplished by money, unless the funds are accompanied by reform of the decisionmaking process which restores the authority of the state and local governments—and that is what Special Revenue Sharing is designed to do.

My purpose, then, is to underline the role of Special Revenue Sharing in the President's total strategy for governmental reform, and to emphasize that the importance of achieving these reforms must not be forgotten in the wake of mounting pressures for national action on General Revenue Sharing.

I will focus my remarks on Education Revenue Sharing, for several reasons. Of the six Special Revenue Sharing proposals, education best illustrates the desirability and need for the reforms intended. Education is the highest budgetary priority—claiming some 41 percent of state and local revenues. It involves the most sensitive relationships between the citizen, his schools, and his government at the local, state, and Federal levels. In education, of all the six fields of Special Revenue Sharing, existing Federal programs are the most complex. In this field, there is widespread recognition of the need for fundamental reforms. Yet curiously, the significance of Education Revenue Sharing as a catalyst for these reforms has been generally overlooked and underestimated.

Education Revenue Sharing calls for a redirection of the Federal role in elementary and secondary education; a redirection which becomes more urgently necessary with each new categorical program enacted—and not a day goes by in Congress without the introduction of several bills which would add further narrow, special categories of Federal assistance to deal with particular educational problems. Over the last dozen years, these programs have proliferated to the point where they severely restrict the capacity of the states and localities to deal with their own educational problems.

The categorical approach dates back to 1917 and the Vocational Education Act, but it was not until 1958 that the National Defense Education Act established the pattern for Federal aid to education. In response to identified needs for strengthened programs in science, mathematics, and foreign languages, the NDEA established a series of programs designed to encourage more young Americans to pursue studies and acquire skills in fields considered vital to the national defense. In subsequent years a broader range of national educational needs were identified, and Congress passed in rapid succession a series of laws providing special help for the disadvantaged, for the handicapped, to train more teachers, to modernize vocational and technical education, and to provide more books, equipment, and technology.

There is no question that these programs have had an enormous and beneficial impact on American education. The question is, how long can we continue to add more categories to the existing complex structure? The U.S. Office of Education already administers more than 100 categorical programs affecting elementary and secondary education, vocational education, and postsecondary education. Some of the programs affect each of these major areas at the same time. To complicate the picture further, at least 26 other Federal agencies also administer significant categorical programs affecting the schools and colleges.

The problems created by this proliferation of programs are best known to educators at the local level. Suppose a school superintendent wants to upgrade the program at an elementary school in a low-income area. He could obtain assistance under Title I of the Elementary and Secondary Education Act (for school districts with high concentrations of disadvantaged children), Title II (for acquisition of library materials); Title III (encouragement of innovative programs) and under various parts of several other acts and titles covering everything from teacher workshops to educational research.

In theory, these laws offer the potential for significant support of the local superintendent's program. Unfortunately, however, each categorical program requires a separate application—often to separate bureaus of the Office of Education, In most cases interim approval at the State level is necessary. Some programs require matching funds. Some only ask an acceptable project proposal for approval: others approve projects on a highly competitive basis. And each categorical program has its own complicated set of regulations, guidelines, and reporting requirements.

These requirements make it difficult for even the most affluent and best-staffed school district to put together a coherent package of Federal assistance. For smaller, poorer systems, the task is simply impossible. Just keeping informed of the array of programs available, how to apply for them, when, and where has come to an impossible undertaking for any local school superintendent unless he has professional assistance.

A recent computer analysis has revealed the extent to which OE programs have proliferated: there are currently 38 separate authorizations in support of instruction, 37 in support of low-income pupils, and 22 in support of reading instruction. If these separate purposes are combined into one broader heading—instruction of low-income students in reading—there are no fewer than 13 different categorical authorizations.

Growing problems with the categorical approach to Federal aid are also increasingly apparent at the state level, where the paperwork required is staggering. A typical state plan for a single formula grant program is several hundred pages long and takes thousands of man-hours to prepare. States often establish separate units to do this work for programs and projects that are Federally funded, because of their requirements for individual auditing and reporting. These units and their personnel are counterparts—reproductions on a smaller scale of the units that administer the programs in the Office of Education. They frequently work more closely with OE than with their own agencies, managing their Federal funds in isolation from state resources that are available for the same purposes—and isolated, too, from other Federally-assisted programs. This fragmentation, of course, only dimishes the possibility of comprehensive, coordinated educational planning at the State level.

Some of the other problems resulting from the proliferation of categorical programs may seem ludicrous, but they are very real to State and local officials. One employee of a State department of education receives 17 checks each payday, because his time is apportioned among 17 Federally-funded programs. The monitoring procedures necessary to assure that personnel and equipment charged to one program are not used for other purposes may make it impossible for a secretary working for one program to use a typewriter purchased for another; or a bookkeeping machine purchased with categorical funds may remain idle while other non-Federal units of the same office are using hand ledgers.

At both the State and local levels, paperwork involved in project grant applications sometimes results in administrative costs that actually exceed the amount of the eventual grant. Furthermore, because there is no "need factor" in the allotment formula for most categorical programs, they actually increase inequities in the distribution of Federal funds—particularly in the case of project grant programs which favor prosperous school districts which can hire skilled proposal writers, and discriminate against poorer districts which cannot. (The suggestion has been made, not entirely in jest, that project grants should only be awarded to those districts submitting the worst applications, since they are obviously in greater need than their more sophisticated competitors.)

At the Federal level, the proliferation of categorical programs also brings many problems. The paperwork generated at the local and State level flows in to the Office of Education, where a great deal of manpower is assigned to reviewing reports, records, and plans—an expenditure of man-hours which is largely wasted, for several reasons. First, most of this work is essentially sterile—a matter of checking to see that all is in order, a bureaucratic function which the laws require, but which adds little or nothing to the content of the paper, serving mainly to shuffle it from desk to desk and contribute to a cumulative delay in processing. Second, the information contained in these documents is often of little actual value. Instead of supplying data that can be used to evaluate and improve a State's performance, they too frequently amount to a pedestrian collection of routine program description, assurances that Federal requirements are being met, and voluminous statistics of doubtful worth. Third, the time required to shuffle these documents reduces the amount of time and manpower which the Office of Education might otherwise devote to worthwhile technical assistance to States and local educational agencies—just as the time preparing them reduces the capacity of State officials to contribute to statewide planning efforts or to work productively with local school authorities to improve educational programs.

Once again, I would like to make clear that I am not criticizing individual categorical programs. The bulk of them have been notably successful in achieving their original purpose of stimulating new efforts to meet special educational needs. I assume that there will always be a need for some categorical programs: there will always be areas where support is deemed in the national interest, and new areas of need are constantly emerging which require special stimulation.

The point is that categorical programs simply cannot be permitted to grow indefinitely. Once special needs have been recognized at the State and local level, there is no sense in the Congress of the United States continuing to sit as a national school board, telling States and communities what they should spend and how: such programs should be replaced by broader forms of Federal aid. Once areas of particular national interest have been identified and broad objectives established in law, the States and localities should be encouraged to find their own means of achieving stated national objectives instead of being circumscribed by detailed guidelines and regulations which

assume that Washington knows best how to deal with problems which (it should be apparent) must differ in degree and intensity from State to State, district to district, and even from school to school.

The point is that if categorical Federal aid continues to proliferate, it will become more and more difficult for the fifty States to plan and operate effective programs tailored to their own educational needs and problems. There is no doubt that the States need Federal help. There is no doubt that the States must work together to achieve certain broad national educational objectives. But there is increasing evidence that the present structure of Federal aid cannot provide the kind of assistance that the States can use most profitably.

As categorical programs grow unchecked, the consequences for the States grow increasingly serious. It becomes more difficult for them to put Federal money to work where it is needed most. There is greater likelihood of duplication of effort and expenditures in precisely those areas where a State is already making an effort. There is mounting waste in the continuation of Federal funds for popular programs which have not adequately kept pace with changing educational needs. There is greater danger of distortion of State educational priorities, and shortchanging of other promising programs in order to qualify for the Federal funds available—particularly in the case of programs which require matching funds.

These are among the reasons why President Nixon has proposed Education Revenue Sharing. After 13 years of growth in the number, complexity, and rigidity of Federal programs, guidelines, and regulations, this Administration is saying that it is time to reverse the trend. It is time to reduce the number of categories, regulations, and guidelines; time to broaden and consolidate existing programs, eliminate counterproductive rigidities, and foster comprehensive planning to use Federal funds more effectively, placing greater responsibility on the States and local districts to deal with their educational problems in ways which seem best to them in the light of their own priorities.

That is what Education Revenue sharing seeks to accomplish. It would replace some 33 existing Federal formula grant programs in the elementary and secondary field, and put in their place a single program which would automatically distribute funds to the States by formula, to be used for five broad national purposes: the education of the disadvantaged, the handicapped, vocational education, assistance for schools in Federally-affected areas, and supporting educational materials and services.

In the case of the disadvantaged, and Federally-connected pupils whose parents live on Federal property, funds would pass directly through to the local educational agencies as a matter of right. The rest of the money would go to the States for distribution as they see fit. Up to 30 percent of funds for vocational education, education of the handicapped, Federally-connected children living off of Federal property, and supporting services could be transferred to any of the other national purpose areas, if they were determined to be of higher priority. Such determinations would be made through the development of a comprehensive State plan for use of the Federal funds. The plan would be developed as a result of broad public debate within the State, and with the advice of an advisory council representative of the persons served by the Federal programs. But the plan would be entirely the work of the people of the State, and there would be no requirement for submission to the Federal government for approval. Likewise, the ways funds would be used within each of the five national purpose areas would be a matter for determination within the State (subject to minimal necessary Federal requirements for auditing and other assurances that the funds are spent for the purposes authorized). Careful planning would be facilitated because the Federal appropriation would come in a lump sum, one year in advance. State and local administrative costs would be reduced because much of the tedious and expensive grant application process would be eliminated.

This proposal is, I submit, a vitally important response to the need for simplification and rationalization of Federal programs in elementary and secondary education. The need has been increasingly clear in recent years, and has been recognized at all levels of government. Over four years ago, in its landmark *Study of the United States Office of Education*, the Special Subcommittee on Education of the House Committee on Education and Labor reported that the growth of enabling legislation, and the administrative policies required to carry them out, were creating increasing problems of "confusion, delay, and unnecessary paperwork" for the beneficiaries. The committee report declared:

These administrative problems are increasingly having another effect: that of greatly reducing the usefulness of Federal programs to school districts . . . which are most in need of assistance. It is apparent that . . . most of the Nation's school districts simply do not have the administrative staffs to cope with the numerous appplications and reports required . . . a disturbing evidence of the seriousness of the situation is the increasing number of . . . large school districts which have employed full-time professional personnel simply to keep track of the numerous Federal programs and to develop proposals for procuring Federal funds.

The rationale for giving States and localities greater responsibility in the use of Federal funds was succinctly stated in the same 1967 study, in additional views by Chairman Edith Green of Oregon, Albert H. Quie of Minnesota, and John N. Erlenborn of Illinois:

In our opinion, it requires an amazing amount of arrogance to assume that all good judgment and wisdom reside in Washington. We believe that people in our States—and all States—know a great deal more about their problems and needs than the Office of Education in Washington or the Committees on Education in the Congress. The problems are different in Oregon than in New York; the problems are different in Illinois than they are in California, and different in Minnesota than they are in Arizona. Each State is in the best position to determine its own priorities.

Yet, for a proposal as far-reaching as Education Revenue Sharing, there has been surprisingly little discussion since the Administration's bill was sent to the Hill in April. Hearings have not yet been scheduled by the appropriate congressional committees. Some of the principal national associations have endorsed the concept of program consolidation, but there has been no concerted effort to obtain congressional action.

In one respect, this lack of response has been understandable. The education community has been preoccupied with critical fiscal problems. On the Hill, this has meant concentrating on the annual appropriations cycle which has just produced a record Federal budget for education. Outside of Washington, it has meant urgent appeals to State legislatures—and in some cases, early school closings.

At a time when educators are so pressed for additional funds, they may find it hard to generate enthusiasm for reforms which do not necessarily provide substantially increased Federal aid—even reforms as important as Education Revenue Sharing would produce. In fact, their initial reactions raise a suspicion that the education community does not yet appreciate the full significance of this proposal for American education.

One reaction has been to dismiss the bill "because it doesn't have enough money in it." This is pure misunderstanding, because there isn't any money in Education Revenue Sharing in the first place: the bill authorizes only such sums as Congress appropriates. It is true that there is a $3 billion price tag associated with the proposal in the President's budget, but this is simply the sum total of the requested amounts for the 33 formula grant programs proposed for consolidation, plus an additional $200 million for growth. Therefore it is not accurate to say that "there isn't enough money in it," since the amount would in any case be a function of the annual appropriations process, not the authorization bill.

Another reaction is to raise the question: "are the States capable of spending the funds responsibly?" This question must be dismissed as either sheer arrogance or rank hypocrisy. The States and local districts are currently spending 93% of all funds for public elementary and secondary education, and it is ridiculous to suggest that they are somehow unfit to spend any of the 7% put up by the Federal government. If we acknowledge that some States will spend the money more wisely than others, we must also ask how any State can be expected to be fully responsible, as long as Federal programs deny them full responsibility.

Still another reaction is that "present programs would be more effective if they were fully funded, and then there would be no need for Education Revenue Sharing." This is perhaps the most attractive—and the most dangerous—of the arguments against the proposal. This viewpoint deliberately ignores the obvious complexities and difficulties which Federal categorical programs already pose for schoolmen at the State and local level. To fund all Federal education programs to the limit of their current authorizations would approximately double the present level of Federal assistance—but this would be a massive waste of funds, because the programs in all their variety were never designed to provide a comprehensive approach to current educational needs at the State and local level. Rather, they reflect the accumulated priorities of previous decades. Their expansion would enlarge the inequities that already exist: it would not direct proportionately greater resources to areas of greatest need, it would provide no incentives for reform of State and local revenue systems—in short, it would not deal effectively with the fiscal problems of the schools.

Full funding of all existing legislative authorities would not only be bad public policy, it would enormously increase the problems of reporting, auditing, and conforming to Federal regulations which already loom so large for the States and localities. Full funding, if achieved, would not eliminate the need for Education Revenue Sharing, but would make it an urgent necessity to save the elementary and secondary education system from strangulation by Federal red tape.

There are other criticisms of the bill, but they are mostly matters of detail: issues which should be relatively easy to resolve if there is a determination to achieve the objectives of the proposal. The specifics are not set in concrete: they represent a first attempt to embody an important concept in legislative language. We expect Congress to amend and improve our language as it shapes the final law, and we are prepared to work in full cooperation to this end.

The details, at this point, are not as important as the concept. Of overriding importance is the determination that greater authority and responsibility must be placed where it belongs, in the States and local governments. That is the essence of the New

American Revolution which the President called for in his State of the Union message last January: "a peaceful revolution in which power (is) turned back to the people—in which government at all levels (is) refreshed and renewed, and made truly responsive."

BIG BUS BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. SCHWENGEL. Mr. Speaker, the following editorials from the Louisville Times and the Courier Journal give an indication of the feelings of the residents of Kentucky with respect to the Big Bus bill.

[From the Louisville Times, July 23, 1971]

THE BIG-BUS LOBBY ROARS AHEAD

The never-ending fight to keep dangerously oversized trucks and buses off the nation's highways has suffered a serious defeat. The House has passed and sent to the Senate a bill to increase the permissible width of intercity buses by six inches. On highways where 70 miles an hour is a normal speed, that six inches could measure the difference between life and death.

It would be bad enough if the widening were confined to buses. But lurking in the wings is a second bill that would permit trucks, too, to be even wider and heavier than the monsters now hogging the highways. Though this one has not yet cleared the House Rules Committee, there seems little doubt that it will. Having obliged the bus lobby, the committee is in no position to deny the truckers even if it wanted to.

Both measures were approved several weeks ago by the House Public Works Committee despite opposition from the federal Transportation Department and the National Transportation Safety Board. What the committee was thinking about we can't imagine, but it obviously wasn't highway safety.

Present law governing the dimensions of trucks and buses on interstate highways limits their width to eight feet. The interstate system was designed with these dimensions in mind. Its lanes are 12 feet wide, which leaves just 24 inches of clearance on either side for vehicles of maximum size. As a Kentucky safety expert once expressed it, any increase in vehicle width would render the system "marginal from a safety standpoint." That means, in plain language, dangerous.

And what about other highways, where the lane width often is less than 12 feet? It is true, as the truck-bus lobbies like to point out, that the bills before Congress refer to interstates only. That is because vehicle regulations on other highways and roads are fixed by state legislation. But nobody expects the bigger trucks and buses to remain on the interstates all the time. They would have to get off and onto lesser roads frequently, if only to load and unload their passengers or cargo.

It is true that local transit systems in some cities now operate 102-inch buses, the width proposed in the House-approved bill. But these vehicles, remember, are not competing in 70 mph (or faster) traffic. Nor are we persuaded by the argument that the bill is needed so that these buses can transport big-city commuters over interstate highways to the suburbs. There are other routes to the suburbs. The real beneficiaries of this outrageous legislation would be the big cross-country buses that zoom along with the fast intercity traffic—and after them, the box-car-size trucks.

The lobbyists figure that, once Congress has let down the bars on interstates, getting the various state standards relaxed would be easy. No doubt they are right in that assumption.

It now is up to the Senate to stop this threat to highway safety. Unfortunately, experience makes that body a dubious goal tender on this issue. This was demonstrated in 1968 when legislation for bigger trucks and buses won approval in the upper chamber.

It might have passed the House as well but for some embarrassing disclosures regarding congressional campaign funds. Like the bills now pending, the 1968 legislation had won the House Public Works Committee's endorsement and was ready for a vote on the floor when a Des Moines newspaper revealed that a "nonpartisan" truckers' committee had been feeding the campaign kitties of several key congressmen, including members of both political parties. That killed the goose for that session.

But now the lobby is back in full force, and making entirely too much headway for comfort. Does its latest success mean that most House members believe their constituents have forgotten 1968? It must.

[From the Courier Journal, July 26, 1971]

THE WIDER BUSES PAVE THE WAY FOR WIDER TRUCKS

Behind the concrete curtain of the Interstate highway system, the slick operators of the automotive world are bamboozling the public. And they are getting away with it. As an example, the House has just passed a bill allowing wider buses to operate on Interstate highways.

That seems reasonable, especially the way the bus-makers tell it. Since Interstate driving lanes are wider, they can handle wider bus bodies without endangering anyone. But this brings up a question: What are these wide-bodied buses going to do once they leave the Interstates? Take wings? No, they are going to have to drive over the ordinary roads and small-town streets that are not as wide as Interstate lanes, and where their extra width will create danger and nuisance.

THE THING COULD PYRAMID

Actually, it's hard to see why the bus-makers bother. Wide-bodied buses can already operate on most city streets, and making over-the-road buses six inches wider isn't going to make much difference, either to the passenger or the bus company. Each passenger will have one inch more seat space, and each aisle will be two inches wider. Who is going to gain from this? Truck-makers, that's who. If wide buses are allowed on the Interstates, how long do you think it's going to be before wide-bodied trucks start demanding—and getting—equal treatment?

And once we get the wide-bodied trucks on the Interstates, no road will be as safe or as serviceable for ordinary automobile drivers. For like the buses, wide-bodied trucks are not going to take wings and fly from the Interstate to their destination in town. They will be using, and crowding more than ever, the ordinary, narrow-lane surface roads.

In fact, the trucks are already using the old "on Interstate highways" gimmick here in Kentucky where, for a fee, truckers are permitted to operate "double bottoms" (two trailers in line) on the Interstates. Since they must load and unload at points off the Interstates, the law also allows them to operate 15 miles from the Interstates, which means that, for a fee, a trucker can operate one of these highway freight trains practically anywhere in the state, including narrow country roads and small-town streets where they are a definite menace.

Now, with the wider-bus bill past the House, the truck-makers have a foot in the door. Soon we shall be hearing that wide trucks are no more dangerous than wide buses—on Interstate highways. And once they are permitted on the Interstates, watch out.

ARMS CONTROL AND TECHNOLOGICAL CHANGE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mrs. ABZUG. Mr. Speaker, peace and the arms race have long been major concerns of mine. As you know, I was the legislative director of Women Strike for Peace in the years before I became a Member of this body. I am particularly concerned with the problem of nuclear weapons testing, and with the various technological arguments which have been raised in opposition to a comprehensive test ban treaty.

The University of Chicago's Center for Policy Studies is sponsoring an Arms Control and Foreign Policy Seminar. The seminar, which will continue through 1973, is funded by the Ford Foundation. Its basic purpose is to clarify and contribute to the discussion and debate on arms control issues. In February 1971, Prof. Freeman J. Dyson of the Institute for Advanced Study at Princeton University delivered a paper entitled "Arms Control and Technological Change" before the seminar. It is a thoughtful study by one of our Nation's foremost physicists, and I commend it to you:

ARMS CONTROL AND TECHNOLOGICAL CHANGE

(By Freeman J. Dyson)

There are two extreme points of view concerning the relation of technological change to arms control. I will call these the technocrat's and the diplomat's points of view, although I am well aware that few technocrats and few diplomats hold such oversimplified positions.

The technocrat's view is that technological facts must be decisive in assessing the feasibility or desirability of arms-control measures. Much of the public debate on arms-control issues in the United States has been conducted as if the technocrat's view were valid. For example, the discussions of a comprehensive test-ban in the years 1958–63 revolved around esoteric questions of earthquake statistics and seismic instrumentation, until some of our Senators became as expert in seismology as the professors of geophysics who came to testify before them. A similar syndrome can be seen now in the public discussion of the current Strategic Arms Limitation Talks (SALT). A large part of it centers around detailed estimates of kill-ratios and cost-ratios, the feasibility of monitoring multiple warhead guidance development tests, and so forth, as if these were the only things that mattered.

In contrast, the diplomat's view is that arms control is a political problem in which technological factors in any but the broadest outline are irrelevant. Kennan was not thinking about arms control when he wrote: "The more I see of the life of this international society the more I am convinced that it is the shadows rather than the substance of things that move the hearts, and sway the deeds, of statesmen" (*Memoirs*, p. 351). He is too many-sided a man to hold oversimplified views about anything. Still, his

words express well the essence of the diplomat's view, that arms control measures are not different in character from other political arrangements, and that the political shadows thrown by our weapon deployments are more important than their technical substance.

My main purpose here is to examine whether the technocrat's view or the diplomat's view comes closer to the truth. I shall discuss in turn three examples of arms control problems in which technological change plays an important role. I make no apology for giving part of the discussion an autobiographical flavor. A man often learns more from unimportant events in which he has been directly involved, than from important events which he sees only through books and newspapers. If you would like a more sensational title, it might be "How a Bomb-Designer Came to Believe that the Bomb Is Irrelevant." But this would also be an oversimplification.

I will begin the discussion with an episode from my own past. Once I spent a few weeks at the nuclear weapons laboratory at Livermore helping to design bombs. I was there during the bomb-test moratorium which began in August 1958 and continued until 1961. These were the only years in which our bomb-designers had to do their work without nuclear tests of any kind.

I worked with a small group of theoretical people who were thinking about radical improvements in weapon design. We had a number of ideas which seemed to make technical sense, and which would have had major effects on the weapons stockpile if they could have been implemented.

The result of my visit to Livermore was an article which appeared in the April 1960 issue of *Foreign Affairs* under the title "The Future Development of Nuclear Weapons." This article presents in impassioned prose the technocrat's view of arms-control problems. The main thesis of the article is that a permanent test-ban would be a dangerous illusion, because future improvements in weapons technology would create irresistible pressures toward secret or open violation of any such ban. When I re-read this article now, I do not know whether to be amused or ashamed. I quote now a couple of pages which will give you the flavor of it:

"I believe that radically new kinds of nuclear weapons are technically possible, that the military and political effects of such weapons would be important, and that the development of such weapons can hardly be arrested by any means less drastic than international control of all nuclear operations. . . .

"A fission bomb cannot explode at all unless it contains a certain quantity (the critical mass) of extremely expensive metal. . . . So the basic characteristic of all existing weapons is that it is relatively much cheaper to make a big bang than a small one. Below a certain yield of the order of a kiloton, nuclear weapons are grossly inefficient and extravagant. However, for military purposes other than wholesale annihilation, a kiloton is already an unreasonably big bang. There is a clear and acute military need for an explosive which will fill the gap between a ton and a kiloton of TNT with a cost which is proportional to the yield instead of being independent of it.

"There is theoretically a simple way to escape from the tyranny of the critical mass. This is to burn heavy hydrogen without a fission bomb to ignite it. A fission-free bomb, containing a small quantity of heavy hydrogen and no fissionable metal, is logically the third major step in weapon development after the existing fission and hydrogen bombs. Such a bomb has been occasionally mentioned in newspapers and magazines and described as a '100-percent clean bomb.' It would not be 100 percent clean. It would contaminate the countryside enormously less than existing fission or hydrogen bombs, but this is not its main advantage. The decisive advantage of a fission-free bomb is that it could be built economically in small sizes. It would have no critical mass. It would provide without gross inefficiency an explosive power adapted to the needs of small-scale and local warfare . . .

"Imagine a hypothetical situation in which the United States is armed with its existing weapons, while some adversary (not necessarily the Soviet Union) has a comparable supply of nuclear fuel and has learned how to ignite it fission-free. The adversary's bombs would then outnumber ours ten or a hundred to one, and theirs could be used with far greater versatility in infantry warfare . . . Any country which renounces for itself the development of nuclear weapons, without certain knowledge that its adversaries have done the same, is likely to find itself in the position of the Polish army in 1939, fighting tanks with horses."

There is a lot more of the same kind of rhetoric. The gist of the argument is that fission-free weapons are the wave of the future, and that any political arrangement which ignores or denies their birthright is doomed to failure. This is the technocrat's view with a vengeance. It is perhaps worthwhile to analyze in some detail the mistakes in this *Foreign Affairs* article. It is now clear to me that the conclusions of the article are wrong; yet in 1960 the editors of *Foreign Affairs* thought that the arguments had enough merit to be worth publishing. If we can identify the points at which these arguments went astray, this should help us to see in other situations the ways in which a technocrat's view of arms control may be misleading.

I was wrong on three counts, technical, military, and political. Technically, I misjudged the time-scale for development of fission-free weapons. I expected that they would be a reality within less than ten years. They may yet make their appearance, but ten years have passed without any visible sign of them. If during these years there had been a spectacular technical success, I imagine that we should all have heard about it. Things of that sort do not stay secret long in the United States. So the first lesson to be learned from this episode is that, even on the technical aspects of future technology, the judgment of a scientist is not always to be trusted.

Militarily I was wrong because I believed in "tactical nuclear war" as a feasible means of employing military forces. In 1960 I was not alone in this belief. I have since taken part in some detailed studies of tactical nuclear war, and I have seen the results of some relevant war games played by professionals. I am now convinced that tactical nuclear war, conducted between any two nuclear powers, will quickly degenerate into an uncontrollable chaos that can be terminated only by an immediate cease-fire (if we are lucky) or by an escalation to strategic strikes (if we are unlucky). In either case the outcome of the war will hardly be affected by the presence of fission-free weapons in the tactical forces on one or both sides of the initial conflict. The best that one can hope for from fission-free weapons is that they may reduce the level of general devastation in a conflict that is successfully halted at a very early stage. If the conflict is not halted within a few hours, the impossibility of knowing precisely where the enemy is will compel both sides to use high-yield weapons if they were not doing so at the outset.

Politically I was wrong in saying that a test ban would necessarily be ineffective as a means of stopping development of fission-free weapons. A total test ban would certainly stop *us* from developing these weapons. If it were known that we had stopped work on them and did not consider them to be scientifically or militarily important, the incentive for any other power to put much effort into developing them would be greatly reduced. In these circumstances, a total test ban would probably be successful in discouraging the signatory nations from building fission-free weapons, even if the necessary clandestine tests would be of such low yield as to be technically undetectable. On the other hand, the one way to make certain that our adversaries would soon possess these weapons would be for us to develop and deploy them ourselves.

I now believe that we should regard fission-free nuclear weapons politically as having the same characteristics as biological weapons. There are no plausible circumstances in which we would derive any meaningful advantage from using such weapons, even if they were first used against us. They are chiefly dangerous to us because they might become cheap and relatively easy to manufacture, and because they could be extremely formidable and destructive in the hands of guerrillas or terrorists. If these weapons ever get into the hands of terrorists, it will not be because the terrorists will carry out the necessary scientific experiments, but because we will do the experiments ourselves and will be incapable of keeping the matter secret. The best way to keep such inventions out of irresponsible hands is for us to refrain from inventing them.

I would now recommend as the political solution to the problem of fission-free weapons that we formally renounce all further research on them and with due ceremony transfer to open scientific work any staff and facilities that may still be devoted to them at Livermore. We could take this step unilaterally, without waiting for a comprehensive test-ban agreement. This is the course which we have wisely adopted in connection with biological weapons. Even if I agree with nothing else that Mr. Nixon has done, I am profoundly thankful to him for that.

This is all I have to say about fission-free weapons. They are a good example to illustrate the weakness of a too technical approach to arms control. They demonstrate with particular clarity that the "irresistible march of technology" in matters of weaponry is an illusion. The march of technology easily peters out if the political tide is running against it.

The other technological arms control problem with which I have been mainly concerned is ballistic missile defense (BMD). While at the U.S. Arms Control and Disarmament Agency during 1962 and 1963 I made a study of the policy alternatives open to us at that time in dealing with BMD. The main question at issue was whether we should seek to include or to exclude BMD from the list of weapons to be prohibited or restricted in a possible arms-freeze agreement with the Soviet Union. I decided we should exclude BMD. The policymakers at the Agency decided we should include it. The negotiations with the Soviet Union never became serious, and my policy study was buried in the Agency files and forgotten.

Now, eight years later, the SALT talks are reaching the serious stage and we are again forced to face the same old question: What should we do about BMD? I cannot here discuss all aspects of this complicated question. I will speak mainly about a narrower issue, namely, the question whether a consideration of future technological developments should influence our present negotiating positions. I do not need to remind you that I was wrong before about fission-free weapons and may be wrong again. Speculation about future technological possibilities is valuable only insofar as it is tempted with a high degree of skepticism.

Technologically speaking, there are two kinds of BMD, which I will call conventional and exotic. Conventional BMD is the kind which we and the Soviet Union have been

experimenting with for the last fifteen years and are now hesitantly beginning to deploy. It consists of big interceptor rockets armed with nuclear warheads, big radars to detect and track incoming missiles, and big computers to direct the interceptors so that they can destroy attackers. Almost all the public discussion of BMD has been concerned with conventional BMD. All the systems which have been under serious development, whether designed for area or for terminal defense, for city or for hard-point defense, have been basically the same conventional BMD system. The distinctions between area and terminal, city and hard-point, are politically important but technically minor. The conventional BMD system is the only one we seriously think about building because it is the only one we know how to build.

Exotic BMD is anything that is not conventional. A great variety of exotic systems have been invented by ingenious engineers and scientists. Most of them are non-nuclear. Each of them seems to be feasible in theory but is formidable to design in detail. The two main categories of exotic BMD systems are supposed to kill missiles by direct hits of small non-nuclear interceptors (pellet systems) or by some kind of high-energy radiation (death-ray systems). The common feature of all exotic systems is that although they probably do not work at all, if by chance they do work, they may be spectacularly better than conventional systems. In particular, a non-nuclear BMD would avoid many of the political problems which conventional BMD raises, both domestically and internationally.

Four of the serious objections to conventional BMD are the following:

i. There is no politically acceptable way to find out whether or not the system works as advertised.

ii. A system controlled tightly enough to eliminate the risk of a nuclear response to a false alarm will be incapable of a sufficiently rapid response to a real attack.

iii. The large interceptor missiles with high-yield warheads can easily be converted into offensive weapons.

iv. The development of conventional BMD is now the main obstacle to a reduction or elimination of underground nuclear tests.

All four objections would disappear if we were dealing with exotic BMD. These political advantages of exotic BMD are to my mind more substantial than the technical advantages. It is possible that exotic BMD could be far more effective, and conceivably also cheaper, than conventional BMD, but these possibilities are necessarily remote and conjectural. The real promise of exotic BMD lies in its psychological acceptability. One can imagine a future world in which major powers protect themselves with non-nuclear BMD systems while gradually reducing offensive nuclear forces to insignificant levels.

This is a possible route to a stable international equilibrium no longer based on threats of mutual annihilation, and it is a route which most people would consider attractive if it were technically feasible. On the other hand, it is difficult to imagine reaching a stable and relaxed equilibrium with only conventional BMD systems. Even if the conventional BMD became technically capable of defending us, many of us would be unenthusiastic about relying on it as a permanent solution of our security problems.

It was probably a sound instinct that brought out the housewives of Tenafly to protest loudly when it was proposed to put a major BMD installation there as part of the Sentinel system for the defense of New York City. Though sadly misinformed about the technical details of Sentinel, the housewives made a correct political judgment that a large concentration of nuclear warheads in suburban areas, ready to be launched and detonated at a moment's notice, would not increase the security of the city's inhabitants.

The basic question which confronts decisionmakers in connection with the long-range future of BMD is whether we wish to perpetuate or to nullify the supremacy of the offensive. By "supremacy of the offensive" I mean the strategic doctrine with which the United States has been living since 1945, according to which nuclear forces are so overwhelmingly strong that any defense against them is at best a palliative.

The supremacy of the offensive dictates the strategy, which the U.S. has followed since 1960 and the Soviet Union since 1965, of giving first priority to invulnerable second-strike offensive forces and relying upon deterrence rather than defense to keep us alive.

Many experts in arms control have grown so accustomed to the supremacy of the offensive that they accept it as permanent and even desirable. People who think this way consider the "balance of terror" the only feasible basis of world peace; they violently oppose population defense as a misguided and vain attempt to upset the balance, Mr. McNamara, in his pre-Sentinel days a strong exponent of this attitude, seems to have succeeded in converting the post-Khrushchev Soviet leaders to his point of view.

The SALT talks will very likely result in an agreement which solidifies the supremacy of the offensive by limiting BMD to insignificant levels while allowing the offensive forces on both sides to remain at their present enormous size. This at least is the outcome which most arms-controllers in the United States seem to desire. In the present state of the world, it may well be the best outcome that we can hope to achieve.

On the other hand, the supremacy of the offensive has grave disadvantages as a basis for any kind of stable world order. I do not need to spell out the disadvantages in detail. There is, first and never to be forgotten, the moral disadvantage of building security on the threat of indiscriminate slaughter of populations. This threat inevitably deprives our government of moral legitimacy in the eyes of many people both abroad and at home. Second, there is the inability of deterrence to stop insane or irresponsible people from attacking us. Third, there is the disproportionate size of the disaster that results if, because of some accident or misunderstanding, the strategic offensive weapons are ever used.

These three disadvantages of the present strategic situation are so overwhelming that many of us who have lived with them for twenty years have learned to turn a blind eye to them. Nevertheless they are real enough. If BMD offers any hope of breaking the supremacy of the offensive and moving us toward a world in which the major strategic forces are defensive in character, we would be wise to do all we can to keep this hope alive.

The technical arguments about BMD are mostly related to the question whether deployment of population defenses can in the real world diminish the supremacy of the offensive. When country A deploys BMD to defend its population, country B may respond in either of two opposite ways: If country B believes that the BMD can be easily countered or saturated, then country B will presumably increase the numbers and sophistication of its offensive weapons as necessary to make sure that the effectiveness of the BMD is nullified. In this case the supremacy of the offensive is preserved or even increased as a result of deployment by country A and reaction by country B. On the other hand, if country B believes that the BMD is highly effective and that the cost of countering it with a new offensive weapon is unreasonably high, the preferred response for country B may be to build an equally good population defense and leave the offensive weapons alone. In the second case BMD deployment has effectively diminished the supremacy of the offensive; the way is then open for political arrangements leading to major reductions in offensive forces and to the solidification of a strategic balance based on defense rather than deterrence.

Most of the experts today, like Mr. McNamara of old, are strongly of the opinion that BMD cannot be or look good enough to produce the second reaction. So they believe that deployment of population defense will do nothing to mitigate the supremacy of the offensive and will only lead to an intensified and useless arms race. So far as the present state of the BMD art is concerned, the experts are probably right. Mr. Nixon certainly agrees with them. He used the same argument to justify his decision to abandon the Sentinel population-defense system and to convert it into the Safeguard hardpoint system.

But we should be careful not to take for granted the technical hopelessness of BMD for population defense. The present state of the art is not final. It is possible that in five or ten years the capabilities of conventional BMD will be enough improved that deployment of population defense would no longer be self-defeating. If any form of exotic BMD were to become feasible, population defense might suddenly become strategically sound as well as politically unobjectionable. So the main advice that I would give to the SALT negotiators is, "Do not do anything to permanently forbid a move to a defensively-oriented world in case of a technological change that would make this possible."

There are valid technical reasons for expecting that defensive technology may advance more rapidly than offensive technology. The supremacy of offensive technology during the last twenty years has been based on two physical inventions, the hydrogen bomb and the multiple-stage rocket, which are hardly capable of further radical improvement. In contrast, defensive technology is based on sensors and computers which are still at a stage of rapid and unpredictable development.

The offense/defense battle is primarily a battle of information. If the defense can detect a target in time and know accurately where it is, it is not too difficult to destroy it. The defense can in principle win if it has complete and accurate information and the ability to process the information and to respond to it. Ultimately, it seems reasonable to expect that the defense will be able to outmaneuver and outwit the offense, simply because the defense is fighting the battle at close range and in full view, whereas the offense is fighting it blind from a command center thousands of miles away.

So I can honestly say as a scientist that the long-range prospects for a technically adequate BMD are bright. But that alone would hardly be worth saying. Much more important, to my mind, is the fact that there are compelling moral and political reasons for us to desire an adequate BMD, so that we are not condemned to live forever by threatening instant death to our neighbors and to ourselves. When moral and political imperatives create a need, and when the technological problems are not insuperable, then there is a good chance that the need will one day be filled.

The problems of fission-free weapons and of ballistic missile defense are of too recent origin to allow any reliable judgment of their historical consequences. My third example of a technological arms-control problem is deliberately chosen for its longer history. From the perspective of 150 years one may be able to see more clearly the features of an arms-control agreement that give it durability. So I will briefly discuss the story of the Rush-Bagot Agreement limiting naval armaments on the Great Lakes of North America. I take the details from an excellent article, "Arms Control on the Great Lakes," published by James Eayrs in Volume 2 of *Disarmament and Arms Control* (Autumn 1964).

The agreement, made official in 1817 by Acting Secretary of State Richard Rush and

the British Minister at Washington Sir Charles Bagot, stipulated as follows:

"The naval force to be maintained upon the American Lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side, that is—On Lake Ontario, to one vessel, not exceeding one hundred tons burden, and armed with one eighteen-pound cannon. On the Upper Lakes, to two vessels, not exceeding like burden each, and armed with like force. On the waters of Lake Champlain, to one vessel not exceeding like burden . . .". And so on.

For the full text of the agreement and for a detailed narrative of its later history I must refer you to Mr. Eayrs' account. The fleets existing on the lakes in 1817 were much larger than the agreed limit, and the individual ships were too big to be sailed down the St. Lawrence River. The agreement thus required a substantial act of disarmament, which was promptly carried out by dismantling ships on both sides. The main objective of the agreement was to avoid confrontations which might lead to a renewed outbreak of the indecisive War of 1812. This aim was achieved.

From my point of view the most instructive feature of the agreement is that it paid no attention at all to the problem of technological change. There is no sign in it that Mr. Rush and Sir Charles were disturbed by the thought that eighteen-pound cannon would not forever remain the last word in naval armament.

For a hundred years after the signing of the agreement, technological changes were constantly creating difficulties in its implementation. During these years the American-Canadian frontier was not always as peaceful as it later became. In 1841 Britain violated the agreement with two steam frigates. In 1843 the U.S. responded with a ship of 685 tons carrying two six-inch guns which could hardly have weighed less than eighteen pounds. And so it went. From the 1840s onward, there was never a time when one side or the other was not technically violating the agreement. As the political relations between the two sides gradually became less acrimonious toward the end of the nineteenth century, the magnitude of the violations increased. Each new violation was customarily greeted with vehement protests from the other side, but as time went on the protests became less public and more ritualistic. In 1920 a senior official of the Canadian navy was still writing, "It is . . . of the utmost importance that troops should be ready to immediately occupy the American shore of the St. Lawrence, that large numbers of small craft should be maintained . . ., and that a good supply of mines should be available in Canada for blocking the Straits of Mackinac, Detroit river, etc." But by that time nobody outside the military staffs was prepared to take such nightmares seriously.

The fact that the Rush-Bagot agreement was technically violated did not destroy its political usefulness. Through the worst periods of Canadian-American tensions the agreement was kept legally in force and was instrumental in holding these tensions in check. The political leaders on both sides found the agreement useful, and employed it effectively to pacify the bellicose minority on their own side of the border as well as to castigate the bellicose minority on the other side. The technical details of the agreement were important in 1817, but grew less and less important as its age and venerability increased. By the end of the nineteenth century there had developed a tacit understanding between the two governments that technical violations would be condoned provided that the "spirit of the agreement" was preserved. So now, after 150 years, the agreement is still legally in force, is still technically violated several times every year, and has passed into folklore as a symbol of enduring peace.

I cannot refrain at this point from quoting the last few sentences of Mr. Eayrs' essay:

"In 1960 there was public speculation that among proposals being considered for improving the apparatus of massive retaliation was a scheme for mounting Intercontinental Ballistic Missiles on Great Lakes missile ships. Nothing came of it. Had something come of it, the Rush-Bagot agreement would have been put to a supreme test of its malleability. Even the most seasoned manipulators of the 'clausula rebus sic stantibus' might blush while pronouncing the presence of scores of weapons, each of the destructive equivalent of millions of tons of TNT, to be consistent with the spirit of an Agreement forbidding the presence of anything exceeding the normal amount of ammunition for four eighteen-pound cannon. But that is not to say they could not have done it."

Let me now try to summarize whatever lessons can be learned from considering together these three very different episodes, the fission-free nuclear weapons that failed to disrupt a test-ban, the ballistic missile defenses that are now complicating the SALT negotiations, and the Rush-Bagot agreement that succeeded in pacifying a continent by harnessing in the cause of peace the powerful forces of human inertia and hypocrisy.

What can we learn from all this? Surely the main lesson is clear in all three instances: The diplomat's view of things has proved to be more valid than the technocrat's view. In each case the feasibility and effectiveness of an arms-control agreement has depended primarily on the political advantages which it has offered to both sides. The technical arguments which loomed so large in the public discussion of the test-ban and SALT negotiations were dealing only with one aspect, and not the most important aspect, of the whole situation.

The test-ban treaty of 1963 has already acquired a political solidity which technological change seems unlikely to upset. It is possible that the treaty will one day collapse, but if this happens it will probably be caused by some major political crisis rather than by the invention of some new kind of bomb. There are several indications of the growing immunity of the treaty to effects of technological change. One such indication is the readiness with which both sides have excused technical violations. Another indication is the fact that when programs of peaceful exploitation of nuclear explosives have come into conflict with the treaty it is taken for granted by everybody that the treaty shall prevail.

The Rush-Bagot agreement has shown in a spectacular way how the disturbances produced by technological change can be minimized by pretending that they do not exist. This method of handling technological problems cannot always be expected to succeed so brilliantly. Sometimes technological developments will refuse to be ignored. But it seems to me that the Rush-Bagot story teaches some lessons that apply to almost all arms-control situations. One lesson is that the value of an arms-control agreement is not automatically destroyed when the agreement is violated. The Rush-Bagot agreement has a withdrawal clause allowing either side to denounce the agreement by giving six months' notice, but this right has never been exercised even after flagrant violations. Another lesson is that the political interests which are served by a well-devised arms-control agreement and which tend to preserve the agreement are far more durable than any technological factors that may from time to time cause difficulties.

There are many examples in history of arms-control agreements that have failed. The conspicuous examples of failure have mostly occurred because one party viewed the agreement as attempting to keep him permanently in a position of political inferiority. I do not know an example of an agreement which failed primarily because of effects of technological change. If both sides have a strong and roughly equal political interest in maintaining an agreement, almost any technological change can be accommodated, either by ignoring it, in Rush-Bagot style, or, more rationally, by renegotiating it.

The SALT negotiations and the associated domestic discussions of ballistic missile defense are still at too early a stage to allow any firm conclusions to be drawn. My own judgment is that here, too, as in the other two instances, political interests will successfully override technological worries.

There are two alternative types of SALT agreement at which we can aim. One is an offensive-dominated agreement which freezes offensive deployments at about their present levels and forbids significant BMD. The technological worries in this case concern improvements in missile accuracy, MIRV, and the vulnerability of missile-carrying submarines. The other possible type of SALT agreement would give deliberate encouragement to both sides to turn gradually towards a defense-dominated posture. Such a defense-dominated agreement would freeze or reduce offensive deployments while allowing growth of BMD to continue. The main technological worry in this case is that BMD effectiveness might grow unequally on the two sides so that one side might achieve a real or imaginary strategic advantage.

I believe that if either of these types of SALT agreement were concluded, the technological worries would turn out to be unimportant. In other words, fears of technological surprise should not deter us from concluding whichever type of agreement we find politically preferable. For reasons which have little to do with technology, I think the defense-dominated agreement has greater promise as a basis for a lasting regulation of strategic power on this planet.

The defense-dominated agreement seems more likely to retain for long periods of time that political acceptability to all parties which is the only foundation for durability of such agreements. However, the prevailing climate of opinion, strongly influenced by some of my scientific colleagues, favors the offense-dominated alternative. It may be that an offense-dominated agreement will be easier to negotiate and ratify. If an offense-dominated agreement is the best we can achieve, let us sign it and be thankful. It is a great deal better than no agreement at all. But let us not delude ourselves into believing that the choice of an offense-dominated agreement is forced upon us by technology. The choice between defense and offense is a political choice, and we are free within wide limits to choose the strategic doctrines that will best serve our political interests.

If it happens that the SALT negotiations result in an offense-dominated agreement, I shall not grieve. I shall dream of some future meeting to be held 150 years from now, at which some future professor will be looking back on the history of the first 150 years of the SALT agreement. He will, if all goes well, be explaining how the technological defects of the agreement did not turn out to be fatal. He will be explaining how the clause of the agreement prohibiting the deployment of missile defense was progressively violated by each of the great powers in turn, after the first demonstration of a cheap and effective non-nuclear BMD system by the Japanese in the year 1995. And how, in spite of these violations, the agreement continued in force and was successful in dissuading each of the governments from embarking on a massive build-up of offensive weapons to counter each other's defenses. And how strategic offensive weapons gradually became obsolete toward the end of the twenty-first century and were retained only in small numbers for ceremonial purposes.

That is, if we are as wise as Rush and Bagot. And if all goes well.

PROBLEM OF THE AGING: "WE LIVE TOO LONG"

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. DOW. Mr. Speaker, one of the most serious problems facing this country today is how we take care of our elderly people. I recently held hearings in the 27th District of New York which I represent and heard a diverse array of problems these older citizens are facing.

Tragically, one theme ran through the hearings. This was summed up by Mrs. Lee Mailman, president of the Woodridge, N.Y., Senior Citizens groups, who said:

I think it's a very sad situation. We're doing a lot for our youth . . . but we should really do something for the older people. We live too long.

This feeling of people living too long prevailed throughout the hearings.

The problems that the senior citizens told me about extended far beyond what I had imagined. These problems are not unique to my area, however; they exist on a nationwide scale. Senior citizens are hampered by lack of transportation, inadequate health care, high taxes, limited incomes which are depleted by inflation and many other problems that do not affect younger citizens and thereby escape their recognition.

So that my fellow Congressmen may become aware of the tragic plight of some of our elder Americans, beginning today I am going to submit portions of the transcript of the hearings that I held for senior citizens. Over the period of the next few days I intend to submit the entire text of these hearings so that the Congress will have a chance to learn about the problems of the aging and perhaps be spurred to take some action in this area of crucial need.

I hope to use the information I obtained to develop legislative proposals to bring relief to these senior citizens.

The material follows:

TESTIMONY—HEARINGS ON THE PROBLEMS OF THE ELDERLY

[Sponsored by Congressman JOHN G. DOW, June 25, 1971, Newburgh, N.Y.)

INTRODUCTORY REMARKS BY CONGRESSMAN DOW

Congressman Dow. I'm sort of an old fellow myself and so I'm interested in the problems of the aging and we're going to have hearings today to let any of the older people who want to come to testify about the problems of the aging and also we expect numerous officials of the different counties and also leaders of the senior citizens groups in this Congressional District. I receive a great deal of mail from all kinds of people most of them with problems, but the group of people that write me the largest number of letters with the most problems are the older people and their problems are quite difficult. They are very different in some cases and what I'm hoping we can find out today is what is really the worst problem they have—what is the real difficult problem. We hear that they have problems and difficulties because they can't find enough money or they're penalized if they're earning more than a certain amount of money. We hear that Social Security payments are not adequate. We hear that they're not covered for drugs and certain types of medical care. We hear that the Railroad Retirement isn't adequate. We hear that school taxes are too burdensome. There are any number of problems and I'm not trying to sit here now and say what ones are the worst problems, but I know there are problems in this area with older people and the idea today is to listen to some of the older people and some of the people who work with older people to see if we can't find out what is the main problem and if we can find out, we're going to take that down to Washington. We can go down there and we'll say now the main problem is this and the second main problem is that. Perhaps that will influence the legislation. These hearings are being recorded and we're going to have them taken down and typed out on paper and prepared into a book that will be submitted in Washington to the appropriate committees in the Congress. So I think that's the idea of what we're doing here today and I want anybody that comes here to talk about their problems or problems of the aged. I hope that they will be very frank. We have no secrets and this is a free country. So please everybody say what's on your mind and say it without fear. Just talk honestly the way you feel about the problems of the older people. Our first witness is Mrs. Janice Fitch who is the Director of the Putnam County Office of the Aging. I'm going to limit everybody within ten minutes. It will depend a little bit upon how many witnesses we have how we allot the time. But we'll give Mrs. Fitch ten minutes if she wants. She doesn't have to take it all. We're delighted to see you here, Mrs. Fitch.

MRS. JANICE FITCH, DIRECTOR, PUTNAM COUNTY OFFICE OF THE AGING, MAIN STREET, CARMEL, N.Y.

Mrs. FITCH. Thank you. The main problem—I have to speak only of Putnam County problems and I have done considerable amount of work toward the White House Conference on Aging and to that extent I have been thinking of the broader sense but to you I want to talk only of the Putnam County problems. You may not have these same problems all over the district.

The main thing in my mind, if you could put forth some kind of implementation and fix the responsibility. In many cases, unless a program is mandated by the state, the local governors or supervisors in our case either cannot or will not implement programs. Now this is a very difficult thing to do. I think it's much better that these things come from legislative action rather than the protest of the older people. I have a strong feeling that I would not like to see the aged people have to join in protests. This bothers me terribly. I think it's lacking in dignity, destroys a great deal, and also works a negative feeling in the community. I don't want the community to get to the point where they are forced only to take care of them.

Now, for instance, in Putnam County we need desperately more and broader public health facilities. We have a great deal of problems in getting good doctors. Whether or not you have the money or whether or not you don't have the money, this is still a problem. I think if the public health thing, the mental health clinic and public health nursing staff were broadened to a certain extent so that we could have home health aides. Many many times we have two people—one of them is not well enough to be left home, the other one is well. The moment the one has to go into the hospital for three days, the other one cannot be left alone. We sometimes put the person in a nursing home when this is unnecessary. It's very confusing for the people because if we had home health aides, we could send somebody in there and homemakers that can go and cook and take care of the home and maintain them. In this rural type place in Putnam County it is very difficult to get the people out of their homes and its also very expensive for us to get them out of their homes.

I'm sure you're aware of the cost of the nursing homes. We have over 100 people at a $1000 a month that are on Medicaid. That's a $100,000 a month which is down the drain on nursing homes, which still makes practically nobody happy, you know, the recipients are not happy. We need, of course, some restoration of the Medicaid things that have been cut back, and I'm hoping that you can restore these cuts and still hold the inflationary aspects down. Otherwise in five years you'll be exactly where you are now and the amounts both for Medicare and Medicaid that are allotted for doctors payments will no longer be adequate. The doctors are going to have to help with all this. This is a difficult proposition on the health things.

Now the income supplement is extremely difficult to handle in Putnam County. The people are overwhelmingly proud and I've had people gently led clear into Social Services and they will not sign for public assistance. Now this puts us in an awful ordeal because just increasing Social Security total I'm not really sure is really all the answer because many, many people that don't need it, of course, are given increases in Social Security and they have large incomes and don't need the money.

Is there any possible way to handle an income supplement either to get some kind of old age assistance out of the realm of Social Services and away from that stigma, like some kind of a State old age pension that has the connotations only of Social Security, which is not hard to take? The people will accept Social Security. They won't take welfare. That bothers me and also a broader availability of food stamps. We have a tiny county and I wheedle and coax and flatter the bank presidents. Only in banks can you get food stamps and we can only get them two places in the county, which brings me to the next part, which is transportation.

It's ridiculous. We give food stamps to these people, but they have no automobile and they have to go take a cab to go buy the food stamps, which kind of destroys the whole idea of the food stamps. So I think food stamps should be able to be purchased on almost every corner. I should think the post offices or any kind of governmental organization should be, because the banks just don't cooperate, and I suppose they feel that it's nothing to them, just extra work.

Also, of course, the school taxes. The other taxes don't bother the people: the school taxes they don't understand. They *do not* understand. They keep telling me "But I don't have any children in school, and I have no income." But they do own this little bit of property. A total tax reform, I'm sure, will be a little slower but much better than going on with further tax exemptions for the elderly. I don't think, in the long run, that's going to help. I presume that you think that some total tax reform should be done.

Now that finishes what I want to say, unless you want to question me about anything in Putnam County.

Mr. Dow. Well, you've made a very good statement, Mrs. Fitch. Now, you're the Director of the Putnam County Office of the Aging. Is that a public office, or is that a private organization?

Mrs. FITCH. That came under the Older Americans Act and Governor Rockefeller started it in the State and it's funded, you see, by Federal and State money on a three-year declining basis. At the end of three years it will be the total responsibility of the County, if they'll keep it, throughout the places. I believe that this County will keep it, because there's a lot of public feeling.

There's a State office and then there are county offices if the State can talk the local

person into taking care of it. They fund it 80 percent, then 75, then 60, then zilch.

Mr. Dow. I see. Well, I'm sure it's necessary, and I'm sure that some program like that will continue. There's no doubt about that. Would you say, Mrs. Fitch, that the basic problem of the older people is a financial problem? Do you think that's true, when you take all these problems together?

Mrs. FITCH. You mean in the whole United States or in Putnam County?

Mr. Dow. Putnam County.

Mrs. FITCH. In Putnam County I think it's health. It's the lack of health facilities, either places to go or any work to be done in the home or doctors that will not come to the house.

Mr. Dow. Do you think health is the worst problem?

Mrs. FITCH. I realize I'm giving you only a tiny thing. I do think that totally income is the biggest problem.

Mr. Dow. We're not asking to tell us about Santa Fe, New Mexico——

Mrs. FITCH. Right, other people will tell about that.

Mr. Dow. We're just asking the witness to tell about what they know in their own area.

Mrs. FITCH. Right. Because of the rural aspect and the lack of getting to places, the health problems are much the greatest.

Mr. Dow. Well, that's very interesting. It's a problem of transportation, isn't it?

Mrs. FITCH. Yes, which, of course, is also a health problem.

Mr. Dow. Well, of course, the health problem in a way is a financial problem because when older people have lots of money, I suppose they can call the doctor——

Mrs. FITCH. Oh, if they have *lots* of money, but I'm talking about people that have an adequate amount of money and own a home and have some savings, and they have a health problem. Because if they undertake these private facilities, a nursing home, they won't have their little adequate amount, you see at the end of the year. They'll be considerably poorer. And they cannot get any help without giving up what little they have.

Mr. Dow. Do you think that the doctors today are taking such good care of the people as they did years ago? You remember years ago, if you called the doctor at three a.m., he'd get in his buggy and come hustling. Do you think the doctors are doing that as well today?

Mrs. FITCH. No. I speak to people that have been waiting five months, from some kind of instructions on the phone from the doctor, so that they know how to take care of a paralyzed husband, a totally disabled person. And they show a remarkable amount of creativity and courage in trying to carry on the best they can. If only a trained person could come into the home that we ran, the county ran or the State ran, that person works on a salary and they'll darn well go when they're asked by their director or nursing to go in there. But we're very inadequately staffed with these people. The single best thing that I see in the county that's done are the public health nurses. They're just like a lifeline to these people.

Mr. Dow. Yes, but you tell us there aren't enough of them.

Mrs. FITCH. No, there aren't enough and, you see, they can't go there and stay all day long, whereas a home health aide is much lower paying and can be trained by the nurses. She can go bathe the person, get him up, and do a great amount of help, because these people are not sick enough, necessarily, to be hospitalized.

Mr. Dow. They just need a little attention now and then.

Mrs. FITCH. Yes, and for four or five hundred dollars a month, you see, instead of a thousand, you have one home health aide that is serving more than one person.

Mr. Dow. You've heard this idea that we could expand the medical care by having paramedics, that is, people that don't have the eight year education of a doctor; but they have training for simple things like rubbing people down and taking their temperature or giving them injections and that kiind of thing. Do you think that would be good, if we had more people like that?

Mrs. FITCH. Oh yes, if we just flood the community with this sort of thing, because in many instances, I understand the doctor's feeling. The person is not going to recover, and I think the doctor, as inhuman as it seems, tends to lose interest. And I'm sure that the older people don't understand that the doctor has acute people who are dying and he's got to make some kind of a choice, whereas these paramedics, you see, could do an enormous amount of relieving of the problem.

Mr. Dow. I think, myself, that the American Medical Association has created a shortage of doctors by making it so difficult and so expensive to train them. And they haven't done anything with paramedics, and the net result is that we don't have enough doctors to go around.

Mrs. FITCH. Would you say, Congressman, that the time is very ripe to get along much better with the A.M.A. since their membership has fallen to 50 per cent and they are now in a position to talk?

Mr. Dow. Yes, well, the A.M.A. in my judgment has got to mend their ways. Well, Mrs. Fitch, we're very pleased to have you here and you've made some very clear and substantial statements.

Mrs. FITCH. Thank you. And I thank you very much for having the hearings. I think that you have no idea how much moral lifting this will have.

Mr. Dow. Well, we've got to get the story out, and thank you for coming.

Mrs. FITCH. Thank you so much.

Mr. Dow. Well, our next witness is Mr. Stephen Sund, President of the Senior Citizens of Putnam Valley.

MR. STEPHEN SUND, PRESIDENT, SENIOR CITIZENS OF PUTNAM VALLEY, LAKE PEEKSKILL, N.Y.

Mr. Dow. Good morning, Mr. Sund. We're glad to have you here, and you go right ahead and tell us what you'd like to say.

Mr. SUND. Congressman, I have so many complaints which would not fit in today to tell them all. So I've made the thing short. If you want some explanation or cases, I can bring it to you.

Mr. Dow. You tell us what you want to tell us.

Mr. SUND. For example, one part is the pension. Contributions are asked for employees. These are for five or ten years. As people are laid off or change their jobs, these contributions are mostly lost. After a time, they have paid the pension and don't receive anything in return. Common locals, even, do not transfer contributions from one local to the other in the same union. Pension funds are mismanaged. I have to bring to your attention what is in a newspaper. You read about these scandals. The lifespan of a man is shorter than his wife's. Generally, survivors are unprotected after the death of the man. Health insurance: People who are retired or disabled before 1965 have a vacuum in the health insurance. They are not entitled to Medicare. They have to pay an average of $400 a year for health insurance. But in case of need for hospitalization or doctors care, the deduction and reduction are so big that their contribution comes to $800 or $1000 before they even get a penny on their own. Private health insurance, which is offered by a lot of insurance companies are, not to mention other words, useless. You pay. You don't get anything in return because you have so much small print that it doesn't pay. Even the Blue Cross and Blue Shield for senior care is not correct. Medicare does not work at all.

Mr. Dow. It doesn't? Why not?

Mr. SUND. The charges of the doctors on one side are blown up out of proportion and, on the other side, Medicare, if they allow a claim, it is so ridiculously small that they have no value whatsoever. You have too much deduction. A doctor who is located on Fifth Avenue in New York is entitled to more than a doctor located in our neighborhood. It is completely out of proportion. I had an accident. I broke five ribs. The doctor came in a snowstorm. The Medicare allowed me five dollars for a doctor's visit. Complaints or hearings: If somebody is not satisfied with Medicaid, he can ask for a hearing. He has to hire a lawyer on his own account. Why should you need a lawyer to go to Medicare?

I listened to what Mrs. Fitch said before about the doctors. We had doctors which refused to come. This woman had a stroke and it was two weeks until a doctor came up. She was laying for two weeks at home. Then she spent a couple of days in the hospital and then they sent her right back. She is laying at home. Now the husband has had a heart attack. There is no care, whatsoever, for this woman.

You have another problem, transportation, in small communities. We are a relatively small community, but we have to cover a lot of ground, about 40 square miles, to get our people together for meetings or to help. We could use a minibus or anything else. It's a very small amount, but we cannot get any help either from the township, the State, or from the County. This minibus would help in each and every respect and would be relatively cheap because we would support a driver.

Mr. Dow. And then that would be available on call?

Mr. SUND. It would be available on call and would bring us to and from meetings. For example, a woman who has maybe $15 or $20 to spend, a widow, for food each week. She has to hire a taxi which costs her $2.50 to go to the shopping center and $2.50 back. This food bill is out of proportion then.

Mr. Dow. Well, Mr. Sund, we appreciate very much what you had to say. It's all helpful and we're taking it down on the tape and we're taking notes and we're going to add it up in the whole picture that we make about this meeting. And we're very grateful to you. We'd ask you more questions, but we have so many people to hear I guess I'll have to go on to the next one.

Mr. SUND. This was the reason I kept it short.

Mr. Dow. Well, this helps us. This is good testimony and I thank you.

Mr. SUND. If you have any additional questions, you can contact me any time.

Mr. Dow. All right, we know where to get you. Thank you very much. Our next witness is Mrs. Wylie Sypher, Vice Chairman of the Putnam County Senior Citizens. Is Mrs. Sypher here?

MRS. WYLIE SYPHER, VICE CHAIRMAN, PUTNAM COUNTY SENIOR CITIZEN, PUTNAM VALLEY, N.Y.

Mrs. SYPHER. I'd like to leave this with you. These are the Putnam County proposals for the White House Conference. You'll never see them as county proposals and may want to have them.

I'm really here to testify and to make a statement for the Democrats of Putnam Valley.

Mr. Dow. We're glad to see you, Mrs. Sypher, and you go right ahead.

Mrs. SYPHER. I would like to urge the importance of partially relieving those with low incomes and especially the elderly, of the burden of the property tax. The local real property tax, based on a measure of wealth which was appropriate to an agrarian society, is now grossly inequitable, and is very poorly related to the taxpayers ability to pay. The property tax has risen sharply and most disproportionately in recent years and

this, coupled with the inflationary spiral, has had a disastrous effect on those with fixed or low incomes. For many retired persons, the property tax is confiscatory.

Now, as a younger person and a parent of small children, I am alarmed at the effect of this situation on the entire community. Our school budgets and our needed bond issues are defeated, often by people who would like to vote yes, but can't afford the luxury of supporting public education. And there's growing resentment among the older Americans toward the young and the services that they demand and need. Similarly, there is resentment among young parents toward the elderly, who are often held responsible for these negative votes. Many of our municipal services do bear a logical relationship to real property and the property tax is not an unreasonable means of providing for them. However, school budgets and many costly items in our county budgets are totally unrelated to real property, and revenues for these services should be raised by more equitable means, preferably by taxes on incomes.

School taxes are the most burdensome of the property taxes, but in this area reform must come from Albany, as I hope it will come through the adoption of a state-wide judicial budget which would relieve the county of the costs of many of the state courts. However, we seek relief from Washington in two areas, because there are two parts of the county budget which are mandated by Washington and financed through the local property tax, and here I refer to the costs of welfare and of Medicaid. These, I believe, should be borne by the Federal government and we hope that, of course, eventually they will be replaced by some sort of family assistance plan and by national health insurance. But until that time we ask for the federal assumption of these costs.

The need for reducing real property taxes is urgent. The elderly, who have worked and saved for years, find their assets eroded or wiped out, and our children attend schools with inadequate classrooms and with austerity budgets. We ask you, and all of our legislators, to see to speedy reform of the tax structure so that all our citizens can live their later years in decency and security and that our communities may have the services they need.

Mr. Dow. Thank you, Mrs. Sypher. I guess you know that I'm the only Congressman that has put a bill in Congress to take the school tax off of real estate so it could be handled at the state level because I know it's very inequitable. I just got a letter from a man in Dutchess County who was complaining to me about the unfairness of his tax: His evaluation had no relation to the value of the house next door. There's a lot that's unfair about property taxes.

Mrs. SYPHER. There's a lot unfair about the income tax, too, and we hope that there will be reform of this.

Mr. Dow. Well, the income tax, I think, has more justification than the school tax.

Mrs. SYPHER. Absolutely. I was here to say "hear, hear" for your efforts.

Mr. Dow. Well, thank you. You're very good to come. You're the vice chairman of the Putnam County Senior Citizens.

Mrs. SYPHER. Well, it's a group which is just forming. Actually, I'm here today as chairman of the Democratic Committee in Putnam Valley and they asked me to make this statement.

Mr. Dow. You don't look like a senior citizen.

Mrs. SYPHER. Well, I get more senior every day.

Mr. Dow. Well, I'm glad you're here because the senior citizens need friends who are younger, and I'm glad you're here to help them. Well, I'd ask you more questions, but we've got so many witnesses. Thank you. The next witness is Mrs. Lee Mailman of Woodridge, New York. Woodridge is up in Sullivan County, up near Monticello.

MRS. LEE MAILMAN, PRESIDENT, WOODRIDGE SENIOR CITIZENS CLUB, WOODRIDGE, N.Y.

Mrs. MAILMAN. I got up at 5:30 this morning to make sure that I got here.

Mr. Dow. Well, then I guess you have something good to say.

Mrs. MAILMAN. Well, if we only get some help. I'm very happy that you were re-elected, Congressman Dow.

Mr. Dow. Well, I am too!

Mrs. MAILMAN. And I know and feel that you'll do a great deal for us. I have a lot to say, but I'm not going to say so much because I know you'll have a lot of speakers.

I am a senior citizen and I'm President of the Woodridge Senior Citizens Group. We're a very small group—we only have 900 population all year, but we manage to have a senior citizens group—and we're doing fairly well.

We have a program and I'm not going into that, but we met with Mr. Alan Dampman from Sullivan County Community College. He's the Executive Director of continuing education and Mrs. Yvonne Komisong, the Executive Director of Community Action; she was there too. We were trying to plan a program of what the senior citizens really need. We wanted to have investigations and we felt that there were very many investigations and we wanted certain needs done. We wanted to have a rally and we decided against a rally, but we met with Mrs. Komisong and she's very much interested in our senior citizens, and we want to form a senior citizens council for Sullivan County. All this came down to one thing: What we really need in Sullivan County, what we lack for senior citizens.

We have no bus service. If a senior citizen sits all day in a one room apartment and wants to go to Monticello or other places there is no place to go. She said that she could see that we'd get Federal funds up to a certain point. So if we decided we'd get a bus service once or twice a week to take these people out, it would be just as much as eating a meal. These are the things we thought were necessary.

We have no Department of Health in Sullivan County. And since I'm a doctor's wife, I lost my husband, and I have two sons that are doctors, this to me is very vital. We have no care for a patient who comes out of the hospital. They're entitled under Medicare, or even Medicaid, to a hundred nursing visits; they can't even get one. Now if a woman or man lies alone in an apartment, it's just too bad. We have no nursing homes in our vicinity. We have one or two, but it's very hard to get in them.

Now the medical needs. We feel that senior citizens should have an increase of services under Medicare to include Podiatry, glasses, medicines, and other things. We feel that senior citizens should get tax exemptions. We feel that senior citizens should have no limit, or a raised limit, of earnings under Social Security. We feel that there should be an arts and crafts program including woodworking, ceramics, knitting and so forth. We also feel there should be a tutoring program, singing groups, dancing (square and all). After we realized all these things that we need, we decided that we're going to form a senior citizens council where we're going to try to get all the senior citizens into this council of our own county, Sullivan County. The only thing is that we need money, and that's why we came to you, and we're glad that you had this meeting and we hope that you'll be able to do something about it.

Mr. Dow. Thank you, Mrs. Mailman. Would you tell me, so I'll have it sure, do you belong to a senior citizens group? Are you representing anyone?

Mrs. MAILMAN. I'm the President of the Woodridge Senior Citizens Group.

Mr. Dow. Well, you've said some very good things here, Mrs. Mailman. I'd like to question you more, but we do have so many others that have to speak that I'll go on to the next one.

Mrs. MAILMAN. I know. I realize that.

Mr. Dow. But we thank you very much for your testimony.

Mrs. MAILMAN. May I make one more point?

Mr. Dow. Yes.

Mrs. MAILMAN. I don't know that it's going to do much good, but some of us are on very limited Social Security amount of money, and the raise of 10 per cent and, the next time, 5 per cent, doesn't amount to a row of peanuts. Believe me, it doesn't. And I've been around and I've seen where people have to pay rent and they pay more rent than they can afford with the Social Security. I think it's a very sad situation. We're doing a lot for our youth, or I'm hoping we're doing; but we should really do something for the older people. We live too long.

Mr. Dow. Well, I don't know. I think we need you.

Mrs. MAILMAN. Thank you very much.

Mr. Dow. All right. Our next witness is Mrs. Julie Adams from Beacon.

MRS. JULIE ADAMS, PRESIDENT, SENIOR CITIZENS OF FORRESTAL HEIGHTS, BEACON, N.Y.

Mr. Dow. I'd like to say that Secretary Richardson of the Department of Health, Education and Welfare in Washington has sent a representative who is Mrs. Elena Morris. She's the Associate Regional Commissioner on Aging, an officer of the Social and Rehabilitation Services of the Department of Health, Education and Welfare for the State of New York. Glad to see you, Mrs. Morris.

Mrs. MORRIS. I'll take notes.

Mr. Dow. I think you'll learn something. You'll get it straight here. Now we want to welcome Mrs. Julie Adams of Beacon, which is the city right across the river. And what group do you represent, Mrs. Adams?

Mrs. ADAMS. The senior citizens of Forrestal Heights. I'm the President.

Mr. Dow. Well, you go right ahead.

Mrs. ADAMS. Well, I heard one of the ladies say that she was a Democrat, and so am I, if it's going to make any difference.

Mr. Dow. No, it doesn't make any difference here whether you're a Democrat or Republican. We're being nonpartisan today.

Mrs. ADAMS. That's right. Well, first of all, I agree with the young lady who was speaking on transportation. That's something we need badly. We're quite a ways over from all transportation. In fact we don't have any that comes past the Heights, and if we have to go across town, say to get our food stamps cashed in at the bank, which is a little trouble to the tellers in the office, we do need bus service for the senior citizens. There are, I would say, about 175 of us. There's 71 in the high rise, and we also have the small homes and there are senior citizens there. And everyone of them don't have cars. And when we go back and forth to do our shopping, that's $2 and we can't afford that out of the Social Security that we get.

Mr. Dow. Well, what would that $2 be for, a taxi?

Mrs. ADAMS. That's a cab.

Mr. Dow. That's pretty high.

Mrs. ADAMS. Yes, it is. And, of course, if you have extra, they charge you just a little bit extra for carrying bundles. And we have to do shopping at least once a week, and that's pretty rugged, pretty hard on us. And also, we do need more doctors to come over to see us. I remember one lady was quite ill there and she called the doctor and he came the next morning. We do need that badly. We do have the city nurses come in, but we could have someone there, really, around the clock to give us a hand because we do have some sick people over there and they just can't afford to go to these nursing homes, not on what they have. We really

need a little federal funds. We could use a little bit of that, also, over there, you know.

Mr. Dow. You mean to increase the Social Security?

Mrs. ADAMS. Yes, we could use that badly. I think all of us could use that.

Mr. Dow. I could too.

Mr. ADAMS. We have very little care for the ill over there, as I said before. We have a senior citizens council now in the making because we just started also. We just started our group over there, and we would like to try to get a little help over there too, as much as possible. I don't want to take too much of your time because I have a couple of ladies here who have to be back by 12 o'clock and have to go to the hospital. One of the ladies is a grey lady; she has to be there, so I'm not going to take too much of your time. But I really hope and pray that you're really going to do something for all of us. I know that you're not going to do it for one unless you can do it for all. Cause if you're going to do it for one and not for all, I'm going to see you later on.

Mr. Dow. Well, I'm not a wizard, you know. I'm only one out of 435 Congressmen. I think the best I can do is take the highlights of this meeting when we decide, after listening to all the witnesses, what are the main points that are really hurting everybody, I can take that down to the proper committees in Congress and say "Now this is really where the shoe pinches the most," do you see? And maybe if we do that we can get some relief in that area.

Mrs. ADAMS. Well you let them know down there for me and for the rest of us that the shoe is pinching us, not them boys down there. They can have their shoes made, we can't.

Mr. Dow. I understand, and that's why we're having the hearing. Well, Mrs. Adams, we appreciate your coming here. I think you've done a good thing to come this morning and we're very glad to see you.

Mrs. ADAMS. Thank you very much, and also you.

Mr. Dow. Thank you. Our next witness is Rev. Henry Hammond of Grace Episcopal Church in Port Jervis. We're pleased to see you here, Mr. Hammond.

REV. HENRY HAMMOND, GRACE EPISCOPAL CHURCH, PORT JERVIS, N.Y.

Rev. HAMMOND. Thank you. I don't come representing any group. I come as a private citizen although I'm sure the people of the Grace Episcopal Church would agree with my point of view. I come to express the need for a nursing home in our city. I have a letter from the Acting Mayor, George Berthiaume of Port Jervis. I was not able, because Mayor Sakofsky was in Mexico, to get a letter from him and I wasn't aware that I was going to have this opportunity to speak before the hearings. I'd like to read to you the letter which expresses the concern which I wish to put across this morning.

Text of the letter

The undersigned acting mayor of the city of Port Jervis desires to express his own and is certain of the unanimous feeling of the governing officials of this municipality of the immediate and urgent need for nursing home care for the aged of this community. In this day of political ingratiation to this group and that group, it has almost become fashionable to lose sight of the basic health and living needs of our aged. Indeed, a challenging geriatric condition is unfortunately prevalent and widespread in Port Jervis as statistics clearly verify. According to most recent population-age records that have been furnished, 21 per cent of Port Jervis residents are 60 years and over. Truly, this can be termed the miniature St. Petersburg of the State of New York.

Under the circumstances, this is to implore and exhort those in a position to alleviate and abate this problem to exercise and expedite every effort at their disposal to render every possible assistance in this connection. George Berthiaume, Acting Mayor.

I'm sure that just about every political official connected with the city would agree with this opinion.

There are two acute hospitals in Port Jervis: St. Francis Hospital which is a Roman Catholic hospital that serves as a community hospital and Doctor's Sunnyside Hospital which is smaller, but also an acute hospital and privately owned. Now I have a letter from the administrator, Sr. Mary Jeanne of St. Francis Hospital expressing a similar concern. It's addressed to me; I asked her to write this letter.

Text of letter

This letter is written in support of your interest and concern for the senior citizens of this city and surrounding areas and for nursing home facilities for those whose needs require these. We at St. Francis recognize the need. In regard to patients who no longer require acute care beds, it is our observation that persons desire to be near where they formerly lived, to be near those who might visit and console them, and to be amid familiar surroundings. May God bless your efforts. Sincerely, Sr. Mary Jeanne, Administrator, St. Francis Hospital.

Now, I've been talking with a number of concerned citizens in Port Jervis about trying to establish a nursing home. It wouldn't be my job or function to do it. Most of the people I talked to I find not really equipped to get something going and giving various reasons why nothing has never been done. I've tried to pin down these reasons and find that, at base, they're simply excuses. Three years ago, apparently, there was a meeting of the Health and Hospital Planning Council of Southern New York. This is an organization of hospital administrators and doctors that decides how strategically to provide medical facilities and what facilities should be funded by public funds. The only name I have associated with this, a Dr. DiMartino. Anyway, this board determined that the number of beds needed for nursing care in Orange County, the adequate allocation, would be taken care of, this was three years ago, after the new facilities at Orange Farm Extension were completed, after a new part to St. Theresa's in Middletown and an addition to Horton Memorial were completed. Now Sr. Mary Jeanne told me that she attended this meeting and found out that these provisions for nursing care beds were thought to be adequately provided for three years ago and at that time they were planning an extension wing on St. Francis Hospital and decided against installing a geriatric unit for that reason. She tells me that recently she had been in touch with Dr. DiMartino and that the determination of the need for beds in Orange County has changed, and that there now is a need again, and that this projection of three years ago is an antiquated projection. But St. Francis is not planning on any geriatric unit.

Now, to talk a little of what is in Port Jervis itself, because I think that the statistics for Orange County, or the need in Orange County, is irrelevant to the need in Port Jervis. Sr. Mary Jeanne and Dr. Daniel Schultz, who is the principal doctor at Doctor's Sunnyside Hospital, gave me a list of 16 facilities to which they refer people for nursing care. This is a total list. It's not a list of all the facilities in the area, but just the ones that these hospitals would consider reliable enough to refer people. None of these 16 facilities are in Port Jervis. Only 9 are in New York State and 7 of those 9 are nursing homes. The other two are cancer hospitals. There is no nursing home facility in the city of Port Jervis, a city which has a population of close to 9,000, has a town around it—Deer Park—with a population of close to 5,000. The city officials had a statistic of 21 per cent of the people over 60 years of age. I got a different statistic; it might be a little more revealing. 16 per cent of the people in the city of Port Jervis are over 65.

You might wonder why I come here. I'm not that age yet, myself, but most of my congregation are elderly people. I talk to them. I know their problems. I think that this point, of the fact that there is no facility in Port Jervis, is very important because most people who are elderly have friends who are elderly and they like to have their friends visit them. When they become sick and need nursing care facilities, if they have to go to Andover, New Jersey, and they never see their friends again. If they have to go to Milford, Penn., which is another city only seven miles away, I think, they never see their friends again. We need something right there in Port Jervis. We need it in Port Jervis even though it might not be need in the rest of Orange County, which I think it is. But Port Jervis is kind of a separate entity; it's blocked by mountains and I think most of the community just has not been able to get together. They're not sophisticated enough politically. They don't have enough money to really initiate anything.

In my congregation, because I think that I might be a special authority on some of the problems of the aged, I have a hundred and sixty communicant members, that is people who really are church members and really have gone through all the motions. 14 of these 160 are over 80 years of age. 2 of these 14 are in nursing homes—1 in Utica, New York. No one has ever seen her since she went up there. The other is in a nursing home in Huguenot, which is in the Town of Deer Park, and the nursing home that she is in is not qualified, according to the two hospitals, to be one of those 16 institutions which I listed as referring geriatric cases to local facilities. In other words, she is in a nursing home that St. Francis Hospital and Doctor's Sunnyside don't feel as though they can refer people to. Now there are two such facilities in Huguenot, and the hospitals just won't send them there. So there are a few facilities like this, but none in a town of 10,000 people with a percentage of around 20 per cent of the people over 65. So I simply come to express this. I think my function is that of a catalyst, to make people who are in a position to do something about it aware. I'm willing to help personally as much as I am, but I'm a clergyman. I'm not a fund raiser or anything like that. I see this need. I think it's draining the community. It's draining the young people who are not really equipped or prepared to perform this nursing service and it's draining the spirit of our community. Thank you very much.

Mr. Dow. Thank you, Rev. Hammond. Again, we're short of time so I can't question you, but you've made a very strong point. Our next witness is Mr. Wm. Ackerman.

MR. WILLIAM ACKERMAN, NEWBURGH COMMUNITY ACTION COUNCIL SENIOR CITIZENS, NEWBURGH, N.Y.

Mr. ACKERMAN. Congressman, I represent the Newburgh Community Action Senior Citizens Club.

Mr. Dow. Sit down. Glad to see you. You go right ahead.

Mr. ACKERMAN. Thank you. We've had quite a problem in Newburgh to try to get funds. We have over 100 members and we've tried through the grandparents program, through FIND, and also through SOS, to get funds for this club. Now, we visit the hospitals and nursing homes; we also visit Castle Point Hospital. The club writes cards for birthdays to all the veterans in Castle Point Hospital.

They need a senior citizens center in the city of Newburgh. I have some other things I'll talk to you about a little later on. Now, I worked 2½ years with the poverty program as a neighborhood worker. I went from house

to house, here, and we have a lot of senior citizens in the city of Newburgh that we have taken and gone to welfare with because they're not getting enough money from Social Security to take care of them. Some of these people have been sick in bed. We have even gone to the police department of the city of Newburgh to get them to go in the house with us, to open doors or break a window to get in when these people have been in the house sick. The welfare in the city of Newburgh has been pretty nice to us, amongst the old people; but our biggest problem is doctors in the city of Newburgh right now. All the doctors are filled up. They don't take any new patients and we only have one doctor, an old doctor in Newburgh that's partly retired. Dr. Schleiermacher on Broadway in the city of Newburgh, that we use in an emergency. When we have somebody that we have to get to him, we take him to Schleiermacher.

Mr. Dow. What's his name?

Mr. ACKERMAN. Dr. Schleiermacher.

Mr. Dow. You mean to say he's available and the other doctors are not?

Mr. ACKERMAN. He's available and the other doctors are not. Now, I have come into houses where a person has had a stroke and laid in the bed for three or four days where the woman couldn't even get out to get a doctor. She called one, but she couldn't get one. She couldn't get the visiting nurse in the city of Newburgh to come. I've went in the house and washed the person in the mess that they've laid in and called the ambulance and sent them to the hospital. I had to resign from the Newburgh Community Action because I had a stroke and my doctor had ordered me to resign. That program is under Rev. Jones in the city of Newburgh. He has only one neighborhood worker now and nobody working with the senior citizens. I would like to, if possible, be reinstated to work with the senior citizens in the city of Newburgh or get a center that is funded where we can work with the senior citizens. We have tried through the State. We have tried through the Federal government, but we haven't gotten anywhere. We really need a center where the people can come. If they have a problem, we can take care of it.

Mr. Dow. Now, you're not with the Newburgh Community Action Council any longer?

Mr. ACKERMAN. No, I've retired, last July 28, under doctor's orders. And then the doctor told me I could go back and Rev. Jones said he didn't have funds to carry on the program.

Mr. Dow. Do you belong to any senior citizens group now?

Mr. ACKERMAN. I belong to the Newburgh Community Action Senior Citizens.

Mr. Dow. Oh, I see, but not to the Community Action itself.

Mr. ACKERMAN. No. We have an awful problem with transportation and housing in the city of Newburgh for the senior citizens.

Mr. Dow. Now, when you say you have trouble with housing, where do the senior citizens live if you have trouble with housing?

Mr. ACKERMAN. A lot of them live in the neighborhoods now that are being torn down or have been torn down. I even went from house to house on the Heights in West Newburgh to see if anybody had two or three rooms that they could rent to a senior citizen. I got a lot of housing for the senior citizens through doing this, through going to people. If there's any possible way, give us some help about setting up a senior citizens center in the city of Newburgh where we can work with these people because there are a lot of them here that need it, a lot of them. Thank you for listening to me.

Mr. Dow. Well, Mr. Ackerman, I want to say I have this impression from your testimony that you're not here to help yourself, that you're one that has been helping people, like the veterans at Castle Point. And I think it's wonderful when the senior citizens who have problems themselves are trying to help other people besides.

Mr. ACKERMAN. Congressman, we still have them calling at our home and if they want a doctor or want to get to the hospital, I still transport them. The money I made from the poverty program, the money I got in wages, I used for transportation to take the people shopping, to take the people to Goshen. And this is another thing, another problem: These people are put in an infirmary out in Goshen. There's no transportation for their friends or anybody to go out there and visit them. Once in a while we take the car and a few of us go out and visit some of the people in the nursing home. We visit all the nursing homes in the city of Newburgh where we can get to them easy.

Mr. Dow. Well, sir, I'm impressed with your testimony, Mr. Ackerman, and I'd stay here and talk with you longer, but we still have . . .

Mr. ACKERMAN. Well, I'd like to talk with you longer, but I know you have others.

Mr. Dow. Our next witness is Mr. Sam Sosnowick, Director of the Rockland County Senior Citizens. Mr. Sosnowick I know myself from Rockland County. He's an old friend of mine and he's a very able man and a great champion for the senior citizens.

MR. SAM SOSNOWICK, EXECUTIVE DIRECTOR, ROCKLAND COUNTY COUNCIL FOR SENIOR CITIZENS, NEW CITY, N.Y.

Mr. SOSNOWICK. Thank you very much, Congressman Dow. Ladies and gentlemen, I have so many things to say because I've worked in this field for practically a lifetime. Therefore, to keep within the allotted 10 minutes, I'm going to read to you a prepared statement, and I'll have to read it at a rate that is listenable but still understandable.

Text of statement

Although certain differences will exist in the needs of the elderly based on the environment in a particular area, we think that the older men and women in Rockland County have problems similar to those of most older people in this region, in our State and in our country.

Since this statement is based on direct experience with older people in Rockland County, where there is a population of more than 23,000 persons over the age of 60 and here is our evaluation of the problems of the elderly as an office for the aging and as an agency to stimulate action to improve the lives of older people in the major areas of concern to them—adequate income, housing, transportation, employment, health and recreation. Virtually all problems fit into one of these broad categories depending upon your definition of what you want to include in each.

These areas of concern are of course interwoven and interdependent, but we shall develop them separately in so far as is possible. For example, adequate income results directly from personal, financial resources, employment income, social security, small pensions, old-age assistance, etc. However, adequate income is unquestionably affected by reductions in taxes, whether income or local property taxes on homeowners; it is affected by housing at rentals one can afford, by the availability of public transportation by the opportunities for employment and the ability to get there, by expenses for medical and health purposes, etc. Inflation, of course, plays havoc with fixed incomes, especially low incomes to start with, but counties cannot control this since it is by far a very complex and broader national problem, and even then, apparently insoluble although, hopefully, controllable to some extent. One of the many proposals which came out of the region's pre-White House Conferences on Aging was for the Administration to take the necessary steps toward control of inflation because such control would go a long way toward achievement of many of the other proposals.

Now let me detail some of the other major categories of concern to the elderly which contain the problems to which we are addressing ourselves.

Our Council completed a random sampling survey of the housing needs of the elderly in Rockland this year and found that about half of those over age 60 needed housing at rentals they can afford. This means about 12,000 older persons need such housing. By the close of this year, we might have about 3% of this need met. What about the remaining 97%? The survey also showed that about 90% of those who needed housing had annual incomes of under $5000, with most under $3000. This survey verifies other studies made and also the direct experiences of the Council from the many contacts with us by the elderly or by others on their behalf for housing them.

The demand for housing is increasing as taxes on homeowners increase and as tenants are required to pay higher rentals for their apartments in non-controlled areas like Rockland County, like all around here. I should like to quote a sentence from "The Golden Years—A Tarnished Myth", the 1970 report by the National Council on Aging on the results of Project Find (Friendless, Isolated, Needy, Disabled) page 72, under "housing"—"Safe and suitable housing is probably the most important single environmental factor in the well being of elderly persons . . . for the aged it may mean the difference between living independently or in an institution; between safety and danger, between solitude and socialization, or, in extreme cases, between life and death."

Any housing site selected for the elderly must be close to the shopping areas or to the transportation to them as well as to other places. This leads us to the transportation problem for older residents who are more seriously affected by the lack of adequate transportation than other groups who also suffer from such lack—the poor, the ill, the young.

Without transportation, the elderly cannot do the necessary things for their physical and mental well-being—shopping, getting medical attention, going to the senior citizens clubs or centers and other outlets for recreation or attending lectures and adult education programs for older adults, visiting children, grandchildren and friends, getting to places of worship, to possible jobs, to institutions which need their volunteer services to those less fortunate who appreciate and need sole close personal attention.

Among the elderly, many do not have cars or anyone to transport them, and, many who do drive, should not be driving and would not be driving if public transportation were available. Taxis are expensive for older people who are in the most disadvantaged group economically. Lack of transportation encourages shut-ins with consequent isolation and deterioration at a time when we should be encouraging movement and activity to the necessary outlets conducive to well being. The former County's Transportation Advisory Committee recommended the need for a subsidy to establish the necessary transportation to accommodate those who suffer from the lack of it. Our pre-White House Conferences on Aging also included in one of the proposals that Federal, State and County governments must consider subsidies as one of the methods to obtain the transportation so badly needed for our older residents.

We related transportation to employment which ranks high among the thousands of inquiries we have received from the elderly. Those who can work and want employment need to occupy themselves in jobs they can handle because of their ability, experience and reliability not because of sympathy for

their age. The income is needed to supplement their inadequate social security or other small income to maintain themselves independently and away from public assistance. Older people need the self-respect and feeling of doing something worthwhile and being needed. Retired persons who have no need for remunerative employment and are active can remain active by volunteering their services provided they can get to the places which need them. With the increasing number of older persons, more opportunities are needed to occupy leisure time.

We have noted some of the indirect effects of the areas of concern to the health of the older person. More directly, improvements in Medicare must consider the preventive aspect of medical care as well as the improvements in coverage and the removal of premiums and other expenses to the elderly during the retirement years and substitute premiums during ones working years, like social security. Also, in view of the potential national health insurance programs, we must not overlook improvements in the present Medicare system until other programs take effect, one, two, three years from now, if at all.

Our final comment is in the area of recreation, which, in a broad sense, suggests proper use of leisure time. This not only is the direct enjoyment of the senior citizens clubs or centers and the trips, parties, theaters, etc., but also attendance at adult education courses, etc. We also include here the use of one's time in the service to others, whether by visiting or telephoning those who cannot get out. Transportation, as previously pointed out, has its direct effect on recreational activities of older people. More funds must be made available for expansion of present clubs and for senior citizens centers where the aged population is increasing to merit such centers. More government funds to match local funds in towns and villages and counties is one way. Some portion of these funds will be useful for payment of transportation to enable more elderly to take advantage of the recreation provided.

Achievements for our present elderly will be important to the middle aged now approaching the older years and for the future of our young.

Now although this 10 minute period is not sufficient time to present more completely the problems of our elderly, we appreciate this period because it's given us the opportunity to express many of the important needs of our older men and women, whether that be in Rockland, in this region, in this area, in the state, and, I know, in the country.

Mr. Dow. Thank you. I had one question for you, Mr. Sosnowick. You said that about 12,500 people in Rockland County over 60 are in need of housing, and that these people mostly have an income under $5,000 and a great many under $3,000. . . .

Mr. SOSNOWICK. Most under three.

Mr. Dow. Yes. Tell me, where do they get housing now? Where do they live? How do they make out?

Mr. SOSNOWICK. They're struggling in many different ways. Either they're living with children, or they're struggling to pay taxes on homes, or they are struggling with the rent increases in their apartments. And as soon as the increase comes, they take it away from food. They are eligible to go to the Social Services Dept., but their pride, in general, keeps them from doing it and they're really suffering. Now, we point out to them "You don't have to suffer this way." And increases have been made in rentals twenty-five to forty dollars a month, and they say "Where am I going to get it?", and "If I can't get it, where can I go? There's no place I can go. There is no housing for me." They must stay put. Your Social Services Dept., it's very costly for them to house people in various areas because the cost is tremendous. It's something like New York City, the cost of hotel rooms. We run into the same thing in the county.

Mr. Dow. Well, for the one's that are living with their children and families, don't you think that it's a good idea that they can live with the family?

AUDIENCE. (At this point, the audience indicated a strong negative reaction to Mr. Dow's question.)

Mr. SOSNOWICK. Let me answer that. You hear no's. In general, you're getting the response from the audience here. These are the people who are saying no. Very few people seem to be able to manage with families and they do that under very great self-control and disturbance to them and disturbance to the family. Now, in very exceptional circumstances do we know that elderly people can stay with families if they have them. But otherwise, they would be better off if mobile, if able to get around, to be on their own either with other senior citizens or with younger people. There's a division on that. We cannot recommend how. When housing is built, there are as many people who want to live with other elderly as there are who do not want to live with other elderly, who want to live with the young. We don't have a preference either way. So whatever you build in hundreds of units, you'll get enough wanting it if it's near the young, near where the action is. We're dealing with over age 60, over age 60 to 90 and so on. That's a big age group, and it represents the young old, the middle old and the old old. The 60 year old was 30 when he looked at the other 60 year old, as a parent and so on. I learned something very interesting recently. One out of every three people who are senior citizens have an older parent—one out of every three. That means a 65 year old would have an 85 or 90 year old parent in their custody. One out of three. So they have their problems and the parent problems.

Mr. Dow. Is that over 60 or 65?

Mr. SOSNOWICK. Over 65.

Mr. Dow. Think of that. Well, Mr. Sosnowick, I'd like to talk to you longer but we have to be fair with our time, so we thank you very much for coming up here.

Mr. SOSNOWICK. Thank you for letting me have all this extra little time.

Mr. Dow. No, you didn't have any extra, I don't think. The next is Mrs. Quill from Beacon. How are you, Mrs. Quill?

MRS. GEORGE QUILL (CATHERINE), BEACON SENIOR CITIZENS, BEACON, N.Y.

Mrs. QUILL. Hello, Mr. Dow. I'm very pleased to meet you and very glad to be here. I represent the senior citizens, the Gadabouts, of Beacon.

Mr. Dow. You go right ahead.

Mrs. QUILL. One problem that we do have that's very vital is transportation. We have no transportation whatever. There's one bus that goes to Poughkeepsie. If you don't go to Poughkeepsie, you can't go anyplace else, unless you have somebody to take you.

Mr. Dow. Why don't you come to Newburgh?

Mrs. QUILL. You can come to Newburgh at 8 o'clock or 10 o'clock in the morning, if you want to stay out in the street until 3 or 4 o'clock in the afternoon and go back on the school bus.

Mr. Dow. That's a good answer.

Mrs. QUILL. That still doesn't answer the problem, because on Saturday and Sunday there is no transportation whatsoever, even to Poughkeepsie. And there is no transportation after 6 o'clock.

Mr. Dow. No transportation on Saturday or on Sunday?

Mrs. QUILL. There's no transportation at all on Sunday. The Poughkeepsie bus does not run after 6 o'clock, any day. So that is out, unless you have children or you want to ask somebody who can drive, you cannot go. The next thing is, in the transportation line, while we're talking about it, I've found out that in New York City and out on Long Island, senior citizens riding the buses ride at half fare.

They have tickets to ride whatever transportation there is half fare. Then our next thing is a meaningful health program. Now, many of us live on fixed incomes. Medicare and Blue Cross do not take care of your prescription bill, which is sometimes quite large. I know, because I have one, which amounts to about ten or twelve dollars a week if I use it properly. We should also, this year, taxes have been raised at a rate of seven dollars a thousand. Now if you own a home, you know what that means. And our water rates: our bills are two thirds of our water bill is taxed. Not counting your school tax and your real estate taxes.

We should also like to have a representative at the White House Conference, a senior citizens representative, the next time there is one. The medical program is very important. . . .

Mr. Dow. What program is that?

Mrs. QUILL. The medical. The health. A meaningful health program. See, because Medicare and Blue Cross do not take care of all of it. Hospital costs are $50 a day, and Blue Cross is very lax in paying. I still have a Blue Cross bill from 1964 which they have not paid although I've written to them several times. And you still have that 50 or $60 deductible, and it costs you so much going back and forth, trying to get the thing straight. The Medicare takes care of their part, but the Blue Cross is very lax in their administration of the bill. But the prescription part is one of the things that we need. Mrs. Adams spoke of needing assistance to take care of some of the people who cannot get out.

That is another thing that's needed. There are many people who are not able to come up and in Forrestal they are very far removed from the shopping center. Someone has to bring them up. Now Mrs. Hamilton, who is the senior care worker, she walks down there, and she's a senior citizen too, though not a very old one. She hasn't got to her sixties yet, but she's still a senior citizen and she works for the senior citizens and she would know. You have to get someone from the Office of Economic Opportunity to drive you down there, or you have to walk. Mrs. Adams, I think, has the same problem. I don't know whether she drives or not. The transportation is really very important.

Another thing is entertainment or recreation. We have no movies in Beacon whatsoever. None.

Mr. Dow. No movie?

Mrs. QUILL. Absolutely not one.

Mr. Dow. I suppose that they think that you get along with TV.

Mrs. QUILL. TV's all right, but you want to get out sometime, someplace.

Mr. Dow. I'm sure you do.

Mrs. QUILL. For what it costs you to go to Poughkeepsie, you could add a couple of dollars to it during the week and take a trip ticket to New York and see a decent show. You can get a trip ticket for $4.75. It costs you $1.10 to go to Poughkeepsie, $1.90 to see a movie. Now add a couple of dollars more to it. You get a trip ticket, you go to New York and you see a show. And a group can go. I think a group of the senior citizens did go to see the Easter show and it cost them just $3.50 each. So it's much better. They do need transportation, recreation and health care. I have often wondered why, in a place like Beacon, we have a hospital, but there is no clinic. Now it seems to me like a clinic, of some kind, a health clinic, could be set up in the city of Beacon at a minimum cost to the senior citizens so as not to make them feel that they were taking charity, at a few dollars. Now I know down in New York the Ear and Eye Hospital has a clinic, but you pay. I don't know what it is now—it used

to be $2.50. Ear, eye, nose and throat and you paid for your glasses, but you were getting the best of service. And that is what is needed, I think, not only in Dutchess County but throughout this area where there is no real health service. And the health examinations at school, they are fine, but I spoke to the lady in the Health Department so she'll tell you the rest of it. I'll leave that to her.

Mr. Dow. Well, thank you very much, Mrs. Quill. Then our next witness is Joseph Mancinelli of Newburgh. Is Mr. Mancinelli here? We received a letter from you and that's one reason why we've asked you to come here.

MR. JOSEPH MANCINELLI, NEWBURGH, N.Y.

Mr. MANCINELLI. Well, the reason I didn't notify you sooner is because we never know when my wife is going to take ill and she's been ill this morning. I couldn't take her with me.

Mr. Dow. Go ahead.

Mr. MANCINELLI. Now I have a very serious problem. I was employed by my company for 13 years, until 1966 of August, when I had an operation and I had a stroke and it left me paralyzed on one side. I applied for Medicaid for myself, which I received. Later on, I applied for Medicaid for my wife and they refused with the answer that they cannot give her Medicaid because she was not disabled. Now the Medicaid book put out by the State, quote, says: "Medicaid is put out to help the needy so they may not be welfare cases." Now a person who is disabled and getting $156, at that time, a month, if that isn't considered need I don't know what is. Well, anyway, we thrashed this out and thrashed this out. I sent letters to Mr. Couser. He would never meet with me. This is over the phone and over the letters. Finally I asked for a fair hearing. I received a fair hearing, and after the fair hearing, I sent a letter registered mail to Commissioner Couser, and this is my letter:

Text of letter

Gentlemen: Your office at my request, has given my wife a "Fair hearing" as required under the Medicaid Law, and I wish to thank you for your cooperation.

I would like to know how "fair" is a hearing that does not consider the entire issues at hand? I am well aware that my wife is not disabled and capable of performing a few of her household duties at times, however, the main issue which is need has been completely ignored, and in view of this, your denial of medical assistance is a clear case of non-feasance. We are aware that medical assistance is provided for needy persons: "To help the needy avoid needless suffering, and to prevent them from becoming welfare cases." In view of this am I to believe that a person owning Life Ins. Policy in the amount of $1,000.00 less an encumberance of $465.00 ($535.00 payable at death) is no longer considered needy? If this is true, your enigmatic thinking transcends all laws of morality and human decency, and, your ruling is an aberration from the true purpose of the law. It appears that your decision was motivated by the actions of the Agency, and not by the true merits of the issues at hand. I have spent the past several months obtaining vital information on the subject at hand and find the Medi-Caid laws not only lacking in unanimity throughout the various State Agencies, but very obfuscating to say the least, in their varied interpretations and decisions.

Your decision makes it abundantly clear that morality and justice is still on the side with the heaviest artillery, thereby, making a mockery of the old cliche "to help others to help themselves." If the Agency insists on playing "pin the tail on the donkey, they should find a larger target or a wider "tail."

While the Agency was busy playing their games, my wife's health has been in a state of regression due to lack of finances vitally necessary for the promotion of good health. I have fully cooperated with the Agency in every respect, as attested to, by the fact that they have checked us, re-checked us, and finally made us the "20th case" whereby we were checked again. This was an obvious attempt to discourage me from pressing the issue further, hoping that I would abjurate my rights. The only purpose this served, was to make me more determined than ever to press the issue further.

In view of the fact that the Agency is incapable of having a meaningful dialogue of the issues in question, for obvious reasons, there is no other course left open to me but to request a Court hearing where I might obtain a proper adjudication and some very important answers to very pertinent questions, which the Agency either would not or could not answer.

It is quite obvious that no one is concerned with our health, except my wife and I, even though we are entitled to the same consideration as other "NEEDY" persons. The only favor I ask is your cooperation in expediting this Court hearing so that we may be in a position to adjust our lives accordingly.

In the interim, I hereby put you on notice, in the event that my wife's health is made to regress further, because of your unjust decision, I and/or my heirs will hold the Agency, State, and all personnel involved, legally responsible. Thank you for your indulgence in this matter.

Very truly yours,

JOSEPH MANCINELLI.

Now, after I sent that letter, I received an answer and it stated that they can't do anything about it. I would have to get an attorney, to go to Legal Aid. I went to the Legal Aid. They refused to take the case. Where do we go from here? Who do we see in times like this? That's the answers I want. We sit here and we talk about the same things over and over again. We know what's going on. We know the same things are happening day in and day out, but nobody has come up with an answer. Where are the answers? That is what I'm interested in, the answers. Aren't we all interested in that? I mean, I don't have to tell these people how they're living. They know. They are the experts. I am the expert, and they are living it. The people in the higher places, the politicians and everybody else, are not living this. We are, and we know what it is, and if you would let me here, just for a moment, read something here which I wrote up. . . .

TEXT OF STATEMENT: Rip Van Winkle supposedly slept for 20 years. How long are we going to sleep? When do we wake up to the fact that a few rabble rousers are slowly but surely destroying our very way of life? When do we wake up to the fact that some politicians, some, condone and aggravate these illegal, and immoral tactics? When do we wake up to the fact that taxation of all forms are hurting the middle and low income families, while the rich have loopholes which they take advantage of, thus putting the burden on those who can least afford it? When are we going to do something about the lies, distortions, and procrastinations fed to us by some of our elected, and/or appointed officials?

When are we going to get a firmer type of government? When are the many Attorneys who help make the laws, make them for the benefit of the majority instead of the rich and powerful? When are the loopholes going to be removed so that they may pay their fair share in taxes? When are the Judges going to mete out stiffer sentences to the guilty, and not just "slap" their wrists?

Of course, this cannot be done by the appointed and/or elected official alone, "we the people" must demand that this be done. We must let ourselves be heard, louder than the rioters and rabble rousers, and anyone who dares flaunt the law must be punished to the hilt.

A particular crime deserves a particular punishment, and no one should be allowed to either suspend, commute, or put on probation anyone who commits a crime against society, unless and until they have proven themselves to be deserving of it. When a person is brought to trial and was found to have committed perjury, he is supposedly found guilty of lying under oath, however, when a politician promises faithfully to carry out the duties of his office for the good of the people, and then does just the opposite, this is not considered lying. We must make this type of politician live up to his promises, or else "recall" him. This is up to the people, you and I, if we do nothing we will get nothing. No politician should be immune from punishment when he breaks the laws of the land. The examples they have set are coming back to haunt us in the form of crime, corruption, and devil may care attitude. Where will this end? I'll tell you where it could end. It could very well end in a 2 class people, the rich and the poor, with the middle class being wiped out. It could end in a revolution which will do no one any good, and we would wind up as a 3rd or 4th rate power, and a target for any country who is bent on our destruction from within.

Wake up Americans before it is too late, especially the young who will be the beneficiaries of this great country of ours. We have everything to gain and nothing to lose if we would really get together and make this country an even greater place to live and raise a family. Do not talk about the riots and crime in the streets at your favorite Tavern, social clubs, or gathering places, do something about it. Action in a legal manner can work wonders especially if we put pressure to bear on those persons responsible for our dilemma. An example of political indifference toward the heavily burdened taxpayer is the recent decision of 12 Orange County Legislators who voted against investigating the welfare fiasco, that is to say (The welfare recipients and the Social Services Dept.) This is an affront to 90% of the people who are being forced to support 10% of the people at a cost of 50% of the budget. Ridiculous? Yes indeed. In fact, this is the type of shenanigans the people must stop. Why not put this up to people, in the form of a referendum, we are well aware of the ensuing results of such a mandate. If the cost of such an investigation were to exceed $50,000.00, this would represent about 10% of the amount saved as a direct result of such an investigation. Now they are thinking about a County sales tax and/or a County income tax. They need this tax like a hole in the head (which undoubtedly some of them have).

I can assure you that when the smoke has cleared, they will vote themselves a comfortable raise, maybe 60%? Anyone can think up new taxes, it doesn't take a genius, how about finding someone that is capable of reducing taxes? Someone who will really work for the people and not their party or themselves. How long are we going to bury our heads in the sand, and then complain we've got sand in our eyes? The longer it takes, the more we will suffer and things will not change until "we" the people wake up and do something about it. People lose jobs while the lawmakers increase their salaries or "lulu's". Does this make sense? It is true that the cost for being a politician has increased, but the politician knew this before he ran for office. Are we supposed to pay for his $250.00 a plate dinner while the elderly have to live on a lot less than that per month? Pretty bad timing don't you think? In order to keep our underfed and overworked politician happy, while at the same time reduce taxes we must resort to a form of euthanasia for all the elderly and sick who are not self-sufficient. Once this has been done, then the politician can sit back and watch the fruits of their labor and

indifference namely; crime, corruption, and the many other evils some of them have helped to create.

What shall it be? Only you "the people" are powerful enough to decide. Let's stand up and be counted, get the sand out of your eyes and look around you. Do you like what you see?

Mr. Dow. Well, thank you, Mr. Mancinelli.

Mr. MANCINELLI. I want to thank you, Mr. Dow, because I feel that you are the first one to have such a meeting of this type, and I hope something will come out of it, and I appreciate very much your asking me down here.

Mr. Dow. Well, thank you. Can I ask you one question. . . .

Mr. MANCINELLI. Certainly, any question at all.

Mr. Dow. About Mrs. Mancinelli. She's not in good health.

Mr. MANCINELLI. She has ——— disease. It was attested to by two physicians, and she has these dizzy spells and she has to go to bed for two or three days at a time and I have to fend for myself and I can't do anything myself even. And these people say that she's not entitled to Medicaid, which is ridiculous. Mr. Couser would never meet me face to face to find out what this was all about. He would just write letters. He would write letters to the Congressman, to the legislator that was down in Cornwall at that time. He's not with us any more. He wrote him a letter. I've got a copy here. The copy, as far as I'm concerned and I can prove it, the letter he sent to Mr. Gordon Cameron are all lies, every one of them, and I can prove it. I have all the data in here, which will be proof.

RESULTS OF SEVENTH DISTRICT SENIOR CITIZEN POLL

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. MYERS. Mr. Speaker, during the month of May, designated as Senior Citizens Month, I asked nearly 5,000 persons from throughout the Seventh Congressional District of Indiana to give me the benefit of their opinions about the problems and needs of our older Americans. Those questioned are members of nearly every senior citizen club in the district. The results of that poll are now in and I want to share them with my colleagues with the hope they will provide us with some guidance in our effort to find solutions for the problems facing the Nation's 20 million senior citizens.

More than half the people who responded about their needs said they don't have enough money to make ends meet.

A total of 76 percent said they can't afford to buy the food they like.

Other areas of major concern expressed by the district's senior citizens included mass transportation, health care, and increasing property taxes.

We sponsored this questionnaire in cooperation with the White House Conference on Aging which President Nixon has called for this November to determine the needs of our senior citizens nationally. The results will be forwarded to the White House where they will be considered along with those from similar polls taken across the Nation.

This sampling has given me an indication of how older people feel about themselves and their problems. It emphasized one thing we already knew, that the many and complex problems relating to income are the most important concern of older citizens.

Beyond this the figures will be extremely useful in pinpointing issues which need the immediate attention of Congress. Many of them are already occupying the attention of thousands of people who will be delegates to the White House Conference.

The following is a complete list of the problems and needs which those who answered the questionnaire were asked to rate based on the urgency of the need. There are seven different categories and the respondents were asked to pick the primary problem or need in each:

Income

[In percent]

Raise Social Security benefits	50
Widow's benefits equal to husbands	30
Extend Medicare coverage	12
Remove income limitations	5
Lower age limit for Social Security	3

Education

Adult education programs of general nature	46
Pre-retirement education	37
Vocational training	17

Nutrition

Reduce costs of food	76
Meal delivery for shut-ins	12
Smaller packages of food	6
Improved consumer education	4
Subsidize meal opportunities	2

Transportation

Need mass transportation system	52
Reduced fares or cost-free use of mass transportation	18
Tax deduction for health transportation	16
Improved safety standards	14

Health

Tax deduction for full cost of health care	48
Home care for disabled	32
Additional out-patient clinics	10
Provide health information centers	10

Housing

Exempt older persons from property tax	46
Improve nursing home facilities	14
Reduce qualifications for public housing	12
Rent control in non-public housing	10
Provide home maintenance services	10
Additional housing for low income	8

Activities

More centers and clubs for older people	36
Special recreational programs for shut-ins	31
Improved education about aged persons and growing old	17
More opportunities for volunteer work	8
Increased publicity of services and programs for older people	8

SENATOR HOWARD BAKER WINS EDITORIAL SUPPORT FOR BILL EXEMPTING POW'S FROM PAYING INCOME TAX ON MILITARY PAY

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BAKER. Mr. Speaker, the Chattanooga News-Free Press sees Senator HOWARD BAKER's bill to exempt Prisoners of War in Southeast Asia from paying income tax on their military pay as "Common Decency." An editorial under this title recently appeared in the columns of this fine paper and under leave to extend my remarks, I wish to bring this editorial to the attention of my colleagues.

COMMON DECENCY

Much special benefit legislation is questionable, but Sen. Howard Baker Jr. has a proposal that most Americans will believe common decency. Last week, he reports, he introduced a bill exempting prisoners of war in Southeast Asia from paying income tax on their military pay. Under present law, enlisted personnel who are prisoners are exempt from federal personal income tax but commissioned officers are exempt only from the first $500.

The special benefit here is for those the senator terms "the most deserving of all Americans"—the 465 known prisoners and the more than 1,600 missing in action. He properly points out, however, that "the principal goal of the bill is to express deep-felt national concern for the well-being of our imprisoned or missing servicemen" and "give special recognition by a grateful nation of the sacrifices these men have made."

Even better "special" treatment of servicemen, living or missing or dead, would have been for the nation not to have become involved in another "no-win" conflict that observed a sanctity of an aggressor's borders which has made our missing men inextricable and posed us as beggars at the "negotiations" table.

THIRD ANNIVERSARY OF SOVIET INVASION OF CZECHOSLOVAKIA

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. ROBISON of New York. Mr. Speaker, August 21, 1971, will mark the third anniversary of the Soviet invasion of Czechoslovakia. By this act of foreign interference, Czechoslovakia's right of sovereignty over its own affairs was clearly and unjustifiably violated.

It is without question appropriate that we once again express our outrage over this action, but at the same time we must be cautious not to act in a manner inconsistent with the overriding goal of American foreign policy. That goal, which now more than ever must be our constant guide, is to establish an atmosphere of peace in a world in which the people of every nation have the right of self-determination in structuring their governments and personal lives. The people of Czechoslovakia were fortunate in having made great strides toward obtaining increased liberties prior to the abrupt act of Russian intervention which we decry today.

Rather than to continue deploring this act in tired political rhetoric—although expressions of moral support are not without value—it is now time for us to encourage the Czech people to set out once again along the road to freedom. It is for us to determine and then act in whatever ways we can most significantly aid them in this critical project. Very pos-

sibly, the most constructive activities the American people can undertake are those which will, by expanding our influence through diplomatic channels, liberalize the Czechoslovakian nation as well as those nations engaged in similar struggles. This implies increased cultural exchange, more flexible trade agreements, and serious consideration of the future role of NATO and the possibilities for mutual and strategically equitable troop reductions in Europe.

This approach will not only aid the people of Czechoslovakia in their efforts to regain their freedom from Soviet control, but it will clearly have wider benefits as well, in the contribution it will make to the overall betterment of international relations.

THE ADMINISTRATION'S REVENUE SHARING PROPOSAL

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 3, 1971

Mr. BYRD of Virginia. Mr. President, news reports today quote a White House official as being concerned because the Congress has not acted on the administration's revenue sharing proposal.

I would like to support such a proposal.

But where is the revenue that is to be shared? The Federal funds deficit for the fiscal year just ended was $30 billion—and the administration estimates another $30 billion for the current fiscal year. This means back-to-back deficits of $60 billion.

I have prepared two tables dealing with the Government's financial situation.

Table 1 gives U.S. gold holdings, total reserve assets, and liquid liabilities to foreigners.

Table 2 gives the deficits in Federal funds and interest on the national debt, 1961–1972.

I ask unanimous consent that these tables be published in the Extensions of Remarks.

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

TABLE 1.—U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS, AND LIQUID LIABILITIES TO FOREIGNERS

[In billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
1957	22.8	24.8	15.8
1965	13.7	15.5	29.1
1970	10.7	14.5	43.3
June 1971	10.5	13.5	[1] 48.0

[1] Estimated figure.

Source: U.S. Treasury Department.

TABLE 2.—DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1961–72 INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Deficit (—)	Debt interest
1961	75.2	79.3	—4.1	9.0
1962	79.7	86.6	—6.9	9.2
1963	83.6	90.1	—6.5	10.0
1964	87.2	95.8	—8.6	10.7
1965	90.9	94.8	—3.9	11.4
1966	101.4	106.5	—5.1	12.1
1967	111.8	126.8	—15.0	13.5
1968	114.7	143.1	—28.4	14.6
1969	143.3	148.8	—5.5	16.6
1970	143.2	156.3	—13.1	19.3
1971	133.6	163.8	—30.2	20.8
1972 [1]	150.0	180.0	—30.0	21.2
12-year total	1,314.6	1,471.9	157.3	168.4

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

OPPORTUNITIES AND ATTITUDES EQUAL SUCCESS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HALPERN. Mr. Speaker, the place of women in American society is an issue over which there is much discussion and controversy. What cannot be disputed, however, is that women play an integral role in the American business community. The president of the American Business Women's Association, Marilyn R. Tucker, has made some excellent observations about this subject in her address, "Opportunities+Attitudes=Success." I urge my colleagues to take a few minutes to read her timely and pertinent remarks.

OPPORTUNITIES+ATTITUDES=SUCCESS

(Address by Marilyn R. Tucker)

Every American is entitled to success in business. By combining the growing opportunities available to women with desirable attitudes success will be ours. Today women make up 51% of the total population, and nearly 38% of the labor force. It is not surprising, then, to find women engaged in every imaginable occupation, from jockeys on our race tracks to having a "seat" on the "Big Board" of the New York Stock Exchange. There can be no doubt about it, women are an essential part of the American labor force.

All Americans are keenly aware of the escalating prominence of women in business, and also much aware of the enviable future for women who are trained and qualified for top level jobs. Let us briefly review the changes that have taken place in the past few years, and look at today's trends toward bigger and better opportunities for women.

Today there are over 31 million working women, more than twice the number in the labor force of 1940. In that year the average business woman was around 20, and single. Today more than half the nation's working women are 40 years old or older. More than half of all the women in America in the 40 to 54 age bracket are gainfully employed. It was interesting to find that today 48% of all women in the 55 to 59 age bracket work; 36% in the age bracket of 59 to 65 are working; and many over 65 are still employed.

In this decade opportunities are growing for capable, energetic women. Perhaps one of the most potent influences is the fact that in the late '60s changes began at the entry level of executive jobs. At almost every college placement office, women graduates began to be routinely hired for business posts that a few years ago were closed to them. Placement offices report increasing acceptance of women executive trainees on the same level as men. Women with advanced training in retailing or accounting often have their selection of prestigious top level jobs.

The trends are looking great! Since 1960 the number of women doctors has increased 26%—making about 22,000 women physicians and surgeons. Women rank high on entrance exams in medicine, and our women doctors of today feel we can no longer waste half of the potential supply, and they are recruiting women for medicine. Women have physical advantages enabling them to be excellent doctors. They are adept with their hands, which is important in all phases of medicine, and particularly in surgery. Women, because of their high level of estrogen, are more vibrant than men and tend to tire less easily. Another very important factor is that women outlive men, 7 to 10 years, thus enabling them to practice a greater number of years.

Women account for 40% of those found in tests to have an aptitude for engineering; however, at the present time we supply only 2% of the nation's engineers. There is a tremendous opportunity in this field.

We find opportunities regardless of which direction we look. A spokesman for International Business Machines said, "Women appear to be getting in on the ground floor of electronics." He continues, "Women definitely are on the increase in our management positions; we have several hundred women who have a high level of responsibility in programming, systems engineering, and education, plus a good number in regular management."

In America the opportunities for women are broadening, yet we might ask ourselves, "Why is it that we are trailing far behind other countries?" In the United States 3% of the lawyers are women . . . compared to nearly 33% in Germany. In the field of medicine, American women account for 7½% of the physicians, whereas in Britain the percentage is 16%, and the Soviet Union exceeds that. In the field of science, 9% of our scientists are women compared with 74% in Russia.

Even though women are 51% of the total U.S. population, we hold less than 1% of the elected offices, and only 2% of the managerial positions. What are we going to do about this?

As ABWA members we have been doing something . . . through our educational programs! It is heart-warming to note that more women today than ever before are qualifying for key positions through education, and as more trained women enter the job market this trend will continue upward.

Education and earning go hand in hand, and today 40% of all college degrees are going to women. As members of ABWA it is a proud feeling to know that last year alone ABWA scholarships, amounting to well over $355,000, assisted qualified women in gaining their education. As a direct result of our help more women are graduating every year.

U.S. News and World Report indicates that "Women's enrollment in law schools in 1968 showed a gain of about 180% from 1958, during a period when total enrollment was rising on 61%." This increase means that a great many women will be entering the

court room trying their cases in the exhilarating, competitive field of law.

American women are looking forward to sharing more responsibility in the U.S. economy, and as women become better educated this will become not a future dream, but rather a reality.

There is no doubt about it, the opportunities are here . . . today . . . now.

Each and every day you and I do have the opportunity to promote the American business woman. Stop and think for a moment about the message your attitude conveys to your business associates and your daily contacts. As members of the American Business Women's Association we must uphold women in business, we must respect one another's job, and we should be happy for another woman when she receives special recognition or a promotion for a job well done.

Our attitude is always on display. Our attitude toward young women working under us is so very important. We must exemplify the highest in business standards with the knowledge that our integrity, conduct, and performance is constantly being evaluated. Others will either look to us as an ideal, or look beyond us to someone who has more admirable business characteristics.

I regret to say that it has been my experience to hear women say, "I do not want to work for a woman, I prefer to work for a man." How this hurts for those in managerial positions. However, it has been my pleasure many times, particularly when visiting ABWA chapters, to hear a comment such as, "My boss is truly the best boss one could ever find—I think she's just great!" A fine compliment to a highly competent business person!

What can you and I do today, tomorrow, and every tomorrow after to elevate all American women in business? Perhaps we should do a little soul-searching. When you are asked, "Do you prefer to work for a man or a woman?" if you automatically say "a man," are you being fair? If you do not want to work for a woman, how then can we have deserving qualified women in key positions? We must be willing to work for a person on the basis of his or her leadership abilities. I would hope that if you are asked this question, your answer would be, "I have no preference; it depends on the individual's abilities." After all, a boss, regardless of sex, is a "human being" first. I would like to quote one businessman's viewpoint. He says, "I don't care whether I deal with men or women as long as they are intelligent, interesting, and want to do something."

What is your attitude regarding your worth in business? How much pay should you receive for the job you are doing? A personnel director for a large New York corporation said that in accepting lower salaries, "Women are discriminating against themselves. We have budgets to think about. A job has a price classification. A woman will usually accept a lower salary.". . . Have you thought about this before? I have given it a great deal of thought, and I feel there is much truth in his statement. Many of us tend to "jump" at the first job opportunity when entering or re-entering the labor force. I have always felt that as we are exchanging hours of our time for monetary reimbursement, before we quickly "snap up" what is offered, we should express our thoughts as to what we feel we are worth in the particular job.

I regard confidence in one's ability and worth as an admirable trait. Even though you may not start at your top dollar, you have expressed what you feel you are worth in a particular position. Now as you work and "prove" your capabilities, management is well aware that you expect to be advanced. You will not be taken for granted, but carefully watched, and as you perform your job with zest and enthusiasm you will be rewarded by being advanced up the ladder of success.

One of the fallacies hampering women being paid their worth is the attitude many have that women's is a "supplemental" salary. But think for a moment about the single career girls, divorcees, and widowed women who are their own sole support, and who in many cases support not only themselves but their children. If some of us are willing to work for peanuts (supplemental income), how then can the women who are carrying the full financial responsibility of a home earn their due? We pay the price when purchasing an item of good or superior quality, and when we perform our job at a good or superior level we expect to be paid an "equal" salary; thus we are earning "Equality through Responsibility." I have never heard of an example yet where a woman consumer has been able to purchase an item for "less" because of the fact that she is a woman!

There are other attitudes that we keep hearing about. You have heard the song "Love and Marriage." When we think of "Love and Marriage" we tend to think of the future pitter-pattering of little feet . . . just where does love and marriage fit in for the woman who also has enormous career ambitions? As one who wears the tri-cornered hat of wife, mother, and career woman, I will be the first to admit this situation does present its own special challenges . . . but no limitations!

I would say this situation requires what I like to call the 3 D's . . . you must have a definite sense of direction, loads of determination, and all the discipline you can muster. A few years ago at a women's new seminar at the American Press Institute at Columbia University, a survey was made of women wearing the tri-cornered hat for time management tips. The women gave some excellent time-saving tips for those of us who are constantly in perpetual motion. There was one male in the group who also wears a tri-cornered hat: husband, father, career man. He gave his best time management tip . . . "Stay single!" (I'm sure he was just kidding.)

It has been my experience working with married women with families, that these women are especially conscientious about being on the job, with very little absenteeism. Combining a business career with a family is becoming more and more a way of life in America. According to the Women's Bureau of the U.S. Department of Labor, the typical woman is now through with childbearing by the time she is thirty years old, and by the time she has her last child in school, she has 30 to 35 years of active working life ahead of her.

Many women merely take maternity leaves, which are early in their careers, making temporary replacement relatively easy. Some employers do not consider a maternity leave a serious handicap any more than they do a military leave, leaves for advanced education, or political activity.

It was particularly interesting to me, being a working mother myself, that in 1961 a research study was conducted in my home city, Cedar Rapids, Iowa. The study was conducted to see if there is or is not a relationship between "maternal employment indices" and "developmental characteristics" of the children of working mothers. To put it more plainly, the test was conducted to see how our kiddos were coming along. The test was given to 98% of all students in the 7th and 11th grades in Cedar Rapids, and consisted of 44 questions to be answered by the students and a 3-page questionnaire to be answered by the parents. Our students were then thoroughly analyzed for such things as "over-sensitivity," "fatigue," "anxiety and fright," etc. These answers were then compared with the family background, with particular emphasis placed on "Mother's Employment History."

This test was very interesting. On the basis of the study, scientists gave the working mothers' children a clean bill of mental health. Also, our children were tested for intelligence, school achievements, absenteeism, tardiness, etc. . . . Not only did our children pass—but so did we working mothers!

Being a success in business does not depend on any one thing. We may have ample opportunity, adequate education, ability, but unless we team these qualities with desirable attitudes, we will never be a "dramatic success," but rather we will perform on a mediocre level. If we take with us to our work each day, enthusiasm, interest, and a desire to learn more about our jobs, we will know a new feeling of job enrichment. Most all companies advance their employees on the basis of past performance.

Each day if we strive to perform our jobs with excellency we will be establishing a record of past performance that we can be proud of. But remember, one cannot rest on the high achievements of yesterday. To illustrate my point, I would like to quote world famous conductor Leopold Stokowski: He was enjoying tremendously dining with a friend one evening a few years ago and he said he had to leave because, "If I don't get back to work, somebody may get ahead of me." This sentence pretty well sums up the attitude of all successful people as they give advice and reveal their formula for success. The word is not new, it is not fancy, to some it is even undesirable, but to most of us it is the stabilizer in our lives; the word is . . . "WORK!"

There is nothing so convincing that success can be ours as examples of women who have reached the top. Successful women feel there is a reason for their success in the modern business world, and they will usually express their feelings to inspire others to greater achievements.

When Lyndon B. Johnson was sworn in as President of the United States in 1963, it was Sarah Hughes, Federal Judge, Dallas, Texas, that presided. She says of her success, "I nearly always got what I wanted, but then I went after it."

Adele Simpson says, "If a woman has the talent, tenacity, and ability to work, and the determination to be paid for it, she can get the money."

We have all heard a great deal about the extremely successful (she's a multimillionaire) Mary Wells, Founder and President of the dynamically successful advertising agency—Wells, Rich, Green, Inc. Mary is quoted as saying, "Ten years ago, men would have been scared of me, but not today. I've a sensational track record so far, and that's all that interests people."

One of our objectives in ABWA is to gain better recognition for women in business. I am very optimistic about the future of American business women because of ABWA. We play an important part in opportunities through education; we create a good example through our attitudes; and as we concentrate on these things, success will follow. Each day in our job we have the opportunity through good attitudes to become more successful. For, as Oliver Wendell Holmes so aptly put it, "The great thing in the world is not so much where we stand, as in what direction we are moving."

A TRIBUTE TO ROGER BRENNAN

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. EDWARDS of California. Mr. Speaker, Roger Brennan, president of Painter's Union Local 388 in Santa Clara

County will be honored later this month, August 25, on the occasion of his retirement. I feel that notice of this man's achievements and selfless dedication to his fellow citizens should rightfully be made by all of us here in Congress. Roger, during his many years in the Bay Area, has served in the effort to help juvenile delinquents, served on the Social Planning Council of Santa Clara County, Health Facility Planning Groups, Labor Councils and is one of the original founders and constant supporters of the United Fund, to name just a few. He can look back now, as he retires, on a career of service to his fellow man. While no words I can say could possibly be as rewarding to Roger as the knowledge that he has helped to make this world just a little bit better, I feel that we all can learn a lot from Roger's efforts. Our lesson is in caring for our fellow beings, whether they be teenagers faltering in the attempt to grow up as responsible citizens, or whether it is helping the sick, our students or our fellow workers. Our world would be a better place if more of us were as active and dedicated as Roger Brennan.

ANOTHER ENVIRONMENTAL ADVANCE FOR GREAT LAKES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. DINGELL. Mr. Speaker, the U.S. Army Corps of Engineers issued a news release on July 29, 1971, announcing that the corps fleet on the Great Lakes will soon be fully equipped with no-overboard-dumping sewage systems.

I want to congratulate the corps for moving forward with this antipollution program and express the hope that all other governmental agencies and private boat owners will soon do as well.

I insert the text of the corps' news release to appear at this point in the CONGRESSIONAL RECORD:

ARMY ENGINEERS FLEET ON GREAT LAKES FIRST WITH NO-OVERBOARD-DUMPING SEWAGE SYSTEMS

The fleet of vessels operated by the U.S. Army Corps of Engineers on the Great Lakes will be the first equipped with self-contained sewage treatment systems which avoid any overboard discharge. Lt. General Frederick J. Clarke, Chief of Engineers, announced that the total retention systems of the Corps' fleet of 73 crewed vessels have been installed or are under contract. Installation of the units which will be 90% complete by the end of August will be completed during the winter lay-up season, General Clarke said.

Almost half of the Corps' Great Lakes fleet, primarily the smaller units with crews of less than a dozen men, are being equipped with simple holding tanks. They have up to 10-day capacity before pump-out to on-shore sanitary facilities is required.

Another system grinds the waste and reduces the volume needed in the holding tank by controlling the volume of flush water used and by boiling off waste water as sterile vapor into the atmosphere. The remaining sterile sludge, which has the consistency of 80-wt. oil, is pumped out periodically into on-shore sewage treatment facilities. The control-flush-with evaporator units were developed by the General American Transportation Corporation by adapting the units they developed for aircraft. The marine version of the GATX evaporative system which is being installed in seven Corps' vessels can operate up to 30 days between pump-outs.

The Hopper Dredge MARKHAM is being equipped with a totally self-contained recirculating chemical system capable of meeting the requirements of its 70-man crew for several months. This system, developed by SEA-PAX Inc., was observed in operation and evaluated by the Corps aboard the SCOTT-MISENER, a Canadian vessel. The solids are separated from the flush water which is chemically treated and re-used. The sludge is stored in a holding tank for eventual pump-out into on-shore sanitary facilities

In 1960, the Corps of Engineers initiated a program of testing and evaluating sewage treatment systems for use on ships and other floating plants. Then the state of the art and the equipment commercially available was such that the choice of sewage treatment facilities was limited to either macerating-chlorinating units or the larger aerobic digestion units. In 1960, a centralized macerator-chlorinator system was installed on the MARKHAM. This was the first such installation on an American ship. By 1965, the Corps had installed macerating-chlorinating units on most of its small vessels and had installed 12 aerobic digestion type of units on the largest of its vessels, the hopper dredges.

In the mid-1960s, the purchasing of aerobic digestion units was discontinued. Among the reasons for this action was an indication that the Federal Water Quality Administration was to issue more stringent effluent characteristics and consideration was being given to the enactment of Federal legislation which would determine the types of wastes and level of treatment required.

Since then, the Corps has coordinated its design, test, and evaluation effort with private industry in the marine sewage field. As the state of the art has progressed, the Corps has kept abreast of the latest technological advances in the field of marine sewage treatment and offered its vessels as test vehicles.

Marine sewage treatment systems with an effluent meeting the Federal water quality standards for secondary treatment of human wastes are acceptable in most coastal areas. General Clarke said "Program Shipshape" is being expanded to the Corps' entire fleet of 540 crewed vessels or floating plants. Several overboard-discharging systems which are expected to meet Federal standards for such discharge are being field tested and evaluated. However, the Corps decided to go to total retention systems on the Great Lakes because "they are the largest source of fresh water in this country," General Clarke said.

UHL URGES AEROSPACEMEN TO BEGIN NEW PROGRAMS

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BYRON. Mr. Speaker, recently Mr. Edward G. Uhl, president of Fairchild Industries, addressed the Aero Club of Washington and appealed to aerospace firms to go out out on their own and develop new programs without Government directions and aid. Uhl indicated that his industry should "stop feeling sorry for ourselves and face life as it is."

One project that must be launched, he said, is a supersonic transport "without Government support." Another program deserving attention, he said, in view of a growing Soviet military threat, is development of powerful lasers in space as true antimissile weapons. He also supported efforts to guarantee a loan to rescue the Lockheed Corp.

Mr. Uhl stated that Fairchild Industries is concentrating on its satellite program, but plans to pursue private financing of the SST. Uhl said that the industry has been looking at SST development only with conventional ideas. He believes that a consortium with many firms joining together to sponsor the development and eventually reap the profits is needed.

Uhl, commented on the current "damn the technology" attitude by saying, "We have to gain the respect of young people" by explaining what the aerospace industry is doing and can do. For its part, Uhl said, Fairchild plans to devote its entire advertising budget to programs directed at high school and elementary school students, "to sell technology" as a valuable contribution to man's development.

RUNAWAY YOUTH PROBLEM CONTINUES TO GROW

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. KEATING. Mr. Speaker, there was a time when running away from home meant Huck Finn seeking adventure on the Mississippi, Toby Tyler leaving to join the circus, Horatio Alger seeking fame and fortune. Today's runaway meets a far different fate—a hostile, sometimes tragic world.

Today I am introducing a bill dealing with the runaway youth.

The primary purpose of this legislation is to provide an alternative to drugs, prostitution, crime and physical harm for a place of shelter and medical attention.

It also will provide assurance for parents of runaways that there is a communications network to help the families of runaway children.

Estimates of the number of runaway youth in the United States are as high as 1 million a year.

FBI reports of runaway children arrested show an increase from 82,000 in 1965 to more than 200,000 in 1970.

The best estimates show about 600,000 runaways in 1970, double the number of just 7 years ago.

Juvenile Court Judge Benjamin Schwartz alerted me to this problem in Hamilton County, Ohio. Youths referred to juvenile court as runaway children totaled 618 in 1966. Last year the number rose to 1,015. The projected total of cases for 1971 is 1,275—a 106.3 percent rise since 1966.

Runaways are typically 13 to 17 years old. About 50 percent of the runaways are girls. A small percentage have left juvenile institutions, but the greatest number have left their homes.

Mr. Speaker, my bill has two main objectives.

The first section deals with the trauma and anxiety a parent faces when his child runs away.

Under my proposal, the Administrator of the Law Enforcement Assistance Administration is authorized to make grants to State and local law enforcement agencies to purchase necessary equipment and fund programs which will strengthen the availability and effectiveness of services for parents of runaway youth to report descriptions and possible destinations of their children to law enforcement officials in their localities and in other areas of the country.

Smaller communities, for instance, could purchase terminals to hook into the national teletype system.

Under a nationwide network of communications, parents will have the tools to help them locate their children.

The other section of my bill deals with establishing a safe and comfortable atmosphere for the youngsters at the so-called Runaway Houses which are springing up across the country to handle runaway youths.

Why do kids run away? A survey by my staff shows the reasons range from desire to escape parental restrictions, school failure, and unwanted pregnancy.

Some runaways have deep-seated emotional problems, but most run because they are unable to cope with the frustrations of family or school situations.

They run mainly to the big cities, though "back-to-nature" communes of runaways can be found in western Massachusetts, Hawaii, and Arizona. Most return home after a 3-day absence, but others are gone for weeks and even months.

In the larger cities, runaways often find that the escape from home is a road to drugs, prostitution, and tragedy.

Many of us have encountered young panhandlers, literally begging for food.

More hidden from our view are those runaways who turn to dope-peddling. stealing, and prostitution as a means of subsistence.

New York City police report the case of five men and eight women accused of raping and torturing four runaway girls until the girls agreed to join their prostitution ring.

Miami authorities cite the average age of prostitutes in the area—18 years—as evidence of the growing number of young runaways using sex as their occupation.

Charles Manson offered shelter and food to runaways, bringing them into his family.

The drug addiction, crime, and death associated with today's runaway phenomenon is something that runaway youth seldom realize awaits them, but they find this life when on the run.

Government cannot legislate family life or make it decent and fulfilling for youth or parents.

It can and must insure, however, that once a youth has run away, he has a place to turn for shelter, for care, for help.

If we do not provide such a place, runaway youth will continue to wind up in prostitution and dope-peddling rings, and filthy, disease-ridden, sometimes deadly environments.

We cannot leave runaway youth with only this latter choice.

The parents of a runaway can call the local police, request that descriptions be sent to other police departments, hire private investigators, or search themselves.

Grants under title I would be made through the LEAA to States and localities which want to strengthen their reporting and locating services for the parents of runaway youth.

Metropolitan areas could improve their computer techniques.

Funding improvements in this area is clearly a Federal responsibility, since the phenomenon of runaway youth is interstate in character, and certain areas of the country are disproportionately visited by runaways.

The runaway houses proposed to be funded in this bill will provide a place for the runaway youth to turn.

The facilities would provide shelter, counseling, medical help if needed, and a means of working out the problems that lie behind the youth's felt need to leave home.

Such houses could follow the lead of such established places as Huckleberry House in San Francisco, the Bridge in Minneapolis, and Runaway House in Washington, D.C. Only the bare requirements of shelter and welcome would be provided.

The houses would be required to contact an entering youth's parents within 36 hours of entrance, and respect the rights of parents according to the law in the parents' jurisdiction. They would also provide medical aid on at least a referral basis and contact proper authorities to determine whether a youth is being held by law enforcement authorities within 48 hours of entrance.

Grants would be made to existing houses to strengthen their activities on such considerations as their success in attracting and aiding youth.

Proposed facilities could be funded if other sources of money were limited and the area needed such a facility. Small grants would be appropriate for these facilities.

Runaway houses would not be havens from family life but bridges back to a decent, understanding homelife.

Our investment in such facilities can be investment toward a better family understanding and against drug addiction, crime, and broken homes.

The bill provides funds for family counseling services even after the child has left the facility, to help alleviate the home problems that may have been behind the child's running away.

The funds we spend here will be high-velocity in character—providing bare essentials for what is essential—providing runaway youth with an alternative to life of drug-peddling, prostitution, panhandling, filth, and disease.

Runaway houses can only deal with problems occurring after a youth has run away.

We must think of measures to deal with the causes of the runaway phenomenon.

Thus, the bill charges the Secretary of Health, Education, and Welfare to develop a program directed toward reducing the number of runaway children and solving problems associated with runaway youth. Ideas such as family counseling and temporary group foster homes should be explored, and the proper Federal role should be outlined.

This bill is an approach to solving the problems associated with runaway youth.

Others may have different views on the precise approach to take in this regard, and I hope that promptly held hearings will reveal the best method of dealing with these problems.

This bill is a call to action and a blueprint for discussion.

Let us agree on one thing—the problems deserve quick attention and solution.

The coming months will see new waves of young persons running away from home. Should we stand back and watch? Or will we help?

AILING AEROSPACE

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HARRINGTON. Mr. Speaker, with the debate the last week over the loan for Lockheed, I think all of us have learned a lot about the areospace industry. Although it is an industry dealing in billions of dollars, it is beset with problems.

An article by W. Stewart Pinkerton, Jr., of the Wall Street Journal outlines what the fundamental difficulties facing the industry are. Among them are a heavy reliance on advanced technology, high working capital requirements, poor contracting arrangements with the Pentagon, and a shrinking market for their products. Mr. Pinkerton's article is a perceptive one, and one which makes a difficult problem easy to understand.

The Lockheed vote, according to the article, may just be the first in a line of many others we may be forced to make to bail out other companies. At this point, I am inserting the Wall Street Journal article for my colleagues.

The article follows:

AILING AEROSPACE: LOCKHEED MAY SURVIVE, BUT INDUSTRY AS WHOLE FACES UNCERTAIN FUTURE

HIGH COSTS OF NEW SYSTEMS, RISK OF TECHNICAL UNKNOWNS DETER LENDERS, INVESTORS—A TECHNOLOGICAL LOVE AFFAIR?

(By W. Stewart Pinkerton, Jr.)

NEW YORK.—The congressional decision to bail Lockheed Aircraft Corp. out of its current financial crisis is clearly a boon to Lockheed, but it leaves unanswered some critical questions about the future of the U.S. aerospace industry.

For while the Senate's 49-to-48 vote yesterday to provide government backing for $250 million in loans to Lockheed may keep the company from bankruptcy, it does nothing to alleviate fundamental problems that could bring financial disaster to other aerospace concerns. Nor does it improve the long-term prospects for successfully financing major new commercial and military aircraft programs of the type that brought Lockheed to its knees. (For details of the Senate vote, see story on Page 2.)

Aerospace executives, Defense Department officials, Wall Street analysts and bankers generally agree that the Lockheed debacle simply represents an extreme example of the sort of nightmares that already have afflicted other aerospace companies and that are likely to continue to afflict them in the future.

Grumman Corp., for instance, has run into unforeseen technical and cost problems with its F14 Navy fighter plane; production costs of the combat jet threaten to exceed earlier estimates by some $2 billion, or $3 million a plane. General Dynamics lost $425 million on its disastrous venture into the commercial aircraft business some years back. Douglas Aircraft ran out of cash trying to build the DC9 passenger jet and had to be bailed out with a merger with McDonnell. Martin tried unsuccessfully to convert a World War II bomber into a line of commercial aircraft and finally wound up merging with a cement concern.

A SORRY STATE

Listing all the factors that have led the aerospace industry to such a sorry state could fill volumes. But some of the key factors are these:

An unusually high dependency on evolving and often unknown technology, coupled with huge research and development outlays. This has the effect of increasing financial risk substantially, especially when a company is committed to a billion-dollar program (like the Lockheed L1011 trijet) that far exceeds its net worth.

Extremely high working capital requirements, an unusually high level of debt financing and a profit rate below those of nearly all other industries, all of which tend to scare away potential debt and equity sources.

A generally unsatisfactory contracting relationship with the Pentagon in recent years. The most noteworthy example was the now discredited total-package purchase approach, which in effect transferred all the risk to the company by holding it to fairly rigid cost projections for all phases of the program. When unforeseen technical or inflationary problems cropped up, there was nothing to do but bring out the red ink.

Questionable management decisions, including what some critics see as a general tendency to underbid large defense programs and to make commitments to commercial aircraft projects without gauging the real needs of the customer.

A shrinking market for everything aerospace companies make: military, space and commercial aircraft systems. Not only will there be fewer major projects in years ahead, but those to come will be enormously more sophisticated and expensive and will likely be subject to more political pressures stemming from issues ranging from unhappiness with the Vietnam war to concern with the environment.

DRYING UP OF FUNDS

One of the most critical and immediate problems facing the aerospace industry—even those firms that are still relatively solvent—is likely to be a drying up of funds from traditional lending sources. As the sums needed for individual aerospace projects soar and as the record of failures grows longer, bankers and other financiers are growing increasingly wary. "Our reluctance to put much more (money) in is very genuine," says William H. Moore, chairman of Bankers Trust Co., one of Lockheed's major creditors. "All bankers are fearful that the numbers are getting too big."

Bankers Trust now has some 7% of its total loan commitments in aerospace. "That kind of shakes you up a bit looking down the road" at the industry's problems, Mr. Moore says. An official of another major New York bank agrees: "There are enough risks in credit in general without getting further involved with something that's even more risky."

Another possible source of money, of course, would be bonds, debentures or other debt securities sold to the public. But there's serious doubt that aerospace companies would be able to sell such securities if they were to offer them.

WELL BELOW PAR

Muriel Siebert, president and chairman of a New York Stock Exchange member firm that bears her name, recently pointed out in a letter to the House Committee on Banking and Currency that as of June 28 nine out of 10 issues of aerospace convertible bonds listed on the Big Board were selling for "substantially below par." This condition, in Miss Siebert's view, would make it hard for these firms, including North American Rockwell, Northrop Aviation, Rohr and United Aircraft, to sell any additional convertible bonds.

New issues of common stocks aren't likely to be hot sellers either, considering the industry's bleak profit performance of late. Pretax aerospace profits last year were a meager 3.5% of sales, down from 6% in 1968. (The profit margin of all manufacturing companies in 1970, by contrast, was 6.8%.) When Dudley E. Browne, senior vice president and chief financial officer at Lockheed, was asked recently what might be said of an encouraging nature to potential stockholders, he replied: "We couldn't say much of anything."

Many problems encountered by aerospace companies lately have resulted from technological surprises—difficulties that weren't foreseen in the early design phases of a project and that pushed costs up, sometimes disastrously.

In building the giant C5 military transport, for instance, Lockheed unexpectedly faced a weight problem that forced it to switch to titanium from aluminum for the metal fastening system. The titanium cost "millions more" than aluminum, a company official says. In addition, beryllium brake linings costing two to three times conventional steel linings had to be used to save another 1,800 pounds per plane.

Grumman encountered a totally unexpected problem that caused the crash of its first F14 last December. It turned out that vibrations in a hydraulic pump caused vibrations in hydraulic control lines, which ruptured and threw the plane out of control. "It was one of those one in 10 billion possibilities', says a Grumman official. "What it means, of course, is redesign and more testing."

The likelihood of such problems seems sure to increase as aircraft get more complex. "This situation will make it more difficult to estimate costs, delivery time and final performance of research and development work in the future," concludes a recent study by the Aerospace Industries Association.

Even without major technical problems, of course, aerospace comapnies share the vulnerability of all manufacturers to unforeseen labor and supply problems. Witness the crunch at Douglas in the mid-1960s when the company was trying to cope with a flood of DC9 orders. There were delays in engine deliveries from Pratt & Whitney due to the Vietnam war. Meantime, Douglas was so reluctant to turn away customers that it agreed to various custom design changes on the plane with the hope that it could somehow meet production schedules nonetheless.

Personnel problems developed with a near-doubling of the production staff at Douglas' Long Beach, Calif., plant within a year. Many of the new recruits were not very skilled; one foreman found a man who conceded he was loafing because he didn't know his job well enough and was afraid to make a mistake.

All these factors combined to put Douglas $27.6 million in the red in 1966. The company finally had to be rescued by merger with McDonnell.

A CONTRACT SWITCH

Analysts also trace many of the industry's current problems to contracting provisions initiated by the Pentagon in the 1960s. In the early 1960s there was a marked increase in the number of so-called firm-fixed-price contracts. In 1965, 61.6% of the Pentagon's production work was under such a plan, compared with only 27.1% in the 1959–1963 period. The percentage last year was lower (41%) but still well above the 1959–1963 level.

In an effort to bring even tighter control to defense buying, Pentagon officials devised the total package concept, whereby companies had to bid on a "womb to tomb" fixed-price basis for a particular project, including both research and development and production phases, as well as performance and delivery commitments.

It sounded great on paper, but aerospace companies just couldn't seem to put together realistic contracts on that basis. Staggering under an abundance of unexpected technical problems on the C5, Lockheed was finally persuaded by the government earlier this year to accept a $200 million loss on the contract. This left Lockheed with an after-tax loss of $80 million in 1970, a shrinkage in net worth to $240 million from $331 million, and a $100 million debt to be paid off in yearly installments over the next 10 years.

Grumman faces similar headaches on the F14. Though the F14 contract is somewhat less restrictive than the Lockheed pact, it is, in effect, a C5 contract, with all the woes of being locked into previous cost estimates that are no longer valid. To cite just one problem, the company's original estimates, made back in 1968, projected inflation at an annual rate of 4%. (It has been running at an average of 6%.)

A LITTLE HELP FROM EXPORTS

And because of shrinkage of overall sales ($995 million last year, compared with $1.18 billion in 1969) Grumman has had to allocate a larger share of fixed costs, such as real estate taxes, gas and electric bills, to the F14 program. The net result is that Grumman officials have privately indicated they would refuse to build any planes beyond those contracted for because of the losses that would occur under the current agreement. The Pentagon has so far refused to revise the F14 contract, but has dispatched a 40-man team of procurement experts to Bethpage, N.Y., in hopes of finding ways to cut the F14's cost.

Conceding that Grumman "has a problem," Deputy Secretary of Defense David Packard says he believes one way to avoid such crises in the future is to use more cost-plus-incentive contracts. In these a contractor would recover its costs as the program progresses, then earn a maximum profit only if the plane "works," and less profit if it doesn't match requirements.

"This will reduce risk substantially and should allow the industry to rely more on private financing," Mr. Packard says. A number of new projects, including the McDonnell Douglas F15, a new Air Force fighter, and the North American Rockwell B1, a bomber that would replace the aging B52, are on such a basis.

In addition, Mr. Packard, envisions widespread adoption of the prototype system of procurement, where two or more companies develop flying models, getting reimbursed for their development costs as they go along. The production award goes to the firm that comes up with the best product. That's being done with the AX, a close-air-support plane being developed by both Northrop and Fairchild Hiller. "This enables your good technical teams to design actual hardware instead of merely generating paperwork," Mr. Packard says.

NOT MANY PROJECTS IN SIGHT

Mr. Packard believes such approaches, along with other steps such as making interest payments on short-term loans an allowable expense on government contracts, would solve some of the industry's fundamental risk problems and would no longer encourage defense contractors to take on programs beyond their means.

But even assuming the widespread adoption of more favorable contracting arrangements, industry officials note with concern there just aren't that many more big aircraft projects in sight beyond those already in development. The No. 1 military buyer, the Air Force, is planning to spend only about $3.5 billion in the current fiscal year, down from $3.9 billion last year and $4.6 billion the year before. No new breakthroughs of the magnitude of the transition to jets from propeller-driven planes are foreseen.

While many of these problems would appear to be beyond control of industry executives, a number of critics maintain that management cannot be held blameless for the current miseries. Many aviation analysts, for example, while conceding that hindsight is 20–20, believe Lockheed officials were foolhardy to accept the C5 contract terms on so huge a project.

According to a May 1970 staff report of the Securities and Exchange Commission, "Lockheed wanted this contract badly and apparently knew they had to come in with a low bid to ge it." Lockheed's proposed target cost for the C5 program was $1.7 billion, compared with Douglas' $1.8 billion and Boeing's $2 billion, according to the SEC report.

EARLY WARNING

The SEC report says Lockheed's top management, after receiving a staff cost proposal, "ordered it cut by 10% in order to give Lockheed a better chance of getting the contract." Furthermore, a Lockheed financial officer attached to the C5 program was told during the summer of 1965 "by at least one Air Force analyst" that the company's estimates "appeared to be much too low," the SEC report says.

Mr. Browne, the Lockheed senior vice president, emphatically insists there was "no buy-in" on the C5. "The key factor in our original projection was a sound, stable economy," he says. "And we didn't get one." Mr. Browne further contends that the "first time it became apparent that we could face a loss on the project" was in November 1969—when the Pentagon announced a cutback to 81 planes from 115 on the C5 program.

There are also critics who argue that industry officials, in the words of one seasoned observer, are "too prone to fall in love with technology and make important program decisions more on the basis of what the engineers say rather than what needs to be built."

Lockheed took a huge risk in the late 1950s by bringing out the turboprop Electra precisely during the transition from pistons to jets. Lockheed tried to exploit the low-cost capabilities of turboprops for short hauls, while betting that jets wouldn't attract many passengers for a while. The result: Air travelers flocked to the jets, and structural problems caused a number of Electras to crash. Lockheed had to recall all of them for costly repairs.

TRYING FOR A FOOTHOLD

Similarly, General Dynamics sought to gain a foothold in the jet transport business with its Convair 880s and 990s—on the theory that it could build a souped-up plane that would be faster than either the Boeing 77 or Douglas DC8. It was. But to gain the additional speed, General Dynamics evidently felt it had to reduce the fuselage diameter and go with five-abreast seating instead of six-abreast. This was a penalty most airlines apparently felt was too high to pay for a few more miles per hour. The company wound up producing only 102 planes and losing $425 million.

Then, too, the decision to launch a new aircraft program may have even greater consequences for an airframe maker's customers. After losing the C5 competition to Lockheed (in retrospect, perhaps a happy development) Boeing found itself with a wealth of engineering data for a jumbo jet. Not wishing to see all that work go to waste, Boeing converted its C5 design to a commercial model and sold the 747 concept to Pan Am, which bought 33 of the $23 million craft—enough to commit Boeing to production.

Before long, other airlines had no choice but to order the plane, too, even though many would likely have preferred something less costly and more adaptable to existing airport equipment. As TWA president Forwood C. Wiser, Jr., has conceded: "There isn't any doubt in my mind that we would have been much better off in many ways" had the Lockheed 1011 or the Douglas DC10 preceded the 747.

Unfortunately for TWA, that didn't happen. After losing $63.5 million last year, the carrier is still trying to find ways of filling up its 747s during the current traffic slump.

NUCLEAR TEST—AMCHITKA ISLAND

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BEGICH. Mr. Speaker, for the past several months Alaskans have been concerned about the proposed nuclear test on Amchitka Island. As time progressed, more and more people have expressed great reservations regarding the blast.

In May of this year, I testified before the Atomic Energy Commission hearings in Anchorage. At that time I raised several questions regarding the advisability of such a test. Since that time, the Atomic Energy Commission has not replied to any of the objections I raised in Anchorage.

As you know, only two agencies, the Department of Defense and the Atomic Energy Commission believe that the test should go according to schedule. The Department of State as well as several environmental groups have advised otherwise.

On Monday, August 2, 1971, the New York Times wrote an editorial regarding this matter. I believe that my colleagues will find it both interesting and informative:

CHOICE ON AMCHITKA

The decision on whether to go ahead with the underground nuclear test on Amchitka Island in the Aleutians rests with President Nixon. It is very much a personal decision. His advisers are divided. Congress is uneasy but reluctant to take the responsibility.

The risks are both ecological and diplomatic—and almost equally incalculable. The test would explode a nuclear device with a force of five million tons of TNT which is 250 times larger than the bomb dropped on Hiroshima.

The ecological risks are threefold. There is the possible contamination of the surrounding waters with consequent damage to commercially valuable fisheries. If venting should occur as it has in some Nevada underground tests, radiation would escape into the atmosphere. Finally, there is the chance than an enormous explosion of this magnitude would trigger an earthquake which in turn might produce a disastrous tidal wave. Because Alaska and Hawaii have both had tragic experiences with earthquakes and tidal waves, the four Senators from those states—two Republicans, two Democrats—are united in vehement opposition to the test.

The A.E.C. naturally insists that it has taken every conceivable precaution and that the test will have none of these adverse consequences. But this will be the biggest underground nuclear test ever conducted by the United States, and Amchitka lies in a critical zone of earthquake activity.

Dr. Kenneth Pitzer, former president of Stanford University, headed a committee of scientists to investigate the safety of underground tests. The Pitzer committee report expressed "serious concern" with the problem of earthquakes resulting from large-yield nuclear tests and concluded that there is no way to eliminate the small but definite risk that "a large explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site."

* * * * *

The purpose of the Amchitka test is to learn technical details about the large Spartan warhead which might be used as part of the antiballistic missile system to protect Minuteman missile sites. The Defense Department asserts that the Spartan is "essential" and must be tested. The Soviet Union has already exploded a device of comparable size.

But there is keen dispute among scientists as to whether it makes sense to use high-yield warheads for the ABM because they would saturate the atmosphere with radioactivity and knock out this country's radar as well as incoming enemy missiles.

Meanwhile, there are the diplomatic imponderables. The ABM system is the subject of active negotiations with the Russians in the Strategic Arms Limitations Talks (SALT). The ABM has also been considered a "light defense" against future nuclear attack by Communist China. The President has to decide how a huge test occurring in October would affect the progress of the SALT talks and of the developing detente with China.

To examine this problem, Mr. Nixon requested seven agencies to submit their views. This so-called "committee of under-secretaries" has reportedly split 5-to-2 in favor of canceling or postponing the test. A.E.C. and Defense wish to go ahead. But the State Department, the Office of Science and Technology, the United States Information Agency, the Environmental Protection Agency and the Council of Environmental Quality raise objections.

The Office of Science and Technology believes that Spartan warhead is obsolete and not worth testing. The State Department wants to postpone the test at least until the SALT talks are concluded. The Environmental Protection Agency believes that even the small risk of a major earthquake makes the test unacceptable.

Under these circumstances, the argument for postponing the test is persuasive. A unilateral American ban on atmospheric testing helped lead the way to the partial Nuclear Test Ban Treaty of 1963. In making his decision, President Nixon has an obligation to take Congress and the public into his confidence. He has to explain fully his judgment on a weapon of disputed merit which can only be tested with accompanying ecological risks and to relate his decision to this nation's disarmament goals and diplomatic objectives.

LOSS OF CHOCTAW INDIAN LEADER

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. MONTGOMERY. Mr. Speaker, last week the Choctaw Indian Tribe of Mississippi and the Choctaw Indians of the Nation lost a great and devoted leader with the death of Mr. Emmett York. He had worked hard and unselfishly for many years to enhance the opportunities available for his people. I would commend to my colleagues the following newspaper article, which appeared in the Neshoba Democrat in Philadelphia, Miss., Mr. York's hometown. The article enumerates the many accomplishments and honors of Mr. York during his lifetime:

CHOCTAW LEADER EMMETT YORK DIES; FUNERAL SET THURSDAY

Funeral services for Emmett York, 68, former chairman of the Choctaw Tribal Council, will be held Thursday at 11 a.m. in the Tribal Facilities Building on Pearl River Reservation.

Mr. York, who was Tribal chairman until two weeks ago when he did not seek another term because of ill health, died Monday morning in St. Dominic's Hospital in Jackson.

The body will be taken to the Tribal Facilities building from McClain-Hays Funeral Home on Wednesday at 11 a.m. Burial will be in Phillip Cemetery.

Indian leaders from across the nation and officials of the Bureau of Indian Affairs were expected to attend the funeral.

A nationally-recognized Indian leader, Mr. York last December received the Indian Leadership Award, the highest presentation of the Bureau of Indian Affairs. The citation was signed by Louis R. Bruce, commissioner.

In 1967, Mr. York was named one of America's Outstanding Indians.

Mr. York was also chairman of the United Southeastern Tribes and was responsible for the organization and development of that group. Named to Personalities of the South, Mr. York was also a delegate to the National Congress of American Indians; board member of the Southeastern Indian Anquities Association; and a board member of the East Central Mississippi Development District.

The Indian Leadership Award was presented ". . . in recognition of years of outstanding leadership and your invaluable contributions to the Mississippi Band of Choctaw Indians.

"During the past 22 years of service to the Choctaw Tribe of Mississippi, you have served in all official capacities up to and including the Chairmanship, the position you presently hold.

"You have worked progressively, conscientiously, and devotedly to improve the educations, social, economic, and emotional wellbeing of your people.

"As a leader of the Choctaw people, you participated with Bureau and tribal personnel for the construction of the Choctaw Central High School.

"You have been a strong proponent of the addition of the vocational-technical school to the present high school.

"In the area of economic development, you were successful in obtaining the services of a young Choctaw educator as an Economic Planner. You were active in the organization of the Choctaw Land Development Enterprise.

"You strongly promoted an active land purchase program to provide an adequate base for future economic growth of the tribe. You sponsored the planting of timber on unused tribal lands and promoted timber stand improvement to increase forestry yields.

"Your interest in economics and youth is well illustrated by your support of the 4-H Club. You have served as an outstanding example in the field of arts and crafts. You actively sponsored numerous projects to give your people a fair code of tribal law with tribal police and tribal judges.

"For these and many other contributions you have made toward the advancement of the Choctaw Indian people, it is a pleasure to present to you the Indian Leadership Award of the Bureau of Indian Affairs."

Mr. York is survived by nine daughters, Mrs. Linda Rohbach of Pomona, Calif.; Mrs. Evelyn Wickson of Chicago, Ill.; Mrs. Shirley Kile of Redwood City, Calif.; Miss Gloria York of the University of Minnesota; Mrs. Dessie Willis, Miss Stella York, Miss Marjorie York, Miss Joyce York and Miss Laurine York, all of Philadelphia.

Miss Laurine York is the new Choctaw Indian Princess, having been chosen two weeks ago at the Indian Fair.

Three sons also survive, Theodore York of Pomona, Calif.; Marlin York of Philadelphia and William York of Montgomery, Ala.; 17 grandchildren; two great-grandchildren; two sisters, Mrs. Eunice Ison of Claremore, Okla.; Mrs. Eddie Siebert of Los Angeles and a brother, Baxter York of Philadelphia.

VOTING RIGHTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. STOKES. Mr. Speaker, on June 30, 1971, my own State of Ohio became the requisite 38th State to ratify the 26th amendment to the U.S. Constitution. This amendment, as you know, lowered the minimum voting age from 21 to 18 in all elections.

Last year Congress passed a bill, extending the Voting Rights Act of 1965 until 1975, simultaneously lowering the voting age to 18. The President signed the law, but indicated his doubts as to the constitutionality of Congress' lowering the voting age. The Supreme Court agreed on December 21, 1970, in Oregon against Mitchell when it said that Congress could lower the voting age for Federal, but not State or local, elections. In response to this, on March 23, 1971, the House of Representatives passed House Joint Resolution 223, the proposed amendment which was subsequently sent to the State legislatures.

In Cuyahoga County, Ohio, the amendment's passage resulted in 80,000 potential new voters. Of this number 60 percent or 48,000 people between the ages of 18 and 21 reside in Cleveland proper. And between 24,000 and 25,000 of the new voters are black.

If the figures for other major cities of the country approach this estimate, and I am sure they do, the face of our national political scene could change radically by the next election. If we can convince the young people of the dire need for their participation in the political process, the politics of the 1970's might be very different from those of any preceding decade. It is conceivable that, with a real commitment on the part of millions of new young voters, an energy could be injected into our political system that has been absent for years.

Mr. Speaker, there are potentially 11.5 million new names to be added to the voting rolls. Our job is to convince these millions of young people that voting is worth the time and trouble it takes to cast a ballot.

Part of our task will be to either facilitate the process of voting by absentee ballot for young people in college or to make it legal for college students to vote in the towns and cities of which they are virtually residents for at least 4 years while attending college.

And, Mr. Speaker, I think all of our districts could profit by examining the voter registration drive that preceded the election for a nonvoting delegate to Congress from the District of Columbia. As each of us saw for ourselves, the District of Columbia Board of Elections did a magnificent job of bringing voter registration to the people. Washington residents were encouraged to register in their supermarkets, in department stores, in the colleges, in their churches on Sundays, at football games, in banks, in the District of Columbia jail. The Blackman's Development Center ran a door-to-door registration drive. In addition, each police precinct was opened as a registration center, with policemen serving as registrars. Prior to its next election, the District of Columbia Board of Elections plans to use public libraries as registration centers, and librarians will be sworn in as registrars. This intensive campaign produced overwhelming results in the last election. Out of 350,000 potential voters, 75 percent, or 260,234 individuals, registered. On election day 33 percent of the total electorate and 45 percent of those registered, or 116,946 persons, showed up at the polls.

Mr. Speaker, if we can ease the registration process, we will have taken giant steps toward bringing our young people into the political processes of our country. But even if every single young adult registered, we could not force them all to the polls. The only thing that will bring young voters out on election day will be each individual's awareness of the importance of his participation.

Our young citizens who have just been given the vote hold the seeds of change in their hands. The young people who want, so desperately, an end to the war can elect men and women willing to carry their mandate to Congress. Young black Americans who wish to see proportionate black representation in Congress and in the governing process, can accomplish this end with the vote. And young people who share the desire for a redirection of our Nation's course can be instrumental in determining new priorities.

A TRIBUTE TO VINCENT McKENNA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. EDWARDS of California. Mr. Speaker, Vincent McKenna, the first president of United Auto Workers local 560 in the Bay Area, will be honored

later this month, August 25, on the occasion of his retirement. I feel that notice of Vince's achievements should be taken by those of us here in Congress. Vince has always taken an active part in labor activities, serving as president and secretary-treasurer to the UAW Local 560 for many years. In addition to this, he has served on the charter and the planning commissions in San Jose and has been active in the St. Vincent De Paul Society. He has worked through the Santa Clara County Community Welfare Council in addition to his activities in religious and charitable organizations. The United Fund has also benefited from Vince's dedicated energy. While there is no tribute that we can give Vince that could possibly match his sense of achievement and fulfillment, I feel that his way of life is an example for all of us to follow. Vince is living proof that you have the time and energy to do whatever is necessary and that the most rewarding life is the life that is dedicated to your fellow men. We would have a better world if more of us would follow Vincent McKenna's example.

CROSS-FLORIDA BARGE CANAL NOT TO BE RESURRECTED

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. YOUNG of Florida. Mr. Speaker, on January 19, President Nixon called a permanent halt to further construction of the controversial Cross-Florida Barge Canal to prevent further damage to Florida's ecology and to preserve the State's water supplies.

Since then, canal advocates have kept tossing up smoke screens in a futile effort to resurrect the big ditch by saying that the termination may be reversed or that work is continuing.

Only last week we were told, in approving the Public Works appropriations bill for fiscal year 1972, that the House Appropriations Committee "has soundly recommended continued funding of the Cross-Florida Barge Canal. A budgeted amount of $3,750,000 and $350,000 available from carryover funds will provide $4,150,000—sic—for work on the one-third completed project."

However, the committee's report 92–381 says quite clearly:

The Committee recommends the budgeted amount of $3,750,000 which together with $350,000 available from carryover funds, will provide a total of $4,150,000 (sic) *to complete work on four existing contracts and terminate work on two other contracts.* The Corps shall have flexibility, within the amount budgeted, to make such adjustments and to take such settlement actions as may be appropriate in connection with the project.

Quite clearly, then, the committee recommended, and the House approved, $3,750,000 in new funds and $350,000 in carryover funds—a total of $4,100,000, not $4,150,000—to complete work on existing contracts so that the canal will be left in a safe condition.

The House did not approve funds for any "new" work, but rather to complete work at the following sites:

First. Inglis dam and spillway.
Second. Bank protection work.
Third. State Route 40 bridge.
Fourth. Inglis bypass channel.
Fifth. Restoration work in area of two terminated contracts.
Sixth. Supervision and administration applicable to work.

The Army Corps of Engineers reported that this work is being continued "solely because it is necessary to leave the affected areas in a safe condition or mitigate adverse environmental effects. Continuation of these contracts does not represent resumption of the canal project which was permanently halted by President Nixon."

To help put the issue at rest, I also submit for the consideration of my fellow Congressmen and to clarify the record, a letter from the Assistant Director of Civil Works for Atlantic Divisions, Col. Frederick F. Irving:

JULY 30, 1971.

Hon. C. W. BILL YOUNG,
House of Representatives,
Washington, D.C.

DEAR MR. YOUNG: This is in reply to your telephone request regarding the amount of funds in the Fiscal Year 1972 Appropriation Bill, as passed by the House, to be applied to the contracts in the process of terminating work on the Cross-Florida Barge Canal.

As you know, in the orderly process of terminating work on the project, four existing contracts will be continued and two contracts will be terminated. The amount of $3,750,000 in the bill will be applied as follows:

Inglis Dam and Spillway	$1,258,600
Bank Protection Work	456,000
State Route 40 Bridge	786,000
Inglis By-Pass Channel (to be completed with available funds).	
Restoration Work in Area of two Terminated Contracts:	
Dunnellon Railroad Bridge Restoration	665,000
Engineering and Design applicable to above work	284,400
Supervision and Administration applicable to above work	300,000
Total	3,750,000

Sincerely yours,

FREDERICK F. IRVING,
Colonel, Corps of Engineers, Assistant Director of Civil Works for Atlantic Divisions.

Scientific evidence continues to pour in upholding the wisdom of the President's decision. People from Florida and across the Nation have hailed his action in halting the Cross-Florida Barge Canal, a project of marginal economic benefit and of no military value in a day of nuclear rocketry.

The Congress and the American public must not be led to believe that the administration is going ahead with a project that would do irreparable harm to the natural resources of our State.

BE FAIR WITH LOCKHEED

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. KEATING. Mr. Speaker, now that the Lockheed legislation has been approved, I believe it is in order to call for close scrutiny of Lockheed's relationship with the Federal Government and with the various Federal agencies which deal with Lockheed.

I continue to be of the opinion that the Lockheed legislation is basically unfair to other aerospace firms and I would urge close supervision of the award of contracts and revision of contracts with Lockheed by various Government agencies.

The Government now has a vested interest in Lockheed which is much more tangible than employment effect or general economic impact. I, for one, am fearful that the Federal Government may try to protect its vested interest by favoring Lockheed in other transactions. To my mind this would compound an already regrettable situation.

In urging objective action on the part of executive agencies, I realize that I am subjecting this body to the charge of demanding that these agencies "do as we say, not as we do," but some objectivity must remain in the relationship between the Federal Government and Lockheed.

ENVIRONMENTAL PROTECTION AGENCY LISTING

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. DINGELL. Mr. Speaker, on July 16, 1971, I placed in the CONGRESSIONAL RECORD the text of a letter I had received from the Environmental Protection Agency listing several firms which are represented on the National Industrial Pollution Control Council and against which pollution abatement proceedings were pending.

I have now received a letter from the Department of Justice listing the names of firms represented on the National Industrial Pollution Control Council against which civil or criminal proceedings are pending for violations of the 1899 Refuse Act. I would like to share this information with my colleagues and, therefore, I insert the text of the Department of Justice's letter at this point in the CONGRESSIONAL RECORD:

DEPARTMENT OF JUSTICE,
Washington, D.C., July 13, 1971.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Fisheries and Wildlife Conservation, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN DINGELL: The Environmental Protection Agency transmitted to the Department of Justice your letter of June 9, 1971, requesting the names of companies presently subject to pollution abatement proceedings whose employees are members of the National Industrial Pollution Control Council.

The following companies have civil or criminal proceedings pending against them for violations of the 1899 Refuse Act, 33 U.S.C. 407.

Civil proceedings are pending against the following:

1. E. I. DuPont de Nemours and Company.
2. Weyerhaeuser Company.
3. Allied Chemical Company.
4. United States Steel Corporation (Four separate actions).

5. Republic Steel Corporation.
6. National Steel Corporation.
7. Armco Steel Corporation.

Criminal proceedings are pending against the following companies:

1. Union Carbide Corporation.
2. Atlantic Richfield Corporation.
3. Ashland Oil and Refining Company.
4. General American Transportation Company.
5. Goodyear Tire and Rubber Company.
6. Continental Can Company.
7. Chrysler Corporation.
8. E. I. DuPont de Nemours and Company.
9. United States Steel Corporation (Three separate actions).
10. Republic Steel Corporation.
11. Inland Steel Company.

Under the Guidelines for Litigation under the Refuse Act Permit Program, United States Attorneys are authorized to initiate any action, civil or criminal, referred to them for litigation by the District Engineer of the Corps of Engineers or the Regional Representative of the Environmental Protection Agency. Since the United States Attorneys only file monthly reports on actions initiated, the foregoing list represents actions pending as of May 31, 1971.

Sincerely,

SHIRO KASHIWA,
Assistant Attorney General.

MAKING AMERICA BETTER

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, I should like to call the attention of my colleagues to a commendable effort on the part of the Northern Virginia Board of Realtors to motivate young people to think and write about their country. With the conviction that the greatest possible asset to our country is our youth, they felt today's young people would have a lot to say about how to make America better, so sponsored a contest in which students enrolled in the 11th and 12th grades in high schools in Alexandria, Arlington, Falls Church, and Fairfax were invited to participate by submitting writings entitled, "Dialogue on Making America Better."

The winners, based on merit of their ideas, originality, and self-expression were: first place, Miss Debi Sanders of Robert E. Lee High School in Springfield, who received a $1,000 scholarship and all-expense paid trips to the Virginia Association of Realtors State Convention and the National Association of Real Estate Boards Convention, where she is to present her paper at their Make America Better breakfasts; second place, Miss Judith Raine Baroody of Annandale High School, who received a $500 cash award; and third place, Miss Evelyn A. Buck of George Washington High School in Alexandria, who received a $300 cash award.

As I believe all our colleagues will be interested in hearing the ideas which have brought Miss Sanders this high honor, I insert her essay at this point in the RECORD:

MAKING AMERICA BETTER—MAB-SQUAD IN ACTION

We can Make America Better. The youth of our country, nurtured on the ideas of freedom and individual worth, have the ability to work and improve our society. I propose a two part program: The first consists of shortening, and changing the emphasis of, the present high school system. Its purpose would be to prepare the whole person for living in our society. The second phase is the formation of a Make America Better Squad, a two-year program after high school. It would be different from current federal and local programs and go much further in actually helping to improve the quality of American life. Upon completion of school and service with MAB, the young adult would have prepared himself in a certain skill, become confident of his purpose as an individual, and receive the inner satisfaction that he has helped to Make America Better.

Exactly what needs to be changed within the present educational system? Basic academic courses still need to be taught, such as a general background in American and world literature and history, as well as the maths and sciences with an emphasis on their practical application. Survey courses in a variety of fields should be included to give an awareness of the many possibilities life has to offer. Classes in human relations, family planning, sociology, and psychology, would teach students how to get along with others in our world.

As there would as yet be no classes for specialization, high school could be shortened by one year. A student would be able to really get into life (when he participates with MAB) before his education is over. After his term with the Squad, he could either go to college or begin a job. The fact that the two-year break occurs before the college-bound student has begun academic specialization would offset the interruption of his education. Those unsure of what they want to do with their lives would be given the chance to explore before having to make a final decision. Students who know what line of duty they want to follow will receive invaluable training in the Squad. High school should be changed from a preparation for college to a preparation for life.

How would the Make America Better Squad operate? The high school graduate would choose how he wants to help from among a limitless number of possibilities. He would spend the first few months training in this skill and the remainder of his two years using it to serve America. Possible services range from the military to carpentry, from clerical to conservation work, from teacher or hospital aides, to any other area the young person might elect.

In both rural and urban areas, these skills could be put to use in neighborhood centers. Local people would go there for information on new farming methods, better homemaking procedures, and general advice on how to improve their daily lives. Squad members could offer consumer advice, employment help, and operate child-care facilities. Clerical help would be needed for the administrative part of the center.

Those who want to help with conservation could work in national parks preserving our wildlife or restoring land that has been ravaged by man through strip mining and by nature through storms and erosion. Our improved society will need an improved country in which to expand, work, and live.

Carpenters, plumbers, and electricians could help people rebuild their homes so that they become decent places in which to live. Along with the other MAB Squad members, they would not only work for people but would teach the skills they know

Hospitals and schools cry that they are understaffed MAB could supply volunteers to ease their work loads and provide individual attention to patients and students.

Whatever interest a teenager might have could somehow be used for the betterment of America. Journalists and public relations people could let everyone know about the services the MAB Squad is able to render them. Those interested in politics could receive firsthand knowledge of our government if a politician let them assist him in his work. Aspiring lawyers could work with graduate lawyers and collect information on the ways some laws take unfair advantage of some impoverished people. The MAB Squad could find a use for everyone.

But what about the practical aspects of MAB? How will it be financed and where will the Squad live?

MAB would eliminate and combine various governmental programs and thus eliminate a great deal of money spent on administration. The government would support this practical education of America's youth as it now supports schools. As the squad is trained and in turn trains others, money spent on welfare would greatly diminish. The military would finance part of MAB, as it would be one of the options. Industry would be encouraged to lend its support; it would receive tax deductions, train possible future employees, and invest in a better and, therefore, more prosperous America.

Squad members would have several choices for living accommodations. They could live in their own homes, in dormitories built alongside the neighborhood centers, or in barracks in the national parks. Some teenagers might want to live with the people they are helping. Exchange programs between families who have MAB members could be initiated to allow teens to live in different parts of our country.

MAB Squad members would receive adequate salaries, perhaps minimum federal wage. They would be given their food (perhaps some government surplus?), housing in some cases, and training in a field of their choice. The improvement of their inner beings and a better world in which to live would be fringe benefits. They will have achieved dignity as individuals and confidence in their ability to accomplish a worthwhile purpose: hold a job, attend college, head a family, and make a significant contribution to our country. And America will be better.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men haven't forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the missing:

CWO Dennis K. Eads, U.S. Army, 552–66–0633, Prophetstown, Ill. Married. The son of Mr. and Mrs. Clarence Eads. 1968 graduate of Canton Community College, Canton, Ill. Officially listed as missing April 23, 1970. As of today, CWO Eads has been missing in action in Southeast Asia for 467 days.

CIVIL DEFENSE GAP? PERSPECTIVES ON SOVIET DEVELOPMENT—PART 1

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BOB WILSON. Mr. Speaker, I would like to address the House on a subject which has been of great concern to me for a considerable time both as an individual citizen and as a member of the Armed Services Subcommittee on Civil Defense. While a storm of dispute continues to rage around the funding and deployment of MIRV and the antiballistic missile system, there can be little question as to the necessity of protecting our country through an effective and humane civil defense program.

It has been the fate of great nations in the past to neglect their own self-defense and to fall victim to the rising ambitions of other nations. I fear that we may be faced with a similar situation today. I would like to illustrate this point by drawing from an editorial which appeared in the January–February issue of Survive magazine—volume 4, No. 1, 1971. It is entitled "The Thousand-Year Night" written by John C. Leary.

I include this essay as a portion of my remarks:

THE THOUSAND-YEAR NIGHT

Prior to the Punic Wars, ancient Carthage, which also had luxury standards of living, failed to provide an adequate defense against Rome, and did not survive.

Carthage was an affluent society which persistently deluded itself about Roman intentions or glossed over Rome's capabilities. Carthage grew bored with the cold war of its own era; it became impatient with its raucous allies; it failed to sustain its great general, Hannibal, who perceived the threat clearly.

Across the Mediterranean, an old Roman senator ended all of his speeches with the words "Carthago delenda est," which translates as "We will bury you."

The Carthaginians, however, preoccupied with business-and-pleasure-as-usual, refused to believe that Senator Cato really meant what he said.

And so their civilization was swept into the dustbin of history.

Rome, in her turn, arrogant in her splendor, entertained with bread-and-circuses, did not survive the challenge of the Vandals and Visigoths.

Neither Roman law nor Roman architecture held back the barbarian horde. Nor did Rome's gross national product protect her. The Vandals had no gross national product whatsoever. They had weapons, will power, leadership and what, to the Roman civilization, must have seemed an "irrational" lust for conquest.

Is Roman history irrelevant to the space age?

We will soon be celebrating the 200th anniversary of the birth of the American experiment with liberty and opportunity.

Looking backward in the context of national defense we may conclude that America, alone of the great powers, has been incredibly fortunate in its geography.

And that fortune has created a dangerous illusion—the notion that war is an abnormal phenomenon.

Throughout most of our history, except for the past quarter of a century, we have been isolated from the direct shock of war by our great ocean moats and the shield of the British Empire.

So protected, we have devoted most of our energies to the taming of a continent and the improvement of our internal economy.

So protected, we have regarded peace as the "norm" and war as "unnatural." We have known no tragedy on our own soil since the civil war. Even World Wars I and II were "limited" wars, from the American viewpoint, since our factories and homes enjoyed sanctuary from enemy attack.

Now America, the first classless democracy to shoulder responsibility for world stability, stands cheek-to-jowl with the great powers of the vast Eurasian land mass. Unfortunately, abstract idealism finds echoes today in the voices of those who cannot discern the differences between the power grabs of the communist grants and the reactive foreign policy of the United States on behalf of communist victims. Most American civilians still prefer to ignore the unpleasant realities of defense. In our collective subconscious, we have agreed that we "aint's gonna war no more."

* * * * *

A nation that faces, as we do now, the possibility of nuclear war, must look beyond the immediate dislocation to the very continuation of its governmental system. Thus, we must not merely prepare for the survival of individuals but also the survival of our democratic system.

To insure that, the pre-war government has an obligation of highest priority to be certain that everything is done to preserve the post-war population's confidence in government. It is obvious that, in the case of nuclear war, confidence would be shaken to the point of anarchy if no or inadequate provision had been made for civilian defense.

The harm which any weapon can cause can be diminished by suitable protective measures. This applies to nuclear weapons. The questions to which we seek answers are, therefore, not whether protection against nuclear weapons is possible, but how such protection can be established, and how effective the protection can be. In the language of the social scientist, our inquiry is directed toward the costs and rewards of civil defense.

On the other hand, there must be a case for minimizing our defenses against nuclear attack, because opposition to nuclear defense has been powerful in three administrations. Despite the fact that he has identified himself as a proponent of both fallout protection through civil defense and the thin ABM system, Ex-Secretary of Defense McNamara is the main architect and advocate of the argument against nuclear defense. It is officially called the doctrine of "assured destruction." Others call it the "balance of terror." It might also be called the "doctrine of assured vulnerability." The theory says that peace between the two great nuclear powers is best kept by assuring the capacity of each to destroy the other.

The question remains as to why this nation, unlike the Soviet Union, finds civil defense—protection of people at home and at work—a controversial and unappetizing undertaking.

Civil defense is a basic factor in the deterrence equation. That is, a potential enemy is apt to refrain from attacking us if he knows that we can absorb the blow by sheltering the population.

Further, a nation that offers its people physical means of protection can stand up more resolutely to "nuclear blackmail" and other threatening maneuvers in the international area.

Either we create for ourselves, by serious study and forceful speaking-out, a healthy climate of opinion which supports a bi-partisan civil defense effort and an ABM policy, or the tides of political warfare wash away our civilization. Indeed, if America should ever be pushed into a corner by Soviet power and propaganda, isolated from her allies, divided against herself, the epitaph on her tombstone might well read:

"Here lies the only civilization which perished at the peak of its power, with its power unused.

"Here lies a decent people who wanted love, not Empire, and got neither; who tried to trade power for popularity and lost both.

"Here lies a nation of advertisers who knew how to change consumer tastes in cigarettes, but were themselves manipulated on all the issues that really mattered to their salvation and survival.

"Here died a sort of Lancelot in the court of nations who, granting all his grievous flaws, was still somehow the noblest knight of all; except this Lancelot, crippled with an undeserved guilt complex, let his weapons and ideals fall unused, and so condemned all mankind to 'the thousand-year night.'"

It was on October 4, 1957, that the Soviet Union first made us aware of its progress in the field of space exploration with the successful launching of sputnik. More recently, a less spectacular but nonetheless significant advance has been made by the Soviets in the area of civil defense. It is my intent to bring to your attention today some of the aspects of the Soviet civil defense program and to discuss what possibly may be a civil defense gap in the United States. First, let me note my source.

The "Soviet Civil Defense Handbook" was made available to me by the Oak Ridge National Laboratory which translated the original Russian text into English. It is their opinion, after researching this subject, that too little attention has been paid to the Russian civil defense program. They point out that in time of crisis the Russians could implement their city evacuation plans and thereby greatly reduce the effectiveness of our deterrent. I would like to highlight several important aspects of the report.

In the past, the United States has often been surprised at the technological achievements of other countries. As I noted before, the unexpected launching of the sputnik in the late 1950's resulted in a great uproar of publicity and sensation in this country. Unlike sputnik, the developing Soviet civil defense program has failed to arouse the imagination and concern of Americans. This is unfortunate. Multilateral disarmament is the desirable objective but until such a goal is reached, let us look to the safety of Americans in the urban, suburban, and rural areas.

We have much to learn from this report. It will help us to place civil defense in its proper perspective by understanding the Soviet attitude toward defense and by facing up to our responsibilities in this area. In essence, this handbook presents the Soviets' point of view on civil defense, the reasons behind their extensive preparations and their means and methods of implementing these goals. This handbook can be looked upon as a reliable account as, according to those who prepared the translation, it has the high endorsement of Soviet authorities. I would like to note a description of the Soviet civil defense system to place the handbook in perspective. It follows:

SOVIET CIVIL DEFENSE SYSTEM

First, the Soviets have consistently put their civil defense effort within the framework of the threat of imperial aggression. This remains true today, the threat from Communist China and occasional allusions to it notwithstanding. (See Introduction, p. 2, and Chapter 1, pp. 4–5.)

Second, the civil defense program occupies an important position in the overall defense of the country. V. I. Chuykov, Chief of Soviet Civil Defense and a marshal of the Soviet Union, has admitted, "Civil defense alone is not capable of assuring the protection of the population and material resources." Such protection, he goes on to say, can be achieved only through the joint efforts of civil defense and the armed forces. But, he adds, neither is success in these areas possible without civil defense; in the event of nuclear attack, civil defense is vital to the "achievement of victory."

Third, it is important to remember that when Marshal Chuykov and other Soviets speak of the importance of civil defense, they do so from experience. There are many Russians living today who vividly remember enemy attack on their homeland during World War II. They have seen Red Square on fire and the Kremlin ablaze; they have participated in the evacuation of over 10,000,000 people and over 1300 basic industries from vulnerable areas to the interior.

Fourth, Soviet Civil Defense was given an authoritative boost at the Twenty-Third Congress, when the Central Committee of the Communist Party called for strengthening civil defense in 1966 and when the Soviet government strengthened this mandate by passing the Law on Universal Military Duty in 1967. Article 17 of this law calls for compulsory civil defense training in the grade schools, high schools, and technical schools throughout the Soviet Union. Implementation of the new law has taken place to the extent that today, by the time a Soviet school child completes the tenth grade, he has received a total of 115 hours of civil defense instruction. The publication of this 1969 handbook is a result of the continuing Party- and government-backed emphasis on civil defense.

Fifth, the entire Soviet civil defense program derives from the Soviet concept of modern warfare. Chapter 1 of this handbook explicitly describes World War III: "If the Imperialists were successful in unleashing war, it would be an armed struggle among countries of two opposite world systems—capitalist and socialist. . . . Thus, it follows that [such a war] would be waged with the widespread use of weapons of mass destruction and, above all, nuclear weapons. Such a war would encompass an enormous area and involve whole continents. Not only troops, but also centers of vital industry, transport, energy production, and communications would be subject to devastating attack. . . . Distinctions between front and rear would disappear" (p. 5).

Cities would be targeted: ". . . one nuclear explosion is sufficient to destroy a large city with a population of millions and to contaminate an enormous area with radioactive materials." And "in agricultural regions people, animals, and plants would be affected by fallout, and food products, fodder, water sources, and other assets would be contaminated" (p. 6).

Many administrative, industrial, political, and military centers, ports, airfields, mining enterprises, and other important installations could be subjected to nuclear and chemical attack, and the surrounding territories contaminated with radioactive fallout, poisonous chemicals, and bacteriological agents" (p. 9).

It is from this view of war that the rationale of the Soviet civil defense effort proceeds: If cities would be targeted, remove the bulk of the urban population into the country, providing those who would remain behind with blast shelters; if contamination from fallout, poisonous chemicals, and bacterial agents would constitute the main danger to people, animals, plants, food, water supplies, and fodder in the country, concentrate on providing protection (such as fallout shelters) from such contamination in rural areas. Moreover, confidence is expressed that civil defense will succeed. As Marshal Chuykov has pointed out, "Although the weapons we have examined are called mass weapons, with the knowledge and skillful use of modern defense measures, they will not injure masses, but only those who neglect the study, mastery, and use of these measures" (pp. iii–IV, *Civil Defense*).

From this statement several things should be clear. First, we in the United States have been fortunate enough in the past to never see enemy attack upon our homeland—a situation that many Russians once had to face. It would be truly unfortunate if we could not learn from the bitter experiences of others. I would also like to emphasize the position of Marshal Chuykov:

> Only those who neglect the study, mastery, and use of these measures . . . will face the possibility of injured masses (p. V).

They believe in their program. They believe in their ability through mass evacuation and dispersement to protect their citizens in case of nuclear attack. Do we have the same faith in our programs? And, at the same time, what is the effect of such a civil defense program by the Russians on the effectiveness of our deterrent?

I would like my colleagues to consider these questions both in light of what I have said today and what previous experience suggests to them. In the following days I will place parts of the "Soviet Civil Defense Handbook" in the CONGRESSIONAL RECORD. I do this, not to advocate any particular position but to stimulate thought in an area which of late has been sadly neglected both in terms of funding and planning. I hope that others will review these excerpts and form their own conclusions regarding Soviet capabilities. The entire report, which exceeds 300 pages in length, can be made available upon request by my office.

SURVIVAL TIED TO FEDERAL AID

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. GIAIMO. Mr. Speaker, the House has proven increasingly responsive during the past year to the fiscal plight of medical and other health professions.

The subcommittees, led by the gentleman from Florida (Mr. ROGERS) and the gentleman from Pennsylvania (Mr. FLOOD), have worked hard to fashion equitable programs and appropriations to assure the stability and further progress of medical schools.

Another leader in this movement, outside the Congress, has been Dr. John A. D. Cooper, president of the Association of American Medical Colleges. A distinguished medical educator and effective spokesman for the medical schools, Dr. Cooper has been instrumental in bringing the problems and the future promise of medical schools to the attention of Congress.

A recent interview of Dr. Cooper illustrates his continuing concern with the ability of medical schools to carry out a balanced program of research and training, and at the same time to play a leading role in the evolution of health care delivery systems.

The interview follows:

[From the Biomedical News, July 1971]

SURVIVAL TIED TO FEDERAL AID

(By Jean Wilson)

A massive transfusion of Federal funds now, and continuing into the foreseeable future, is the only way medical schools in this country can continue to survive.

This is the thinking of Dr. John A. D. Cooper, president of the Association of American Medical Colleges.

"We now have 61 schools that are in financial distress, and 29 of those schools are in severe distress . . . ," Dr. Cooper told BIOMEDICAL NEWS.

"Thirty-two of the schools are in lesser, but nevertheless serious distress," he continued, "and we have 102 schools. So you can see that more than 50 percent are in trouble."

"It does no good," he continued, "to have new schools open, and then have established schools close because they don't have money. This has already happened in dentistry.

"We've already had some private schools convert to state schools because they couldn't make it financially. The question is: How many more schools can the states take on when they are hard-pressed for adequate funds for all the problems that confront a state—urban housing, drug problems, ghetto problems, etc.?"

Another financial problem faced by the schools is a billion dollar backlog of construction needs which Dr. Cooper said is "growing at the rate of 1.5 percent a month because of inflation."

Bills now pending in Congress, he indicated, do not contain enough in appropriations to permit this backlog to be reduced. However, he hopes that legislation would be approved in such a way that not all funds would have to be appropriated for a particular project at one time. This, he said, would permit more starts to occur with subsequent construction proceeding adequately "with any reasonable level of appropriations."

If the Federal Government provides enough help with construction and in capitation support, Dr. Cooper continued, then the medical schools in this country should be able to achieve at least a 50 percent increase in entering class size by 1976.

"Whether we achieve our goals or not is going to depend on whether we get adequate financial support for the operating budgets of the medical schools," he stressed. "Construction is also an important part of helping us achieve these goals."

BUDGET SUM INADEQUATE

At this time, however, Dr. Cooper sees the President's budget for health manpower assistance as being drastically short of the needs. He calls the health manpower supply "the single most critical deficit facing the nation on the eve of new national health in insurance schemes for removing financial barriers to health services."

The amount in the President's budget is $540,801,000 for programs of institutional support, construction and student assistance for medical and other health training schools.

HEALTH MANPOWER GAP

In contrast, a Coalition for Health Funding made up of the AAMC and 18 other major health organizations, estimates the real need at $1,545,000,000, or a little over a billion dol-

lars more. "This is the measure of our health manpower gap," said Dr. Cooper, who is chairman of the Coalition's steering committee.

Medical schools are in financial hot water, he said, because costs of educating medical students have now risen to about $20,000 a year per student. Most have now used up their endowments and other resources and have nothing left.

RESEARCH GRANTS NOT SOLUTION

While Dr. Cooper said he believed the Federal Government must greatly increase its support of medical education, he does not think that it should support it by giving research grants to professors on medical school staffs. We do not feel it prudent to trade the education of physicians for biomedical research," he said. "We need both, and the trade-off would be a very short-sighted solution to some of the many problems of biomedical research support."

Only about $2.5 billion of the national $70 billion health budget is spent for such research, he said, "which is at a level below that we think is wise to advance knowledge."

CANCER PROGRAM

The proposed expenditure of $100 million in the field of cancer research is good, he stated, but should not be isolated from the rest of biomedical research.

Dr. Cooper also warned that "an unfortunate misconception apparently is developing that the mere injection of additional Federal cancer research funds will produce somehow an instant cure for cancer. We are concerned that the frustration of public expectations . . . may generate a backlash that will seriously harm our entire research effort. We must not deceive [the public] by overpromising quick or spectacular results."

VARIED FACULTY NEEDS

Dr. Cooper said that there will be a continuing need on medical school faculties for both the basic research scientist and the physician interested in the more clinical side of medicine. He expects a "much broader spread of attributes in medical school faculties" in the future.

Students, he added, are becoming more interested in the "primary care" fields of medicine. But he stressed that the need for specialists continues unabated. "Have you ever tried to get an appointment with an opthalmologist?"

CLASS MAKE-UP CHANGES

He also sees a change in the make-up of medical school classes, as well as the size, with an increasing number of racial minorities and women represented.

Howard Manly, who is assistant director of the Division of Students and project Director for the Office of Economic Opportunity grant, predicted that 1,200 blacks would enter medical school this September. This compares with 697 in 1970, 440 in 1969 and 266 in 1968, the year the first "push" was on to get more blacks into medical school.

Mr. Manly said that "unfortunately" he had no figures on the drop-out rate of this group, although he expected to know the attrition rate of the 1968 class next year. He admitted that there were some problems in that blacks often attended inferior secondary schools and colleges where "rote" was stressed over concepts.

However, he and Dr. Cooper both mentioned that the new styles of "flexible" schooling in many medical colleges helped solve this situation by starting each student "where he is," and by providing tutorial help to minority students when needed.

A move to accelerate the pace of medical education already is underway. In 25 medical schools, some part of the class can now accelerate and finish in less than the traditional four years.

Nine colleges now offer a combined six-year pre-med and medical education course. They are Albany, Boston U., Johns Hopkins, Jefferson, Missouri, Kansas State, Northwestern, Massachusetts State, and Oregon.

NO PANACEA

While Dr. Cooper says that these measures to quickly increase the supply of physicians are important, they will not prove a panacea for the health manpower shortage.

"The most critical need," he said, "is to revamp and restyle the health care delivery system to make more use of the health professionals, in which you assign responsibility in keeping with their training."

"The final health care system has not been developed," he asserted, "but it will involve a health care team," including many others besides physicians.

NEW DIRECTIONS AT THE BUREAU OF INDIAN AFFAIRS?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. FRASER. Mr. Speaker, profiles of the Bureau of Indian Affairs appeared in the Minneapolis Tribune and the Washington Post this past weekend. Both papers focused on the efforts of young Bureau activists to stir their 187-year-old agency out of its traditional lethargy.

I am including the two articles at this point in the RECORD:

[From the Minneapolis (Minn.) Tribune, Aug. 1, 1971]

JOB SHIFTS ANNOY INDIAN ADMINISTRATORS

(By Frank Wright)

WASHINGTON, D.C.—The Nixon administration is clamping down on the small band of aggressive young reformers it recruited with great fanfare last year to revitalize the Bureau of Indian Affairs (BIA).

The reformers, most of them Indian themselves, are in turmoil.

Ten days ago Secretary of the Interior Rogers C. B. Morton started the controversy by announcing the creation of the post of deputy commissioner at the BIA; installing in it a veteran of previous BIA regimes, John Crow; and telling him to take over internal operations with a grant of power equal to that of the commissioner, Louis Bruce.

In his first week on the job last week, Crow:

Effectively downgraded two of the most outspoken reformers, both of them Indians from the Upper Midwest.

One is Ernie Stevens, 39, an Oneida from Wisconsin, who had been serving as acting associate commissioner for education and programs. The job, which had ranked second only to the commissioner's, was eliminated. Stevens reverted to his permanent post as director of community services, where he oversees housing, welfare and other social aid programs—and reports now to Crow rather than to Bruce.

The other Upper Midwesterner is Leon Cook, 32, a Red Lake Chippewa from Minnesota, who had been serving as acting director of economic development and had been running that program. He has been replaced by William Freeman, who has carried the title of economic development director but who was on special assignment as an assistant to the commissioner. Cook reverted to his permanent post as deputy director of economic development—where he now reports to Freeman.

Took control of the bureau's most important efforts by ordering that all funds for Indian tribes and other Indian groups, all directives to BIA field offices, all press releases, all correspondence with "policy implications" and all high-level personnel actions be cleared through the office of the deputy commissioner.

Crow and Interior Department officials said in interviews last week that the changes were designed to retain the innovativeness of the 15 or so newcomers brought in last year in the upper echelons, tighten up on somewhat slipshod administrative practices that were largely the result of inexperience and overeagerness and, in the long run, better enable the bureau to carry out President Nixon's policy of giving Indians a greater role in determining their own destiny.

Many of the reformers don't see it quite that way. Expressing perhaps at least in part the red man's historical suspicion of the white man who has done him in so often, they charged that the appointment of Crow was a step back toward the old day of "administrative paralysis" when they say, the bureau often seemed to care little about the Indian and did less.

Crow's selection stems from a management study of the BIA ordered by Morton early this year, shortly after he succeeded Walter Hickel.

The 30-day study was conducted by a five-man team of federal officials headed by Edward Preston, assistant commissioner for administration at the Internal Revenue Service.

One of its major recommendations was appointment of a deputy commissioner to tie together administrative strings at the BIA. Apparently no one, including the reformers, objected to the idea.

Initially, all hands agreed that the best man for the job was Preston, who had headed the study. He reportedly was interested but never made it. According to one story, he has Democratic connections that made him unacceptable to Mr. Nixon's Republican colleagues at the White House.

Bruce, according to several sources, then expressed a preference for William Schlick, BIA agency superintendent at Yakima, Wash. Schlick is regarded in Washington as a neutral in the infighting between reformers and old-line BIA personnel who want to retain much of their old power over Indian programs rather than turn it over to the Indians.

But Harrison Loesch, assistant secretary of the interior for land management, and the man who oversees the BIA, wanted Crow.

Loesch being Bruce's superior, Crow got the job.

Crow, 59, is a one-quarter Oklahoma Cherokee who has a long history of prior service in the BIA, including duty as superintendent of a number of reservations and as deputy commissioner and acting commissioner during the early and mid 1960s.

Since 1966 he had been associate director of the Bureau of Land Management in Interior.

Loesch said in an interview last week that he backed Crow because he was a "proved administrator who knew BIA and could get his hands on the reins real quick."

Bruce, Loesch said, will continue to function as an "interpreter of policy" and as a "front man." The commissioner, Loesch said, is "a helluva fella but no administrator."

Bruce, 65, is a member of the Oglala Sioux tribe of South Dakota and was a New York dairy farmer before being named commissioner in 1969. He has worked hard to implement self-determination and is regarded by the young BIA reformers, many of whom he recruited, as slowly gaining a degree of respect from tribal Indians but who often lacks clout in Washington.

The reformers say they fear that the selection of Crow will undercut Bruce and that there now will be "two commissioners."

They also note with concern that Crow is the second BIA veteran to be restored to a

position of influence since Morton became Secretary.

The first was Wilma Victor, a 27-year career educator in the BIA. She lost out in a bid for the top education job under Bruce last year and wound up in the Phoenix, Ariz., BIA area office. Miss Victor had become particularly controversial when charges of brutality and racial discrimination were raised against the BIA's Intermountain Boarding School for Navajo students in Utah while she was superintendent there in 1970.

Miss Victor, 51, who reportedly has known Morton since their paths crossed during World War II, came back to Washington in March as his special assistant for Indian affairs.

According to a report by the American Indian Press Association, she was so jubilant over Crow's selection that she went to the Washington headquarters of the National Congress of American Indians to announce his appointment personally.

The Congress is the largest organization of Indians. It had complained earlier that it was not being consulted about the proposed appointment of a deputy commissioner.

Leo Vocu, executive director of the Congress, had issued a statement accusing the President of breaking faith with the Indians and failing to recognize "our rightful role in the decision-making process that will affect our lives."

The statement said Indians were "tired" of being given "rhetoric" about self-determination while administration officials "secretly push through this reorganization and appointment."

By week's end Crow had settled into Steven's old office next door to commissioner Bruce and was telling reporters that the reformers' fears "are groundless."

[From the Washington Post, Aug. 1, 1971]

UPRISING IN THE INDIAN AGENCY: THE BRAVES VS. THE BUREAUCRATS

(By William Greider)

As bureaucrats, they are a shaggy bunch, incautious and irreverent toward the accepted behavior in government, downright subversive toward the traditional slumber of their own agency—the Bureau of Indian Affairs.

Alexander McNabb, director of operating services, speaks with pride of a $40,000 contract he approved to help start a new newspaper on the Navajo reservation, a publication that attacks white traders, reservation officials and government agencies, including the Bureau.

"The green eye-shade boys," as McNabb calls the Interior Department's auditors, "really flipped over that one. They said it was the worst contract they'd ever seen."

Ernest Stevens, the Bureau's director of community services, talks contemptuously of the Bureau's relocation program, over which he now presides.

"Can you imagine what would happen if the federal government set up a program to ship blacks to Los Angeles? Yet they're doing it with Indians," Stevens said. "If you want to figure out where the Indian militants and activists are, look at Chicago, Denver, Los Angeles, San Francisco, Minneapolis. Those are all cities, where the Bureau has 'destination officers' for the relocation program Indians are enticed to the cities, then they get fed up with what happens to them."

Stevens' modest proposal for changing the relocation programs involves turning over the job-training and social services to, of all people, Indians.

F. Browning Pipestem, 27, a lawyer who is nominally a deputy in the Bureau's "legislative and tribal relations office," actually spends his time on legal research to support new policy. He recently discovered a buried legal opinion written by Interior lawyers 25 years ago, which supports Indians in their current demands for "Indian preference" in the Bureau's promotion system.

"You find all kinds of crazy things," Pipestem said. "The Bureau has the best welfare system in the country. It can provide 100 per cent of need, only it chooses to match state levels. If Arizona provides only 65 per cent of need to its welfare recipients, BIA does the same for Indians. They say we don't want one fellow to get more than his neighbors. It's got something to do with morality and development of character. Isn't that weird? To sit there with the authority to do good and not use it?"

William Pensoneau, 25, a native of Ponca City, Okla., traveled around the country this summer surveying Bureau boarding schools under the bland title of "youth affairs planning specialist." The school administrators remember him, however, as past president of the National Indian Youth Council, a group which has bedeviled them in recent years with complaints and protests about school conditions.

Now, as a government employee, Pensoneau is drafting a model Bill of Rights for Indian students, intended to set up student grievance machinery and eliminate the periodic complaints of the past—that life in the boarding schools often resembled episodes from *David Copperfield*.

DARK AND CYNICAL

"Most kids feel they don't get a chance," Pensoneau reported. "They feel intimidated by the whole federal system. When they go into the counsellor's office, with the picture of President Nixon looking down at them, it's as though he was sanctioning the punishment. The actions of school officials reinforce the student's darkest and most cynical impression of his place in the world."

Nothing in this sampling of criticism is especially new. Indians have been saying these things about the Bureau for years. What's different is that a Micmac, an Oneida, an Otoe-Osage or a Ponca should be saying them from inside—as officials of the government agency that oversees more than 250 reservations and tribal groups from Florida to Alaska.

These four, plus a dozen or so other Indians, were placed in top positions a year ago by BIA Commissioner Louis R. Bruce, a Mohawk-Sioux, as his "New Team" to further President Nixon's stated goal of self-determination for Indians. In the turbulence and controversy which followed, they have become known colloquially as the Katzenjammer Kids, Bruce's Braves, the Dirty Dozen and other, less-pleasant nicknames.

The new Indian blood injected into the Indian agency helped create a little-noticed paradox within the Nixon administration. The BIA, long regarded as the epitome of bureaucratic stagnation, became one of the liveliest social agencies in town, full of new ideas and bitter policy fights.

Practically a running war broke out between the new activists and more conservative career people. Furthermore, although the administration continues to get bad notices for its approach to minority groups, the administration's policy proposals of "self-determination" for Indians were so progressive that it startled skeptical Indians and outflanked liberal Democrats in Congress, who like to champion Indian causes.

But the outcome is still very much in doubt. The Nixon legislative package, with its far-reaching proposals for tribal control of federal programs, has hardly moved in the Democratic Congress.

Meanwhile, inside the bureau, a year of struggling to implement the President's new policies has produced some changes, but also abundant frustration and occasional chaos. Many of the activists recruited from outside now share a sense of impending doom, the feeling that the opportunity for dramatic change has been lost to the oldliners, who know more about the rules of bureaucratic gamesmanship and the uses of political clout.

Ernie Stevens, 39, an Oneida who went from Los Angeles street fighting to community organizing to leadership in the California Intertribal Council, describes the loss of momentum this way:

"I was a guy who always stood up in meetings and burned the Bureau. I don't knock that. But it's really easy. It's a helluva different matter to remain real in a structure like this."

Far from feeling any gratitude for the opportunity, most of these young men feel they sacrificed something special by even coming to work for the Bureau: a measure of their credibility with their own people.

FEAR OF CLAMPDOWN

Even Commissioner Bruce expresses uncertainty about the future and a fear that his superiors in the Interior Department may clamp down too tightly on the spirit of reform:

"So far, they haven't gone beyond what I feel is their responsibility to the point where I would want to raise hell about it—not yet—but I might want to change my mind."

Indians have plenty of precedent for remaining skeptical about reform. An elder at the Tesuque Pueblo in New Mexico told Bureau officials:

"I have seen the thunder and lightning many times before, but I have never seen the rain."

What President Nixon proposed in his 1970 message on Indians was compatible with his stated broader objective of strengthening local government and de-emphasizing federal control. It was also something that the more aggressive tribal leaders have clamored for—Indians managing Indian affairs, especially on reservations, more community control by the people affected by federal programs, and less paternalism from white managers. Tribes would contract with the Bureau to operate the government services—schools, roads, welfare, real estate management, police and so forth. These matters are mostly handled for them now by Bureau agencies, most of which are run by white superintendents.

To convey the colonialists atmosphere of the system, Bruce likes to remind people that, in Bureau legal terms, he is categorized as an "incompetent Indian," even though he is head of the Bureau, even though he was a successful businessman and dairy farmer in private life.

25 CENTS AN ACRE

Bruce inherited an allotment of 160 acres of South Dakota grazing land from his Sioux mother. Each year a Bureau land-management official at the Pine Ridge Reservation leases it for him. "I think I could get more than 25 cents an acre if I were negotiating that lease," Bruce said.

Even so, while Indians seek more control over their affairs, they have a deep fear that someday the federal government, despite all of the treaty promises, is going to abandon them.

President Nixon addressed that fear when he renounced the old "termination policy," born in the Eisenhower administration, the notion that federal responsibility for reservations could be phased out as, one by one, tribes become self-sufficient—"free" to enter the mainstream.

"Termination" was disastrous for the few tribes who tried it. Without federal trust protection, Indian lands and resources were gobbled up by competing economic interests. For others, the policy created deep anxiety about their survival as minority cultures. "Termination" seemed to say that tribes that show economic progress will be cut loose to disintegrate.

For the past decade, the government has been trying to overcome the trauma which that period induced. The new climate is reflected by Sen. Henry Jackson (D-Wash.), Interior Committee chairman and long considered an advocate of termination. He is now sponsoring a resolution to repeal the old policy. Jackson, too, endorses "self-de-

termination" for Indian tribes, with the promise that Indian groups will maintain their unique status as federally protected minorities.

When the Bureau set out to implement the ideas in President Nixon's new Indian policy, the result was a year of clashes—new initiatives, advanced in a free-wheeling manner that shocked the old-liners, followed by political reaction and bureaucratic retrenchment.

LIKE THE OLD OEO

In many ways, the ferment is reminiscent of the days when the Office of Economic Opportunity was cranking up its "war on poverty," advancing new ideas and occasionally developing sloppy procedures that led to controversy and political reaction. At least eight of the Indian appointees under Bruce are veterans of OEO programs and the new Indian militancy is, in part, a legacy of the Great Society's programs.

Bruce concedes that they bungled their first fundamental reform effort when they announced last December a realignment and rotation policy for the eleven area directors and 76 agency superintendents in effect, shifting all of the career men who run the programs in the field.

The idea was to breakup the "dukes and barons" in area offices, long criticized as bottlenecks blocking new ideas. The reshuffling was also intended to give tribal councils and chairmen a larger voice about the performance of their agency superintendents.

Bruce and Interior, however, failed to prepare the groundwork with the tribes and Congress and all of the regional special-interest groups that influence Indian affairs.

Rep. Carl Albert (D-Okla.), the Speaker of the House, protested the transfer of an Oklahoma area director. Sen. Mike Mansfield (D-Mont.), the Senate majority leader, complained about moving one in his state. After several months of congressional attack, the Interior Department decided on strategic retreat. The new policies, Secretary Rogers C. B. Morton announced, would be held up for further review.

Still, Bruce and others insist that the idea behind the policy proposals has survived. "The BIA personnel have become more responsive to the Indians because of this," the commissioner said. "Superintendents now recognize the fact that they might be moved. The tribal council groups, now recognize that they might move a guy. That keeps a guy on the ball, the pressure is on him."

LIST OF CANDIDATES

When the commissioner fills a superintendent's vacancy now, he submits a list of candidates to the tribe for its reaction. And he is listening to tribal complaints about the agency managers.

"Right today, I want to move five superintendents because the tribes want them moved," Bruce said. "The problem is I can't find places for those people, and they're all civil service so I can't fire them."

The area directors retain their powers, but Bruce has made some changes at that level too. When he took office, one of the 11 was an Indian; now there are five Indians and a vacancy at Minneapolis, where he also hopes to appoint an Indian.

The main vehicle envisioned for establishing Indian control, however, is contracting—agreements under which tribal officials on their own option would take over the management of Bureau services, everything from schools to road maintenance to real estate management and welfare. The President asked for broad legislation to authorize the Indian takeover process. In the meantime, however, the Bureau tried to piece together various existing laws under which they could begin contracting.

MONEY, NOT BUREAUCRATS

"The Indian people don't need 15,000 or 16,000 federal employees to take care of them," McNabb said. "They do need the federal money that was promised to them."

McNabb and others began making contracts that ripened their conflict with the career people. Some claimed they were illegal; others said they skirted the edge. In any case, they were provocative, compared with the old ways. "The birds of prey swooped in," McNabb said.

One of McNabb's controversial contracts enabled Indian newspapers to form the American Indian Press Association, which is functioning now roughly like a news service among the reservations.

Ernie Stevens, after months of controversy including accusations aimed at him, pushed through a $125,000 contract with the Urban Indian Development Association of Los Angeles, giving this Indian group control of the housing aid and orientation provided to Indians who relocated there. Stevens is now trying to pry a $2 million contract away from the Philco Ford Corp. so that Indians can run the job-training center at Madera, Calif. (The company has taken its protest to Interior.)

"It's a lousy program," Stevens said. "My original intention was to close it down. I'd like to see if Indians could do it better."

SHOWPIECE CONTRACT

A half-dozen contracts have been approved for tribal takeovers covering Bureau programs from schools to agency administration. The showpiece is a $211,000 contract approved in May for the tiny Miccosukee tribe at Frog City, Fla., which after months of negotiations took over the whole Bureau program, service by service.

Twenty-three Bureau employees were displaced, though the tribe hired some of them back in its new role as the boss. Despite its smallness, the Miccosukee contract was supposed to be the model, a precedent that would speed up the takeover process for other reservations that wanted control.

Instead, Rep. Wayne Aspinall (D-Colo.), chairman of the House Interior Committee, and Rep. James A. Haley (D-Fla.) chairman of the Indian Affairs Subcommittee, registered strong objections—and threatened to add prohibitory language to Interior appropriations bills to stop such contracts.

"Regardless of the legal issue," Haley wrote, "I believe that a new Indian policy of this magnitude and significance should be based on new legislation enacted by Congress after careful consideration. Old statutes, enacted for different purposes and under different circumstances should not be stretched or distorted to support a new policy which Congress has never considered."

SOME WERE UPSET

The Government Accounting Office and Interior's office of survey and review looked at some of the new Indian contracts and, for various reasons, were also upset.

So the Department ordered a careful drafting of ground rules for the tribal contracts, both to insure that they are within the legal authority and to prevent waste and the potential for corruption.

Even some of the activists concede that tighter regulations are a necessity to keep the contracting alive, but they fear that bureaucratic caution will nibble the idea to death.

Now, for instance, Bureau educators are preparing "performance standards" for contracts under which Indian tribes will get control over federal aid for educating Indian children who attend public schools. Yet for years, the Bureau has been distributing millions in the same category to state governments and public school boards without imposing "performance standards" on those agencies—despite frequent complaints from Indians that the money was being misused.

UNIFORM STANDARDS

Now that Indians are demanding some leverage, the Bureau is prepared to apply "standards" to all.

Just last week the Indian activists in the Bureau were outflanked more directly when Secretary Morton appointed another Indian, John O. Crow, a Cherokee, to become deputy commissioner of the Bureau with broad authority to run the agency.

Since Crow is a career employee, closely associated with other long-time bureau officials, the new people figure this as a move to turn off the reforms and avoid any more controversy, much the way OEO was pacified in the closing days of the Johnson administration.

Morton and his aides, however, insist that Crow is committed to "self-determination without termination" and as an experienced manager, will render some orderliness, which the agency badly needs—and presumably avoid any more hassles over the legality of future contracts.

The question of which way BIA is actually headed—toward reform or back to its old slumber—should be tested in the coming months on various issues from personnel appointments to budgets. A backlog of dozens of tribal proposals for contracts has built up while the Bureau reviews its rules.

McNabb is pushing a road budget that would triple construction next year, a strategy intended to spur economic development and aid in the closing of more federal boarding schools.

Stevens is pushing for new training programs near or on reservations to shift the emphasis of the relocation program away from the eight "destination cities." A new tribal chairmen's association has formed which Bruce hopes will become a strong, independent voice for Indian control.

McNabb predicts gloomily: "We'll probably all be charged with insubordination sooner or later."

Others, however, think that fundamental changes have occurred, regardless of what happens inside the Bureau. The difference, they believe, is new awareness at the tribal level.

STARTLING CHANGES

James Hawkins, director of education who returned to the Bureau in January after seven years overseas, was startled by the change in atmosphere.

"I don't think there's anything anybody can do to reverse it," Hawkins said. "First, tribal chairmen have gotten a taste of the freedom to make decisions. Second, there is this new group of younger, better educated, far more agressive leaders coming forward that just wasn't here 10 years ago. It's almost like a developing country. Once you reach a certain level of takeoff, the process just goes by itself."

Ernie Stevens, despite his pessimism about the Bureau's momentum, believes that too.

"We've already won," he said, with pride and defiance. "These Indians are up now. They aren't going to have it any other way but to control this thing."

"INHERENT POWERS" AND PRESIDENTIAL GOVERNMENT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. EDWARDS of California. Mr. Speaker, this House just yesterday passed the conference report on H.R. 9272, the appropriations for Departments of State, Justice, and Commerce. This House and the conference report failed to accept Senator ERVIN's amendment which would have prohibited any of the funds being used to carry our new duties assigned to the Subversive Activities Control

Board under the President's Executive order of July 2, 1971.

In the debate of yesterday the distinguished gentleman from New York (Mr. ROONEY) argued that appropriations bills were not the place for legislation. I agree. But I would point out that under our Constitution, the President has no authority to legislate at all. Senator ERVIN's amendment is not calculated to be legislation through the appropriations process, but is a simple exercise of the legislative branch of Government prohibiting the executive branch of Government from executing an illegal Presidential order usurping the power of Congress over all legislation.

I commend to your attention, an editorial on this subject appearing in the August 3 edition of the Washington Post which follows:

"INHERENT POWERS" AND PRESIDENTIAL GOVERNMENT

The Senate is to vote today, whether its members realize it or not, on a proposition which would put Congress in the position of acting as a mere appendage of the presidency. There were those in the early days of the New Deal who castigated Congress as no more than a "rubber stamp" because in a national emergency it followed vigorous presidential leadership by enacting promptly legislation recommended by President Roosevelt. Today, however, it is being asked to demean itself in a far more drastic and dangerous way. President Nixon has asked it to ratify legislation already "enacted" by himself through executive order and to signify its submission through approval of an appropriation bill. Twenty-eight senators, in a letter to Senate Majority Leader Mike Mansfield, have characterized the executive order—without any extravagance whatever—as "an outrageous assertion of unauthorized presidential power."

The executive order at issue concerns the Subversive Activities Control Board, that malign and functionless excrescence created by the Internal Security Act of 1950. Mr. Nixon proposed, by a wave of his presidential wand, to transform it from its well-deserved desuetude into a powerful censor of the voluntary associations which American citizens generally and government employees particularly may join; he proposed to do this by giving it functions entirely different from those given to it by Congress. At first, the President paid Congress the courtesy of asking it to enact legislation granting the SACB the powers he wanted it to wield; but finding Congress unwilling to do what he wanted, the President has indicated that he will regard passage of an omnibus appropriation bill (of which the SACB allotment constitute no more than a tiny fraction) as congressional approval of his executive order.

Fortunately, as so often happens when essential liberty is imperilled, Sen. Sam Ervin rode to the rescue. The President's order, he pointed out, "raises difficult constitutional questions. The most serious issue involves the President's attempt to exercise legislative power by amending the Act of Congress which sets out the board's duties. To assign a new role to an independent board is an exercise of legislative powers which the Constitution gives exclusively to Congress." He is manifestly right, of course. The Constitution says flatly in the very first section of its first article that "All legislative powers herein granted shall be vested in a Congress of the United States."

Senator Ervin succeeded, when the appropriation measure embracing the SACB was before the Senate, in attaching to it an amendment which specified that no part of the appropriation should be used to carry out the executive order. But his amendment was not included in the House appropriation bill and was deleted in the conference committee report. In view of the interpretation which the President proposes to put upon it, this appropriation bill ought to be defeated. "Congress," as the 28 senators wrote to Mike Mansfield, "cannot allow itself to be put in a position of approving in advance and in ignorance an executive usurpation of authority which the Constitution gives to Congress and denies to the executive branch.

The pretext for this executive usurpation is once more, so repetitively in the recent past, an assertion of "inherent" presidential power. "We hear 'inherent power' all the time these days," Sam Ervin thundered. "'Inherent power' is just the modern equivalent of the devine sovereignty of kings," Congress had better put a stop to it before it puts a stop to congressional power.

OUR TIMES ON BALANCE

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BROWN of Ohio. Mr. Speaker, on Sunday, July 25, 1971, Dr. Edward L. R. Elson of the National Presbyterian Church, presented an outstanding sermon entitled "Our Times on Balance" which I bring to the attention of my fellow Members:

OUR TIMES ON BALANCE

(By Dr. Edward L. R. Elson)

Daniel 5:27: "Thou art weighed in the balances and found wanting."

The phrase "handwriting on the wall" is such a common expression we fail to remember it arises out of an ancient historic episode. Belshazzar, said to be the King of Babylon, gave a great feast for his wives, his harem and his lords, a maudlin bacchanalia in which they drank from golden goblets pilfered from the temple in Jerusalem, At the height of their orgy and carousal, a phantom hand appeared, writing a warning on the wall: "Mene, Mene, Tekel, Upharsen." None of the soothsayers, none of the Chaldean wise men could tell Belshazzar what it meant. The prophet Daniel was summoned and he told the ruler what the writing on the wall of the banquet room meant. The King had been weighed in the balances and found wanting. Judgment day had arrived in history. The kingdom was about to pass to the Medes and the Persians.

On that same day Daniel was honored by elevation to the position of third ruler in the kingdom, and the position was symbolized by the scarlet robe and chain of gold with which he was invested.

Belshazzar's place in history is ambiguous. He is presumed to be descended from Nebuchadnezzar and is regarded as the last Chaldean king of Babylon. Whatever Belshazzar's identity may be, here is a good picture of Babylon in the days of the Captivity. Here is a fine tribute to the courage and intelligence of the Captive Jew. Here also is a pertinent study of the causes of empire collapse.

That day the prophet Daniel was honored and elevated. That night Belshazzar was slain. That year Cyrus the Persian took Babylon.

The lesson of history is clear. Long power begets carelessness; carelessness begets impiety; impiety begets immorality; immorality begets deterioration and collapse.

What does the writing on the wall of history say to us? For God is a God of history. He speaks to us in history and beyond history.

Gibbon in his book "The Decline and Fall of the Roman Empire" tells us that Rome collapsed, not through failure of her laws or her lack of military prowess but through inner corruption, softness and worship of sensuous dieties. This was pointed out several years ago, when in their pastoral message from Washington the Roman Catholic Bishops wrote:

"An alarming parallel exists between the situation facing us today and that which faced the Roman Empire 1500 years ago . . . barbarism on the outside, refined materialism and moral decay within. The lessons of history are evident to those with eyes that will see. The Roman Empire disintegrated from within and moral corrupton was the main cause." (A convocation of evangelical Christians in the General Assembly of the Presbyterian Church could have said that.)

Subsequently the Bishops of the Roman Catholic Church in America delivered a message which could have been uttered in any Protestant pulpit or convocation.

"The time has come to confess," they said, "that our national ideal no longer rests upon a foundation of broad and solid popular morality. Ignorance of moral principles and the rejection of the very notion of morality are on the rise today and threaten to undermine our nation and its most sacred traditions . . .

"This is more serious than in any past age of American history," they said, "because many men are questioning and often denying the objective distinction between good and evil and the ability of human reason to know with certainty what is right and wrong. They are cutting themselves off completely from moral traditions. For the first time in history they find themselves without a moral law to break."

Can it be that we are in our present mood and predicament because we have abandoned first principles? Can it be we are allowing the minority secularists and the atheist portion of the population to infect, then contaminate, and finally dominate the public philosophy?

One of the tragic aspects of our present predicament is the ambiguity of ethical values and the diminishing respect for the moral law. Unless we reestablish a public philosophy based upon the moral law as it has been revealed by the transcendent God, it is the lesson of history that doom awaits us.

Everywhere in our country there are signs of a moral sag. The signs of the times ought to make us aware of the impending judgment of God. The Senior Editor of Look Magazine, J. Robert Moskin, after a careful national survey, wrote:

"We are witnessing the death of the old morality. In our world of masses of people, jet age travel, nuclear power and fragmented families, conditions are changing so fast that the established moral guidelines have been yanked from our hands.

"No single authority rules our conduct. No church lays down the moral law for all; no tribal customs and taboos define the limits of our immoralities. We are free to be prejudiced or promiscuous, to cheat or chisel. We are left floundering in a money-motivated, sex-obsessed, big-city-dominated society. We must figure out for ourselves how to apply the traditional moral principles to the problems of our times. Many find this burden too heavy."

Samuel Grafton writes about the "Tense Generation" (Look Magazine, August 27, 1963) describing a segment of a generation of teen-agers from "good" homes who steal, take dope, shock their parents with sexual delinquency, who wage open warfare against society. They are a section of our society who are bored by school, useless to business and end up as human wastage."

It is not the preachers who are so alarmed about the moral lapse in America. Too many ministers are bogged down in ecclesiastical

machinery or their energies are enervated by exclusive preoccupation with only one of our contemporary evils such as racial injustice. It is perceptive laymen like Jenkin Lloyd Jones, Editor of the Tulsa Tribune, who are seeing the handwriting on the wall and sounding the alarm—as he did some months ago to the Inland Daily Press Association Convention. Mr. Jones said, in part:

"More serious is our collapse of moral standards and the blunting of our capacity for righteous indignation.

"Our Puritan ancestors were preoccupied with sin. They were hag-ridden and guilt-ridden and theirs was a repressed and neurotic society. But they had horsepower. They wrested livings from rocky land, built our earliest colleges, started our literature, caused our industrial revolution, and found time in between to fight the Indians, the French and the British, to bawl for abolition, women's suffrage and prison reform, and to experiment with graham crackers and bloomers. They were a tremendous people.

"And for all their exaggerated attention to sin, their philosophy rested on a great granite rock. Man was the master of his soul. You didn't have to be bad. You could and should be better. And if you wanted to escape the eternal fires you'd damned well better be."

"In recent years all this has changed in America. We have decided that sin is largely imaginary. We have become enamoured with 'behavioristic psychology.' This holds that a man is a product of his heredity and his environment, and his behavior to a large degree is foreordained by both. He is either a product of a happy combination of genes and chromosomes or an unhappy combination. He moves in an environment that will tend to make him good or that will tend to make him evil. He is just a chip tossed helplessly by forces beyond his control and, therefore, not responsible.

'Well, the theory that misbehavior can be cured by pulling down tenements and erecting in their places elaborate public housing is not holding water. The crime rates continue to rise along with our outlays for social services. We speak of underprivilege. Yet the young men who swagger up and down the streets, boldly flaunting their gang symbols on their black jackets, are far more blessed in creature comforts, opportunities for advancement and freedom from drudgery than 90 percent of the children of the world. We have sown the dragon's teeth of pseudo-scientific sentimentality, and out of the ground has sprung the legion bearing switch-blade knives and bicycle chains.

"Clearly something is missing. Could it be what the rest of the world's children have been given—the doctrine of individual responsibility?

"Relief is gradually becoming an honorable career in America. It is a pretty fair life, if you have neither conscience nor pride. The politicians will weep over you. The state will give a mother a bonus for her illegitimate children, and if she neglects them sufficiently she can save enough out of her ADC payments to keep herself and her boy friend in wine and gin. Nothing is your fault." Everything is blamed for sin but the sinner—everyone is blamed for crime but the criminal.

Today I am deliberately speaking in the words of discriminating laymen and not in the words of what some might call the prudish preacher. You know what I am talking about or you ought to know. The good pastor who meets people in the confidence of his private pastoral position probably knows more about human dereliction than anybody else in the community. He must be "shock-proof" if he is to be at all useful. As God's servant he must speak for the righteousness "which exalteth a nation." Somebody must blow the trumpet; somebody must sound the alarm or we are doomed.

You must be blind or illiterate to be unaware of what is happening to literature—or what goes by that name. It beckons the shopper everywhere. We call it "realism." The truth is your fifteen-year-old-daughter can purchase a paper-back at the corner drug store, which in the most torrid language portrays openly a moral basis which our grandfathers relegated to the barnyard. The standard of conduct is to give gangway to your basic drives and "to hell with the ten commandments," the public sanctions and solemn vows. What kind of character will appear when our youth masticate this putrid refuse?

What is happening in America? It was not this way at the beginning. Although we have had our ups and downs, our tides of decadence and renewal, until now in our heart of hearts we have known better and always found our way back to a higher point of reference. All the while there goes on the debunking of our heroes of the past, smearing the founding fathers and the blemishing of the nation's great with all the black smudge which arises out of some author's subconscious. Patriotism is becoming a "dirty" word. A nation cannot be great and strong when it loses respect for its heroes and its symbols. A people who disdain their heritage or ridicule their symbols are already on the way down.

Nations have souls. The collective entity called a nation develops its own image, its own personality. When people think well of themselves they have morale, and morale is the most important element in strength. To be sure, nations as well as individuals need to stand humbly before the sovereign God. But when a nation ceases to believe in itself, when its institutions are regarded with cynicism, and its heritage with flippancy, that nation will not remain great. People who seek learning without effort, school grades by theft, athletic victories by bribes, and wages without work are already flabby. When people are dominated by erotic drives and their culture is pleasure-oriented they are in trouble. When crime becomes a way of life, when vows are repudiated and homes disintegrate, when race prejudice hardens and men stubbornly withhold justice from their fellow men, when greed and cynicism are revealed in government, labor and business, when there is a harsh pagan disregard for the sacredness of life, a society needs to do some soul searching.

One thing seems to be conspicuously lacking and that is a sense of national purpose. What is the mission America has to fulfill in the world? Toward what destiny are we moving? Once our aims and objectives were clear. Once we aspired to offer every man his freedom under God for his own life's fulfillment. Once we were saying that every man is equally free under God for his own maximum development. Washington, Jefferson, Abraham Lincoln, Woodrow Wilson said it in their time. Franklin Delano Roosevelt said it in the "four freedoms" of his time. Can it be that we are only able to state our objectives and strive to accomplish them when we are engaged in some great crisis, some cataclysmic world war?

Well, science has given us the atomic bomb, and the atomic bomb, through the balance of terror, has made world wars obsolete. But there are smaller regional wars where men get killed just as dead, wounded just as severely as in big wars. And the little wars, as we have seen, have a way of becoming big wars. Why can't we get it through our heads why we used military force in Southeast Asia? The troops seem to understand it better than the columnists and TV-conditioned people at home. And everybody who knows reports that in battle our young men are the finest in all our history. We didn't go into Vietnam to win a monumental victory, to impose terms on a destroyed and vanquished people. It was to prevent a regime in the north from imposing an unwanted regime on the south and to prevent the expansion of a system of life uncongenial and antagonistic to democracy, and it was to implement a treaty arranged by a member of this Church. John Foster Dulles, that the action was taken. And this has been completed. Senator Aiken said it two years ago. Others have said it. Why doesn't it get through to every American? And why can't we let the President and the professional soldiers do the professional thing?

Can it be that we are weighed in the balances and found wanting in great leadership around whom we can rally, to whom we respond, and who lead us with high purpose? As I came out of President Kennedy's funeral service with Dr. Franklyn Fry, President of the Lutheran World Federation, while the casket was being withdrawn from the Cathedral Dr. Fry turned to me and said, "Where do we turn for great national leaders? Where do we turn for leaders in the Church? Just look at us," he said, "We are supposed to lead the Church"—and we are in fact the only leaders the Church has.

There seems to be a great leveling down instead of a lifting up in leadership. A Representative or Republican form of government in church or state only works when there is an aristocracy of intellect and leadership. When first I went to the General Assembly of the Church you looked up on the platform where the former Moderators sat. There they were—every one a great preacher, elder statesman, spokesman for the total Church, nationally and internationally recognized as "weighty persons." I don't see that now. We elect titular leaders to represent various segments or special causes in the Church—usually someone symbolizing the cause for which denominational money will be needed during the year following the Assembly. And the Church—and government and education and labor and industry—suffer for the want of great minds and voices.

We think people are all equal in endowment, in skills, in talent, etc. That's not what we really mean by equality. As a matter of real fact people are not equal in physical power, brains, or talents. They are equally free under God to develop the resources God gave them.

Nor has the example of our lives before our children been good enough. Samuel Grafton notes this fact in his article:

"Psychologists say that the worst thing a time-pressed parent can do is to give up his own standards. With a helpless shrug, a father okays beer at a teen-age party because he wants the youngster to have a good time, to be popular, and because he's too busy to handle the situation positively and constructively. But when a father surrenders his own standards, the kids know it and the image they have of Pop grows dimmer and more confused. Children may become annoyed at discipline, but they know it means that their parents are concerned about them. They take lack of concern as lack of love, even while they may seem to be enjoying this easy freedom . . . If there is no authority, there is nothing to battle against; the world becomes confused and uncertain, and the signposts dissolve. Sometimes, children literally don't know what is allowed and what is not."

If we are weighed in the balances and found wanting, it is not too late to turn the tide and to be saved from the abyss. We cannot live long on the borrowed moral capital overflowing from previous generations. We cannot live long on an existential morality sustained too often by a subjectivistic theology. We cannot live by capricious judgments and transient standards.

There are thousands upon thousands of Americans who in themselves neither approve nor create the mood and manner of life so many see coming to the surface in America. There are enough Christians of conviction to change the tide and save the nation. We can refrain from seeing the pic-

tures, buying the books, or supporting in any way the movements which corrupt, defile, and destroy. We can keep our own and our family's spiritual life at high tide and our moral standards sharp. A nation is sometimes saved by redeemed remnants, which will not compromise idealism or abandon faith. We can be saved from our sins by Jesus Christ. We can create a strong Church and make a vital Christian witness.

It is not like America or Americans to be morally lost or even uncertain. In our heart of hearts we know the way to moral rectitude, to integrity, to honor, to idealism.

Gilbert K. Chesterton once sent a telegram to his wife, saying "I am in Market Harborough; where ought I to be?" "Home," his wife replied, because, she said, it was easier to get him home and start him off again on the right track than to tell him how to get where he ought to be from where he was.

So it is with us. What we need is not direction from where we are so much as to return home to the God of our fathers and our God, who will start us out again and keep us on His highway, if we will obey His laws and do His will.

A MORATORIUM ON THE WILLFUL KILLING OF PORPOISES AND DOLPHINS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. REID of New York. Mr. Speaker, I rise at this time to introduce legislation calling for a 10-year moratorium on the willful killing of porpoises and dolphins, and to instruct the Secretary of State to encourage the development and implementation of international controls to minimize the incidental killing of porpoises and dolphins in conjunction with the catching of tuna. Some 40 percent of the world's yellowfin tuna and almost 50 percent of the world's skipjack tuna are caught in the company of porpoises and dolphins.

There is evidence, according to Dr. Kenneth Norris—a participant in the International Symposium on Cetacean Research and editor of Whales, Dolphins, and Porpoises—with whom I have conferred while preparing this legislation, that these friendly and intelligent mammals are being decimated because of commercial fishing practices, particularly in the eastern intertropical Pacific area. The problem is that many commercial fishermen now use highly efficient purse seines—nets—to catch schools of tuna which swim behind and underneath the porpoise schools, perhaps to take advantage of the porpoise's ability to locate bait fish by natural sonar. These seines are four to five times more efficient than using lines and bait, but they encircle porpoises as well and too many die before they can be released. I have been informed by Dr. Carlton Ray of the Smithsonian Institution that well over 200,000 common dolphin—Delphinus delphis; spinner—Stenella longirostris; and spotter—Stenella graffmani—porpoises die each year in the purse seines of the United States, and when one considers that Japan takes as many tuna, and France over twice as many tuna by the same method as the United States, the probable figure of porpoise kills per year becomes staggering. There is also considerable evidence that the porpoise schools are becoming smaller than their normal 1,000 animals, according to Fishery Biologist William F. Perrin who presented a paper to this end to the sixth annual conference on Biological Sonar and Diving Mammals.

For reasons we do not understand, porpoises caught in purse seines do not jump out of the nets. The danger arises when tuna boats "back down" to draw in the nets. The porpoises navigate by natural sonar and the proximity of the enfolding nets apparently confuses them. Once encircled, porpoises swim around wildly, and then gather together in a group and sound to the bottom of the nets where many of them drown. Others become so frightened that they go into shock and rigor and also drown. These animals become highly distressed when a fellow-cetacean becomes injured, and will not leave it, which is a possible explanation as to why some porpoises will not jump out of the nets while others are still trapped.

Many marine scientific groups, including the National Oceanographic and Atmospheric Administration, have cooperated in the development of new nets with a smaller mesh for tuna fishing, so that the porpoises do not catch their snouts, as is presently the case. These new nets will be implemented by yellowfin-tuna fleets when the new season gets underway next January, and the boats begin to gather the United State's annual quota of 140,000 tons. The purpose of the international efforts I have requested would be to help NOAA through its component, the National Marine Fisheries Service, to develop and implement nets with two other safety features—an escape hatch, and an acoustic device in the net to emulate killer-whale calls. The killer whale is a natural enemy of the porpoise, and many scientists, including Dr. Alan Longhurst, Director of the Fishery-Oceanographic Center, NMFS, feel that devices emitting killer-whale calls should be run down lead-lines into the purse seines, thus stimulating porpoises to avoid the nets. In behalf of tuna fishermen, it must be granted that they frequently try not to fish on porpoise schools, and, as a rule, do not do so on the traditional fishing grounds, where they look for a "breezing school" of tuna which may hold up to 10,000 fish. Breezing schools of tuna feed just below the water's surface, sweeping through small bait fish so swiftly that the ocean appears to be ruffled by the breeze itself.

The Japanese slaughter annually some 20,000 porpoises for human consumption by driving them out of the water onto land. I fear that without international controls, areas where porpoises are trapped may spread to the Western Pacific, off Samoa, and perhaps to the Indian Ocean and African coasts. Porpoises of the "Flipper" variety—Tursiops truncatus—used to be killed off the coast of Cape Hatteras in order to make high quality lubricating oil, such as that used for watches, but this practice ended some 50 years ago. This oil is now imported from the West Indies, and is a byproduct of the pilot whale which is killed there for food. However, should a moratorium on the killing of whales go into effect, as is being considered by the House Foreign Affairs Committee, a new source of lubricating oil must be found and I fear that manufacturers will again turn to killing porpoises to obtain this oil.

There also has been some speculation that since a 10-year moratorium on whales would mean that pet food products containing whale meat could not be imported into or sold in the United States, pet food manufacturers may turn to the harvesting of porpoises to make their products. This does not mean that I oppose a 10-year moratorium on the killing of whales. I support it most strongly, but feel that porpoises and dolphins, which are also members of the cetacean family, should be given equal protection.

Porpoises normally exercise nurturant and succorant behavior similar to human beings, and as Aristotle has stated—

> This creature is remarkable for the strength of its parental affection.

Females exhibit great care for their young, nursing them until they are about 18 months old, and the mother-young relationship lasts an impressively long time. At around 4 to 6 years of age, young dolphins born in captivity have been known to seek out their mothers from the group when they become tired, sleepy or alarmed. A pertinent example of their succorant behavior was recorded by Drs. J. B. Siebenaler and D. K. Caldwell in 1956:

> When a charge of dynamite was exploded in the neighborhood of a school of dolphins, one of the school was stunned by the shock. Two adults immediately swam to its assistance and supported the injured animal. When the two assisting dolphins left to breathe, they were relieved by what apparently were different animals. The supporting behavior continued until the injured animal recovered completely, then the entire school left the area. Again it is note worthy that the school remained intact and stayed in the danger area until the disabled animal had recovered, instead of obeying what must have been a strong impulse to leave the area of the explosion. Such a quick mass departure occurred on another occasion when dynamite was exploded and none of the dolphins was injured.

There are no accurate figures available as to the number of porpoises and dolphins in our oceans; only the knowledge that the schools are becoming smaller and wider, and that the population structure is changing. This is due to a different sex-ratio, apparently because commercial nets primarily kill older animals, females and calfs, leaving the younger and wilder males in greater proportion than is normal. It is my feeling that until studies now underway on porpoise feeding, mating habits, life expectancies, and travel habits are completed, a moratorium is the only way to insure that disaster does not await the porpoise and dolphin in the future.

STATEHOOD COMMITTEE SCORES REPORT CIRCULATED BY CITIZENS UNION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mrs. ABZUG. Mr. Speaker, the Committee To Make New York City A State has challenged an anti-statehood report being circulated by the Citizens Union as a—

Fundamentally misleading paper . . . based on secondary sources and faultily interpreted data.

In a report "Statehood for New York City: It Makes Sense," the committee emphasizes that, contrary to the claims in the paper prepared for the Citizens Union by Dr. Donna E. Shalala, an assistant professor of political science at Baruch College:

The tax base for New York City is growing, not shrinking.

Start-up costs for the new state would not be prohibitive and could be amortized over a period of years.

There would be an initial fiscal gain of approximately $650 million for New York City if it became a State.

The new state would not be walled off from the surrounding areas and would be in a stronger position to enter regional compacts.

The so called upward trend of state aid to the city was decisively reversed in the last session of the legislature.

I head up the statehood committee; cochairmen are Queens Congressman JOSEPH ADDABBO, Bronx Borough president Robert Abrams, Manhattan Borough president Percy Sutton and publisher William Haddad. Its membership includes hundreds of State legislators, city councilmen, city commissioners, labor officials, and religious and community leaders—as well as thousands of private citizens.

Statehood, according to the committee report, would provide—the people of the richest city in the world a mechanism for utilizing its wealth to create a community that truly serves the needs of its people.

The committee also emphasizes that the statehood movement "goes beyond fiscal issues" to encompass compelling political gains which the Shalala paper ignores.

Statehood would, the committee says:

End the disfranchisement of New York City voters whose elected representatives were shut out of the political process by Governor Rockefeller and the Republican-controlled legislature.

(Provide) a vehicle for New Yorkers to join together in a political movement to control their own destinies.

Referring to the claim that the city is a decaying giant in failing economic health and therefore dependent on the State government, the committee cites a recent report by the First National City Bank which corroborates the committee's research.

New York City's economic health—

Says the bank's report—

is improving. Though it has huge problems, its growing tax base, higher-than-average per capita income and increased employment opportunities all point to a town that is better off than the hand-wringers say it is.

Concerning the relationship of the city to surrounding areas, the committee points out that the problems facing the city—are developing at a fast rate in the suburbs and it would obviously be desirable for the city and suburbs to join in a common effort to solve them. Under the existing (State) governmental framework, the suburbs are pitted against the city, with legislators from rural and small town areas allying themselves with the suburbs against the city.

But, in fact, the suburbs are economic satellites of the city. Noncity residents account for 30 percent of the wages earned in the city. Suburbs and city are bound together by common economic, social, cultural, and transportation ties that would be strengthened if New York City were free to enter into its own regional agreements.

Replying to Dr. Shalala's contention that the initial costs of statehood—buying State property and undertaking existing State services—would be too expensive, the committee says:

Buying state property is a one-time expense that could be amortized over a long period of time. Just how costly it would be is purely a matter of speculation. According to city officials, because of the duplication of services involved, the city might have to take over half or even less of state property. Dr. Shalala also ignores the potential revenue producing assets of state facilities such as the tax-exempt State Office Building (in the city), which has a high percentage of commercial renters.

The committee also attacks as "naive and politically misleading" Dr. Shalala's argument that—

The trend has been for New York City to get an increasingly larger share of state aid.

This trend, says the committee—

Was killed in the recent legislature. New York City took the brunt of State ordered budget cuts. Our city's portion of direct State revenue sharing was reduced from the 1970 level of 21 percent to 18 percent. With the State getting into deeper financial trouble and the Republicans in firm control of the Legislature, New York City has little hope of getting more money from the State.

In addition, the committee says, the State itself faces a burgeoning financial crisis.

"New York City dwellers," the report says—

Already penalized by the vacancy decontrol law, burdensome taxes, and other discriminatory measures, should be aware that the special session of the legislature slated for December may be asked by Governor Rockefeller to rush through new and still higher taxes to meet a budget deficit that may be from $600 million to $1 billion. Once again the heaviest burden will fall on our people.

The committee statement in reply to the Citizens Union statement is an interim report which will be followed shortly by an "Overview" on the statehood question.

At this point, I wish to insert in the RECORD the full text of the committee's report:

STATEHOOD FOR NEW YORK CITY: IT MAKES SENSE

Critics of Statehood are trying to depict New York City as a dying metropolis with a shrinking tax base that could not survive without Albany.

The Citizens Union is circulating a fundamentally misleading paper by an assistant professor of political science at Baruch College based on secondary souces and faultily interpreted data that puts forth this view. Unfortunately, this one report by one individual is being cited as proof that Statehood for New York City is fiscally impractical and isolationist.

It is time to set certain facts straight. Talk of a shrinking tax base is based on a myth. New York City is the richest city in the nation. Its tax base is growing, not shrinking. It has a great future as an employment, social and cultural center. But it needs a chance to govern itself and free itself from the oppressive rule of Albany.

We do not claim that Statehood in itself provides a solution to the city's problems, any more than the critics can claim that remaining in New York State will solve our problems. We have bad housing, poor health facilities for low income groups, a huge welfare caseload, an epidemic of drug addiction and crime and, most basically, a maldistribution of our enormous wealth and resources, aggravated by the heavy taxes imposed by the federal government to support its war economy.

Significantly, the same problems are developing at a fast rate in the suburbs and it would obviously be desirable for the city and suburbs to join in a common effort to solve them. Under the existing governmental framework, the suburbs are pitted against the city, with legislators from rural and small town areas allying themselves with the suburbs against the city.

But, in fact, the suburbs are economic satellites of the city. Non-city residents account for 30% of the wages earned in the city. Suburbs and city are bound together by common economic, social, cultural and transportation ties that would be strengthened if New York City were free to enter into its own regional agreements. Although legally New York City cannot include the suburbs in its Statehood referendum, the suburbs can conduct their own referenda on this issue.

Based on its own studies of state and city data, consultations with government officials, urban experts, university professors, economists, lawyers, and others, the Committee To Make New York City A State reaffirms its finding that Statehood makes both fiscal and political sense.

Nor is it isolationist. As a separate state, New York City-State could strengthen its links with the federal government and enlarge its capacity to enter into bistate and regional compacts.

Totally ignored by those who portray New York City as a decaying giant dependent on state beneficience is a report just issued by the First National City Bank (June 1971), which states bluntly:

"New York City's economic health is improving. Though it has huge problems, its growing tax base, higher-than-average per capita income, and increased employment opportunities all point to a town that is better off than the hand-wringers say it is."

Independent studies by our research staff confirm the findings of the bank's economists. They reveal the following:

New York City has one of the greatest concentrations of real wealth in the world. Its full real estate value for taxable purposes has more than doubled over the past decade to $61 billion in fiscal year 1971.

The average per capita income in the city was estimated to be more than one fourth higher in 1969 than the national average.

With less than 49% of the region's residents, the city currently holds 56% of the region's nearly 7 million jobs. "New York City remains, and for the foreseeable future will continue to be, the center of the region's job market and easily the largest single employment center in the nation." (Quote from report by First National City.)

The city is the leading office center of the nation and the world. Its loss of manufacturing jobs has been more than offset by the rapid pace of development in service industries, which is part of a nationwide shift.

The city's claim to be the office center of the nation was strengthened during the 1960's by construction of 90 million square feet of office space in Manhattan alone, almost half as much space as existed in Manhattan in the early 1960's. Twenty-seven percent of all office space under construction in the U.S. is taking place in our city.

Despite the reduction of manufacturing employment in the city, the area is still the largest single manufacturing center in the nation. The diversity of its manufacturing helps to insulate it against some of the recession effects felt in other cities with concentrated heavy industry.

The recent departure of several major corporate headquarters from the city has caused concern. But in the same period, major firms have moved into the city and others have expanded. According to Fortune magazine, 83 of the 250 largest industrial corporations in the U.S. had their head offices in New York City in 1970, an increase of 10 during the 1960's.

Predictions that the city faces increasing ghettoization, with huge pools of unemployed among blue collar workers, are unwarranted. They do not take into account "the increased levels of education among all segments of the population, including minority groups, and (do) not recognize that many office jobs can be handled by persons with the equivalent of a high school education, now achieved by the majority of those emerging from the city's schools."

The National City Bank Report, although it does not go into the merits of Statehood per se, puts the current debate over New York City's future into perspective. Whatever the outcome of that debate, it is all to the good that New Yorkers are learning the truth about city-state relationships and discussing alternate forms of government.

Statehood would eliminate buckpassing between the city and Albany.

It would end the disfranchisement of New York City voters whose elected representatives were shut out of the political process by Governor Rockefeller and the Republican-controlled legislature.

It would allow our City-State to negotiate for more federal aid and strengthen the campaign for a federal takeover of welfare costs.

It would give our City-State the right to enter into regional compacts that would safeguard our interests, as compared with the Port of New York Authority which has allowed Manhattan's freight shipping industry to lose millions of dollars in business and some 18,000 to 21,000 jobs to New Jersey.

It would allow the City-State to tax commuters more equitably.

Residents of New York City are responding with enthusiasm to our petitions to place the Statehood issue on the ballot this November. They are more concerned with the risks of remaining tied to New York State than the challenge of creating a new state.

New York City dwellers, already penalized by the vacancy rent decontrol law, burdensome taxes, and other discriminatory measures, should be aware that the special session of the Legislature slated for December may be asked by Governor Rockfeller to rush through new and still higher taxes to meet a budget deficit that may be from $600 million to $1 billion. Once again, the heaviest burden will fall on our people.

Residents of our city are already paying more than their share to support New York State. For every dollar we send to the state (and we contribute 50% of its budget), we get back 82 cents, while the rest of the state gets back $1.19.

According to the anti-Statehood report prepared by Dr. Donna E. Shalala, the trend has been for New York City to get an increasingly larger share of state aid. Therefore, it is argued, we should keep quiet and the state will inevitably give us more money.

That is naive and politically misleading. The "trend" was killed in the recent session of the legislature. New York City took the brunt of state-ordered budget cuts. Our city's portion of direct state revenue sharing was reduced from the 1970 level of 21 percent to 18 percent. With the state getting into deeper financial trouble and the Republicans in firm control of the legislature, New York City has little hope of getting more money from the state.

Dr. Shalala contends that there will be no fiscal gain in New York City's becoming a state. Our own research indicates that the city would net some $650 million, if it were to retain all that it now gives the state. We have never claimed that this amount is "a substantial fiscal gain."

But we make a distinction between dollar gain and gains of efficiency and reordered priorities that economic self-determination could bring.

Dr. Shalala cites the cost of buying state land and property in this city as being so expensive that it would wipe out any possible fiscal advantage in Statehood. But buying state property is a one-time expense that could be amortized over a long period of time. Just how costly it would be is purely a matter of speculation. According to city officials, because of the duplication of services involved, the city might have to take over only half or even less of state property. Dr. Shalala also ignores the potential revenue producing assets of state facilities such as the tax-exempt State Office Building here, which has a high percentage of commercial renters.

The campaign for Statehood goes beyond fiscal issues.

It provides a vehicle for New Yorkers to join together in a political movement to control their own destinies.

It serves notice on the New York legislature that we will no longer be supine victims of the state.

It provides the people of the richest city in the world a mechanism for utilizing that wealth to create a community that truly serves the needs of its people.

COMMITTEE TO MAKE NEW YORK A STATE

Chairwoman: Congresswoman Bella S Abzug.

Cochairmen: Congressman Joseph Addabbo, Bronx Borough President Robert Abrams, Manhattan Borough President Percy Sutton, Mr. William Haddad.

THE FAR AWAY BUT UNFORGOTTEN AMERICANS

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. McCOLLISTER. Mr. Speaker, while 7 years and 130 days seems like a long time to any of us, there is a group of men to whom that must seem like an eternity—our prisoners of war in Vietnam. On March 26, 1964, Captain Floyd Thompson became the first American prisoner of war in Southeast Asia. Today there are more than 1,600 men who are listed as prisoners of war or missing in action.

Certainly the Nation is divided in its feelings on the war and how to end U.S. involvement. But I think there is no one in our country who would not unite in the protest against Hanoi's inhumane treatment of our men and who would not urge a speedy and safe return home.

Mr. Speaker, hundreds of thousands in the United States join me in concern for the POWs. I pray for serious and meaningful negotiation from everyone involved and for the forthcoming release of these far-away but unforgotten Americans.

WHY SAVE SOUTH VIETNAM FROM THE SOUTH VIETNAMESE?

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. LEGGETT. Mr. Speaker, it is sometimes asserted that the war in Vietnam is the result of an attempt by North Vietnam to take over South Vietnam by force. But the official Defense Department figures suggest it would be closer to the truth to describe the war as an attempt by the South Vietnamese people to rid themselves of a series of governments which were imposed on them by the United States by force.

Pentagon figures listing "Enemy Military Strength in South Vietnam" show that in 1964, the year we felt compelled to intervene to save South Vietnam from a North Vietnamese takeover, the enemy forces were 3 percent North Vietnamese and 97 percent South Vietnamese. We then engaged in several years of bombing to "halt the flow of men and supplies from the North." We halted the flow so brilliantly that the mix of enemy forces changed from 3 percent North Vietnam to 42 percent North Vietnamese, which is where it stands today. But despite our best efforts, the majority of the enemy is still South Vietnamese.

These statistics were cited in a recent letter to the Washington Post by Mr. Arnold Fraleigh of Falls Church, Va. His letter intrigued me, and I thought it might be worthwhile to check into another measure of enemy strength mix: the origin of the prisoners captured by our side. It seemed reasonable to assume these prisoners to be a representative sample of the enemy force as a whole.

So I asked the Defense Department to supply me with statistics showing how many of the men we and the ARVN's captured were South Vietnamese and how many were North Vietnamese.

The figures show that the enemy we have been capturing has been approximately 75 percent South Vietnamese. It is clear, then, that regardless of whether you regard Vietnam as one country or as two countries, we are intervening in a civil war. It is all very well to talk about "our obligation to the South Vietnamese people," but the forces opposing us are South Vietnamese people too. I suggest

we will be doing all the South Vietnamese people a favor if we simply set a date, stick to it, get our prisoners back, and get out.

I insert at this point in the RECORD Mr. Fraleigh's letter, followed by the Pentagon POW statistics.

OUR WAR AGAINST THE PEOPLE OF SOUTH VIETNAM

We will have learned little from our tragic experience in the Vietnam war if we allow ourselves to be confused by former policymakers about what went wrong. Dean Rusk drew a red herring across the trail exposed by the Pentagon Papers in his television interview of July 2 when he volunteered the confession that he had underestimated the determinaton of the North Vietnamese to wage war in Southeast Asia. Thereupon, TV interviewers, assuming this was the big mistake, asked first Maxwell Taylor on July 4th and then Walter Rostow on July 11 whether they wished to make the same confession. Taylor did; Rostow did not. However, in concentrating upon estimations of Hanoi's will power, both policymakers and interviewers tended to perpetuate the myth that the war in Vietnam has been primarily a war against the North Vietnamese—a defense against "aggression from the north."

Actually, as can be demonstrated more clearly now than ever before, our enemy has been primarily the South Vietnamese insurgents, not the North Vietnamese. No one disputes the fact that the guerrillas who began the fighting in the early years of the Diem regime were South Vietnamese. And, as is recounted in the Pentagon Papers, the South Vietnamese Vietcong continued to do all of the fighting against the Saigon government in South Vietnam until 1964. The percentage of South Vietnamese in the total enemy forces during the period from 1961 to date is shown in the accompanying table.

The figures are estimates made by the Defense Department and include both regular and guerrilla forces and, in later years, supply services, but exclude political cadre. If anything the figures can be suspected of underestimating the proportion of South Vietnamese in the enemy forces because of the guesswork involved in making the estimates and because our policy-makers have wished to portray the war as a defense against North Vietnamese aggressors rather than as the suppression of a widely-supported insurgency. The shakiness of the estimates was most apparent during the period after the Tet offensive in 1968 when several different sets of figures were produced to try to explain the sudden show of enemy strength all over South Vietnam.

Another statistic helps to reveal whom we have been fighting, the proportion of South Vietnamese to the total number of enemy held as prisoners of war. The United States has followed the practice of turning over all its prisoners of war to the Saigon government, which consequently has custody of all military prisoners taken by our side during the war. In The Washington Post for July 2 an official of the Saigon government is reported to have said that more than three-fourths of the enemy POWs now held by the Saigon government are South Vietnamese.

Of course it has been not only South Vietnamese enemy forces but South Vietnamese civilians with enemy sympathies who have exhibited strong wills throughout the Vietnam war. They have provided the "sea" in which the enemy guerrillas have swam. They have suffered the most from the destruction of homes, crops and countryside by ARVN and U.S. forces. They are the ones who have been victimized by the many My-Lai type incidents which we are told have occurred. In a letter of April 27, 1971, published in American Report for June 18, 1971, Don Luce says there are at least 100,000 and may be as many as 400,000 South Vietnamese civilians held as political prisoners by the Saigon government. From one-fourth to one-third of all of the people of South Vietnam have been forced to move into resettlement camps—mainly because they were too ready to give food and shelter to enemy forces.

When will our policy-makers be asked why among their calculations they did not include an estimate of the will and determination of the South Vietnamese to resist the military forces of both the Saigon government and the United States?

ARNOLD FRALEIGH.

ENEMY MILITARY STRENGTH IN SOUTH VIETNAM

Year	South Vietnamese	North Vietnamese	Total enemy strength	Percent South Vietnamese
1961	63,400	0	63,400	100
1962	79,300	0	79,300	100
1963	91,700	0	91,700	100
1964	122,100	3,300	125,400	97
1965	159,000	10,000	169,000	94
1966	190,000	49,000	239,000	79
1967	203,000	55,000	258,000	79
1968	210,000	80,000	290,000	75
1968	140,000	100,000	240,000	58
1970	140,000	100,000	240,000	58
1971	140,000	100,000	240,000	58

POW CAMP INPUT BY YEAR AND POLITICAL ORIGIN

	NVA	VC
Year:		
1965	165	201
1966	698	2,605
1967	1,088	7,143
1968	2,977	9,732
1969	2,380	7,311
1970	1,522	3,685
1971 (May)	61	218
Total	8,891	30,896

NO GHOST TOWN

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. MOLLOHAN. Mr. Speaker, the futures of communities and people are determined just as strongly by ideas and concepts as they are by industry and other materialistic facts of life.

Today the future of West Virginia is tied to the coal, steel, and chemical industries, but there is, over all of this, an idea, which we are struggling to break, which in the past has controlled the future of our State, and that idea is despair.

The despair of West Virginia grew in the early fifties, when, impelled by changes in the coal industry, thousands of people began leaving the State, and coal towns became, in the space of a few years, ghost towns.

In the past decade this despair was deepened by national publicity and became almost a jinx holding the State from progress and developing an unhealthy fatalism in its people.

Today we are beginning to break that jinx and West Virginia is emerging from her awkward adolescence and from her feeling of inferiority to discover that she is a beautiful woman with great potential.

Such is the case with the town of Idamay in northern West Virginia. A fine, clean town, so untypical of all that is conjured up by the stereotyped name, "coal town."

Idamay has not fallen into the despair which has ruined other towns faced with the closing of the mines.

On Friday, July 9, the Bethlehem Mines Corp., closed down its Idamay mine, which had employed 208 workers, and for some of those workers, for the first time in 28 years, the start of the work week did not find them walking to the portal of the Idamay mine.

The Fairmont West Virginian published a series of articles on Idamay, its people and the Bethlehem Mines Corp., showing how the town broke through despair and refused to die.

The articles follow:

[From the Fairmont (W. Va.) West Virginian, July 8, 1971]

TRANSFORMATION AT IDAMAY: IDAMAY WILL CLOSE FRIDAY

(By Helen Bickel)

The Idamay mine will cease operations at midnight Friday, bringing to an end more than half a century of coal mining, but the approximately 200 families in the community have no intention of letting their attractive village become a "ghost town."

The mine, operated since 1943 by Bethlehem Mines, will close at the end of the second shift. Some 208 hourly employes will be affected by the mine's closing, James McLeary, superintendent, said.

More than 55 per cent of the hourly employes are eligible for pensions if they choose to retire, mine officials said. Names of men too young for retirement and others wanting to work will be placed on a panel for employment at other mines operated by Bethlehem, it was pointed out.

SOME TO BUCKHANNON

Many will be employed at the new mine No. 105 now under construction by Bethlehem near Buckhannon. Bethlehem also operates No. 41 at Barrackville.

Salaried personnel will be transferred to Buckhannon or to other divisions of the company, officials said.

Efforts are under way to sell the property and buildings to another industry. The mine surface plant includes 11 buildings on almost 13 acres of nearly level ground.

"We will find some use for the property," a Bethlehem official said yesterday. "It will not be abandoned."

FINE FOR INDUSTRY

Condition of the modern, well kept brick buildings constructed by Bethlehem as well as those purchased from Consolidation Coal Co., original operator of the mine, available rail lines, water supply and large parking area make it "perfect for a small industry," the official said.

Since Bethlehem took over operations in April 1943 and through June 30 of this year, a total of 42,906,082 tons of coal have been mined for a yearly average of 1.5 million tons. The area from which coal has been removed covers about 3,600 acres.

More than 1,000 men have been employed at one time when the mine operated at peak capacity, officials said. Six hundred miners worked at Idamay as recently as 10 years ago.

LONG SERVICE

Because of good working conditions and the company's concern for the miners' welfare and safety, the turnover has been low at the Idamay mine.

Average age of men working at the present is 55 years while the average length of service is 29.7 years, Frank Lencek, division personnel director, said.

No serious tragedies have occurred at the mine and the average number of men affected by loss of time accidents during the year has been about four.

Idamay mine was presented an Award of Honor by the National Safety Council for outstanding safety performance during 1970.

Removal of some equipment to other Bethlehem mines is under way now and a general "cleaning up" of the plant, including the dismantling of the tipple and cleaning plant, will be undertaken when mining operations end, officials said.

[From the Fairmont (W. Va.) West Virginian, July 9, 1971]

THEIR LAST SHIFT AT IDAMAY: THE LAST DAY

(By Helen Bickel)

Men who will close out mine No. 44 at Idamay today have worked an average of almost 30 years. Some will leave with reluctance the underground cavern from which many millions of tons of coal have been removed.

Others, nearing a point in which they are almost as "worked out" as the mine they are abandoning, are looking forward to retirement and the pensions that will be theirs to live on for the rest of their lives.

All speak well of the mine that provided a better-than-average livelihood for their families, and this includes men who have long since retired from No. 44.

YOUNG MINER

Robert Wilson at age 41 is one of the youngest miners who will work for the last time at Idamay today. A miner since he was 18, Wilson was born and raised in the pleasant little town.

The Wilsons live in the last house on the hill above the playground and "we wouldn't like to leave it," Jeanne Wilson said this morning. Her husband's future is uncertain at the moment, however, and they "just have to wait and see what happens," she said.

Wilson, a mechanic has his name on the panel for a job at another Bethlehem Mines location. Mrs. Wilson admitted they were beginning to get "a little worried" but said "he is supposed to hear something today."

SON AT UNIVERSITY

A son, Robert Linn Wilson, 1971 graduate of Farmington High School, has enrolled at West Virginia University and "is all set to go," his mother said. Too long an unemployment period for her husband will affect the son's plans for an education, she said.

The Wilsons have two children at home in school and another one is married. The family lives in one of the original mining houses and they have done extensive remodeling.

"We have a beautiful location here on the hill." Mrs. Wilson said, "and we don't like the idea of having to leave. But if we have to, we have to, and there's not much we can do about it," she added.

MIXED FEELINGS

Mrs. Ray Cutlip, whose husband is a continuous mines operator helper, has mixed emotions about the mine's closing.

"I hate to see it close for some—the men who might have to go someplace else to work and live—but for Ray's sake, I'm glad," she said as we talked on the porch of her neat white cottage.

Cutlip has worked at the mine since 1939 and the family has lived in the attractive home surrounded by clipped hedges and green lawns for the past 31 years.

"Ray is eligible for a pension," Mrs. Cutlip said, "and so we'll stay right here where we are. This has been a good place to raise a family," she added, mentioning their two children who are now married and have homes of their own.

REGRETS CLOSING

Her husband, she said, "hates to see the mine close. He would stay on until he was 65 if he could." The Cutlips have a garden and large lawn to keep up, "so we'll have plenty to keep us busy," Mrs. Cutlip said.

"There has been something different about these last three days," the Idamay housewife and mother admitted. "I don't know what it is, but there's something," a look of sadness passed briefly over her face as she spoke.

C. Harold McIntyre, assistant foreman at No. 44 where he worked for 23 years, is now retired. He was definite in his answer when asked his opinion about the end of the mine.

"BREAKS MY HEART"

"It breaks my heart," he replied. "This is a closeknit community and many friendships have been made. We're concerned about the people who might have to leave here.

"This is a wonderful town." McIntyre continued. "We have lived here long enough to see the changes that have been made and people who live here like it. We don't like to see any of them have to leave Idamay."

The retired miner talked as we sat around the family dining table enjoying coffee and cake served by Mrs. McIntyre, assisted by Mrs. James McLeary, wife of the mine superintendent and a next door neighbor.

THE GOOD YEARS

He talked of the "good years we have had here" during which two sons were raised. Jack, a former Fairmont State College athlete, is now a coach and counselor at a high school in Maryland. Jimmy is employed in a supervisory capacity by Bessemer and Lake Erie Railroad in Greenville, Pa.

The McIntyres have lived since October 1948 in their present home situated on an Idamay hillside. They will continue to live there they said, "because there is no better place."

M'LEARY TO RETIRE

James McLeary will retire in January as superintendent of both No. 44 at Idamay and No. 41 at Barrackville. Employed in the mines for 43 years, he has worked at Idamay for the past 23.

McLeary said he was "sorry to see the mine worked out. It has been a good one and the men have always taken a lot of pride in working at Idamay."

The McLearys will continue to live at Idamay after the "super" retires. "There's no better place," he said and his wife agreed.

[From the Fairmont (W. Va.), Times-West Virginia, July 11, 1971]

IDAMAY IDEAL VILLAGE

(By Helen Bickel)

The story of a clean, beautiful and prosperous-looking village like Idamay has seldom been told, probably because it is clean, beautiful and prosperous-looking.

It doesn't fit in with the preconceived idea of the press and magazines that every mining town is a "coal camp" or "ghost town" in which miners live in misery in virtual hovels.

This is not to deny that such towns do exist in various parts of the country and that coal camps and miners' barracks weren't common here in an earlier day, but that day is past in this coal field.

MINE CLOSED

Idamay, here *Bethlehem Mine* No. 44 ceased operations after more than 55 years at midnight Friday, is a small community whose streets wind through hillsides overflowing with trees.

Every street in Idamay is paved and the signs informing the visitor of the names of these thoroughfares are sparkling white and visible. The homes are attractive, the lawns and surroundings well kept, and everywhere can be seen evidence of affluent living usually associated with suburbia or, at least, with larger towns.

Many of the homes date back to the beginnings of the community and there are several of recent vintage. It is hard to distinguish between the two.

PRIDE IN TOWN

Bethlehem Mines acquired the Idamay mine and the homes that went with it in 1943. Shortly thereafter, the company repaired and renovated the residences and then sold them to the families, most of which had lived in the houses since they were built in the years immediately preceding War I.

The new homeowners took it on themselves to make further improvements to the frame houses, and through the years a picturesque village has developed that is the pride of everyone who lives—or has ever lived—in this pleasant town.

GREEN PREDOMINATES

There is more green to be seen than anything else in Idamay. The trees, the hillsides, the lawns and shrubbery abound in the color. It comes as something of a surprise to realize that all this verdancy surrounds a coal mine that has produced more than a million tons of coal in each of the years it has been in operation.

On a recent day when we paid a visit to this unusual village, we noticed that several housewives had clothes blowing in the mild breeze on lines in back of or at the side of their homes—an unbelievable sight for one who would never dare hang clothes out to dry in her yard located not too far from the downtown area.

Men were down in the mine bringing out the last few tons remaining in the vast underground passageways and the cleaning plant was in full operation. Yet housewives were able to give their household linens and clothing the benefit of the sun and wind with no fear of soot and smog.

CLEAN OPERATION

The cleanliness of that part of the operation above ground has had much to do with the looks of the town that resulted when the mine was first opened. The buildings constructed by Bethlehem and those that were purchased from Consolidation Coal Co. are in excellent condition and the plant has more of the look of an institution than of an industry acknowledged to be just about the "dirtiest" that ever existed.

From the well-equipped, spotless dispensary—where Nurse Rose Cutlip has treated less serious injuries for almost eight years—to the supply building, oil and grease house and the various other structures necessary to the operation of a coal mine, the area is clean and amazingly free of debris.

MANY FLOWERS

The residents of Idamay and the company have worked together to transform the town into a village in which Marion County and the state of West Virginia can take pride.

Flowers grow in sculptured beds, alongside porches and in containers, placed where they will catch the sun as well as the eyes of a passerby. We noticed hollyhocks and Tiger lilies standing tall enough beside the heavy steel fence to almost hide from view the coal cars waiting to be moved over the railroad tracks.

Children in Idamay play in their own yards or in the playground built for them beside the elementary school. Many of the homes have their own backyard pools, we were told, and we noticed two or three pleasure boats on trailers ready for the family's weekend outing to the river.

The songs of birds were not dimmed by the work going on at the mine. We watched with delight the activities of a hummingbird as it approached a feeder in the back yard of the home of Mrs. Harold McIntyre with whom we visited briefly. Mr. McIntyre called attention to the vegetables growing in his garden and told us that "most everyone in Idamay has a garden."

MUCH REMODELING

While most of the houses are frame and are painted white—the better to show off awnings, flower boxes and trellised roses—many have been covered all or in part in stone. We were told that "there are no vacant

houses in Idamay" and that by far the greater number are owned by the people who live in them.

Idamay has more than beauty, however. It has its own sewage disposal system—built for the town by Bethlehem Mines—and its water supply comes from Monongah. A spacious community building is almost completed, with a two-stall garage on the first floor to house fire equipment and a large meeting room above. Protection from fire has been furnished by the mine but since it has now closed Idamay residents will donate to Farmington and Worthington Volunteer Fire Departments, it was understood. Fire hydrants are placed throughout the community for the protection of Idamay's homes.

The attractiveness of the charming village goes beyond its environs. A slag heap has been reclaimed by Bethlehem and the result is an area with possibilities that exercise the imagination. (We could envision a subdivision of homes with a breathtaking view of the surrounding hillsides, a helicopter landing strip, slopes for skiing, to mention a few that come to mind.)

MANY INVOLVED

The story of Idamay is one that involves all of its residents. Organizations have had a part, including the Idamay Improvement Association, the Lions Club and the Idamay Homemakers. All groups have done much to help their town and they will continue to do what remains. Beryl Toothman is president of the Improvement Association, Charles Green is vice president, Mrs. Donald Barr is secretary-treasurer and members of the board of directors, in addition to the officers, are Harold McIntyre and James Willard.

Mrs. Steve Kropog Jr., is president of the Homemakers and Ray Kelley head the Lions Club. Each organization has carried out various projects that have resulted in improvements to the town.

Residents of Idamay describe it in various ways. James McLeary, superintendent of the mine who has lived in the village for 23 years said that on winter nights when the opposite hillsides are covered with snow it reminds him of a "little Switzerland." A wife whose husband is now retired said, "It's heaven to me." Her husband called it "peaceful."

Not all of the families who live in Idamay are connected with the mine. Someone said that only about 44 men of the some 208 hourly workers at No. 44 live in the town where they worked until this past week. "They would like to live here but there aren't enough houses," we were told. Once a family lives amidst the hills and trees and clean, open air, its members are not likely to want to leave.

Several new homes have been built in recent years and a few are under construction now. Homeowners work in various industries and business places in Fairmont and other nearby towns and cities.

TO STAY HERE

One young man, soon to be married, gave us an answer we liked when we asked why he planned to live in Idamay when his work is elsewhere. He is Trooper James McGraw of the Shinnston Detachment of the West Virginia State Police.

We were introduced to McGraw when we were driving back down to the mine after a visit to a pleasant park located on a hilltop wooded with tall walnut trees. His father was a miner and Trooper McGraw has lived in Idamay most of his life. He will marry the "girl next door" and will live on the street where his parents live now.

Why live in Idamay, we asked? The young man looked over the hillsides, stretching his arm and pointing his finger as he replied, "Just look at it."

We knew exactly what he meant. We knew, too, what Lew Savisky, assistant superintendent at Mine No. 44 was talking about when he summed up the story of Idamay by saying, It's pride. The men who worked here have it and so do the people who live here. That's all it is—pride."

[From the Fairmont (W. Va.), West Virginian, July 12, 1971]

IDAMAY GETS SMALL INDUSTRY

(By Helen Bickel)

The old company store at Idamay, where No. 44 ceased operations after 55 years last Friday, has been transformed into a small plant for the manufacture of homes to help meet the demand of families wanting to live in the picturesque little village that ignores the appellation "ghost town."

Superior Modular Homes Inc., a firm headed by Edgar Parks, has occupied the building since April. Extensive remodeling is under way in the large two-story frame structure to make it into the kind of factory needed to make the prefabricated houses quickly and efficiently.

Parks, who had worked as a man hoist operator at the mine for 24 years prior to its closing, has been building homes "on the side" for a number of years. He has had a hand in the construction of some 15 brand new homes in the small town in the past five years and "there are more to come," he said.

"We can't keep up with the demand," Parks said. "There are no vacant homes in Idamay and we aren't expecting any. More people are wanting to come out here to live in our town."

PLAN DEVELOPMENT

Home building in the attractive village will get a tremendous boost if plans for a housing development materialize.

Roy G. Arnott, Marion County supervisor for the Farmers Home Administration, has met with members of the Idamay Improvement Association to discuss the possibility of applying for a federal loan with which to start the development.

"The money is available," Arnott said, "and as soon as a site is settled on and plans made for its purchase, we'll get to work on the loan for the town."

Idamay, in Parks' opinion, is "the ideal place" for a housing development.

"We're located on a through road," he said, "and Route 15 is the most traveled secondary road in the county."

The streets are paved in Idamay and the sewage treatment plant—built for the community by Bethlehem Mine—"can handle another 100 houses," Parks pointed out.

OTHER ASSETS

A well-kept elementary school building surrounded by a playground with equipment for the youngsters, a community building under construction, a hilltop park and picnic area on company land are among other assets of the town.

"The water supply is good, we have fire protection from Farmington and Worthington," Parks said, "and one of these days, we'll have our own firefighting equipment."

Asked if the town would "suffer" because of the mine's closing, Parks replied in the negative.

"More than 75 per cent of the homeowners did not work at the mine," he said. "We have people who work in businesses, industry and other mines living out here and more are wanting to come. The town won't suffer," he added.

He called attention to a sprawling brick home of almost estate proportions which had been built by a man employed by a company in Fairmont. Other recently constructed houses also were pointed out and Parks showed one his firm is building at the moment.

ASSEMBLY UNITS

Superior Modular Homes puts the units together and then transports them on trailers to the building site. A new home can be put under roof in just a few days' time, the builder said.

The store building was constructed in 1916 and is located next to the small brick post office that serves the community. A porch extends across the front of the structure and the building is in exceptional condition, considering its age.

The store was operated by Consolidation Coal Co., original owners of the mine, and when Bethlehem Mine took over, the old "company store" was sold to Wesley Hatfield. Hatfield closed his general store in 1950 and until Parks purchased the building, it was used as a meeting place and "teen center."

Superior Modular Homes Inc., is a small firm with six employes currently. Parks hopes to add more men and predicts "we'll have 15 or so when we get going."

Along with Idamay, this home-owned and operated business is on its way.

[From the Fairmont (W. Va.) West Virginian, July 13, 1971]

IDAMAY DAYS RECALLED

(By Helen Bickel)

Ross Merriweather and Charlie Elekes have been retired from the coal mines for several years, but to both men the closing of Bethlehem Mine No. 44 at Idamay was a personal happening.

The two men visited the mine one day before it closed last Friday. They knew the mine was old and worked out—it had been in operation for more than 55 years and had given up millions of tons of coal from its underground depths—but the retired miners found it hard to believe that all activity around the tipple and cleaning plant would cease.

Elekes retired in 1959 after 48 years in the mines. "I'm sorry to see this mine close," he said, and there was a touch of sadness in his voice. "It was a good mine, a good place to work.

PRAISES COMPANY

"The company not only preached safety but lived up to it," Elekes emphasized his statement with slight gestures of one hand, then the other. He expressed concern for the miners of "55 or 60" who wanted to continue working but might have "a hard time" finding jobs.

"I've been lucky," he continued and said, "the mines have been good to me."

A native of Hungary, Elekes came to this country in 1911 as a lad of 17. He started working at No. 9 in Farmington and ended his career as a roof bolter in No. 44. "I have done practically everything in the mines," he said.

Elekes now lives in Farmington, a town he served as mayor from 1959–61. He was a member of the town council for 12 years before his election as mayor.

Mr. and Mrs. Elekes are the parents of eight children—five boys and three girls—and five members of the family attended college, a fact for which the pleasant retiree is rightfully proud.

DESCRIBES LIFE

"The mines have been good to me, too," Merriweather, soft-spoken and articulate, said. He is well known throughout the county for his work with the union.

The father of three daughters, two of whom attended college, Merriweather was born in Alabama and came to West Virginia as a boy. He has worked in the mines since he was 17 and most of his years have been spent in Marion County.

Merriweather retired in 1960 after 46 years in the mines and was a pin timberman at Idamay. He now resides at Carolina.

"I have had a fine life in the mines from the time Bethlehem took over. No other company can come up to the standards of this company," Merriweather said. "It's the greatest one I ever worked for," he added.

"They treated their men well and their safety program was one that worked" the long-time coal miner said.

Merriweather mentioned the many friends he had made during his many years as a miner and said that some of them were still working. He, too, expressed a hope that the ones not old enough to retire would be able to continue "working with Bethlehem."

The thought of the closing of No. 44 "is a gloomy one," Merriweather concluded, "but the time comes for a mine, the same as a man, when there's no more work to be done."

[From the Fairmont West Virginian, July 14, 1971]

GOB PILE GONE

(By Helen Bickel)

A land conservation program that can serve as a model for reclaiming West Virginia's mine "gob piles" is well on its way to returning a large area near Idamay to its original beauty.

Since 1965 when the project was started by Bethlehem Mines Corp., owners of Mine No. 44 which ceased operations last Friday, approximately 30 acres of mine refuse dump area have been covered with trees and some 40 acres have been covered with grass.

The vegetation is flourishing and provides a perfect camouflage for what once was an unsightly part of the Marion County countryside.

FAMILIAR SIGHT

Coal mine refuse is a gray-black mixture of slate, shale, sandstone and coal that remains after raw coal is cleaned in the preparation plant. When dumped indiscriminately and left uncovered, the huge heaps of refuse—a familiar sight in any coal mining area—are depressing and ugly.

Bethlehem Mines, wanting to provide productive and attractive land for the use of and enjoyment by future generations, decided on a landfill operation to dispose of refuse hauled by truck from the preparation plant at Idamay.

Located at the base of a hill, the landfill area was leveled and excess earth pushed to the edges. This area was then filled with alternate layers of mine refuse and earth, compacted and surrounded with earth to keep out and prevent spontaneous combustion.

SLOPE PLANTED

As the fill progressed upward, the slope border was planted with grasses and trees to provide erosion control and an attractive permanent cover.

Located below the now-green hillside is a "settling pond," into which mine refuse made up of finer particles is pumped in the form of a sludge.

As the water evaporates and the pond fills with solid material, it is covered with a two-foot layer of soil to provide a good planting base. The pond is then contoured to provide proper drainage and a more attractive appearance. The area used to dispose of this type refuse, approximately 15 acres to date, was seeded with Kentucky bluegrass, Kentucky fescue, perennial rye grass and lespedeza.

In cooperation with the U.S. Soil Conservation Service, Bethlehem Mines arranged with Monongahela Soil Conservation District to do some of the planting on an old mine refuse pile near Idamay at Bethlehem's expense.

VARIETY OF TREES

In the spring of 1965, some 4,000 seedlings were planted on a slope of the refuse dump which was first covered with a layer of clay. The trees planted were bristly locust, tree of heaven, European alder, speckled alder and mountain ash.

In 1966, approximately 15 acres of the old refuse area were planted with seedlings, consisting of 5,000 white pine, 5,000 Virginia pine and 2,000 black locust trees. Then the area was hydromulched with paper pulp and sown with a seed mixture of switch grass, alta fescue, perennial rye grass and ycca. The paper pulp mulch absorbs the water and fertilizer and retains it in the area of the seed, thereby promoting faster and better growth. It also reduces the amount of seed carried away by wind and water.

During the spring and fall of 1967, an additional 5,000 white pine, 6,500 Virginia pine, 3,500 black locust, 500 autumn olive and 500 European black alder seedlings were set out and 2,000 pounds of grass seed were sown.

In 1968, 10,000 white pine, 500 locust, 250 European black alder seedlings and 600 crown vetch plants were set out. In addition, switch grass, alta fescue and perennial rye grass seed was sown.

The reclaimed land sits high above the trees growing in a valley below and in the distance can be seen the town of Farmington. Looking towards the right over the highway that curves between Farmington and Idamay the section formerly known as "Bessie Ann" and "Gobbler's Knob" is visible.

Closer to the sky and clouds than any land surrounding it—except for the mountains that hover beyond a layer of hills—what was once a miserable, ugly refuse dump is now attractive acreage with unlimited possibilities for development.

[From the Fairmont (W. Va.) West Virginian, July 15, 1971]

CONFECTIONERY PERFECT STORE FOR IDAMAY

(By Helen Bickel)

The only place of business in Idamay is the perfect establishment for this beautiful little village. Located on one of the streets that curve around the hillsides and through the town, Rizzo's Confectionery and Pressing Shop has an appearance similar to the attractive homes that surround the store.

A large rectangular sign out front states the name of the owner and the purpose of the building. This is the lone feature that distinguishes Rizzo's store from the residences on the street.

Joe Rizzo has operated the multipurpose business on the ground floor of his home since 1953. In addition to the store—which has "a little bit of everything," to quote the owner—there is a pressing shop at the side and an office for residents to pay their gas bills in the rear.

SEES GROWTH

Closing of Mine No. 44 last Friday will have "a little bit but not too much" effect on his business, in Rizzo's opinion. Some 45 families depended on the mine for their livelihood but many of these miners will retire or be transferred to other mines operated by Bethlehem Mines Corp., Rizzo said, and he doesn't expect too many of them to move elsewhere.

As a matter of fact, the Idamay businessman believes the pleasant town will grow "I predict we will have another 100 families within the next few years," he said. "We have room for them and people are beginning to realize that this is a good place to live."

Born and reared in Idamay, Rizzo worked briefly in the mine at Carolina before opening a business in 1945. His first store was located on the old road between Idamay and Farmington.

Rizzo and his wife Mary work long hours in their place of business. The store is open seven days a week, from about 7:30 a.m. until 9:30 p.m. "Sunday hours are a little shorter," the store owner said.

LIVE ABOVE

Since their residence is located over the store the Rizzos are frequently asked to "open up when people run out of something," Rizzo said. "But we don't mind," he added "these are good people here and we do what we can to help them out."

Rizzo's store has enough of a variety of items to qualify as a "general store." A quick look around showed everything from castor oil to shoestrings, thumbtacks to potatoes, fuse plugs to bobby pins.

Included in the stock of the interesting establishment are groceries, confections, patent medicines, kitchen and cleaning supplies, beauty needs, toys and paint brushes.

Hanging from the ceiling are sacks of potato chips and similar snacks alongside neat rows of work gloves. A glass case at the side of the counter holds tobacco supplies. Small pieces of penny candy are in jars lined up at the rear of the counter.

OTHER SUPPLIES

Soft drinks, beer, and ice cream are in coolers not too far from the entrance to the store. A huge refrigerated cupboard with glass doors contains milk, cheese and other dairy products. Packaged cookies and picnic supplies are stacked on open shelves.

In spite of the vast array of items in stock, Rizzo's store is a neat place and everything is displayed for the convenience of the shoppers as well as the owners.

Mr. and Mrs. Rizzo run their triple-business themselves. Rizzo picks up clothing in Idamay and Carolina and brings it to Fairmont for cleaning. He does the pressing himself with help from his wife.

"When the boys were growing up, they used to help out," Rizzo said, "and whenever they're around, they still give us a hand when we need it."

The Rizzos are the parents of two sons. Jim, a Fairmont State College graduate, is an auditor with the state tax department. Sam is a student at Fairmont State.

FRIENDLY PEOPLE

Asked if they ever took a vacation, Rizzo looked around his store and said, "This is our vacation." He admitted, however, that he takes a day off now and then to play golf.

The Rizzos are friendly people and their customers who come to their store are addressed on a first-name basis. They especially like children who are among their best customers.

Treasurer of the town's active Lions Club, Rizzo is well aware of what is going on in Idamay. "We have been a lucky community," he said. "We can be thankful for a company that has done as much for us as Bethlehem has. They built our sewage treatment plant and paved the roads around here. All we have to do is keep them up."

Even though the residents of Idamay no longer have "the company to depend on," in Rizzo's words, he believes they will continue to "keep up their property and keep our town a nice place."

"And Idamay is a nice place. The kids are wonderful," the man who runs the town's only business said. "They are never a problem, they have never tried to steal anything. Why, we don't even have a policeman, but then we have never had any trouble."

With good citizens such as the Rizzos, Idamay should have no problem keeping this record.

AUTHORIZING THE DISTRICT OF COLUMBIA TO ENTER INTO THE INTERSTATE COMPACT ON MENTAL HEALTH

HON. ARTHUR A. LINK

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. LINK. Mr. Speaker, I have today joined with the gentleman from Missouri (Mr. HUNGATE) in sponsoring a bill

to authorize the District of Columbia to enter into the Interstate Compact on Mental Health. Forty States, including North Dakota, are presently members of this compact.

The following letter from the District government explains the purpose of the bill:

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 14, 1971.

The Commissioner of the District of Columbia has the honor to submit for consideration by the 92nd Congress a bill "To Authorize the District of Columbia to enter into the Interstate Compact on Mental Health".

The purpose of the compact is fourfold. First, it guarantees that any person found to be mentally ill or mentally deficient within a party State will receive care and treatment in that State regardless of legal residence or domicile. Second, it permits the transfer of a mentally ill patient to an institution in another State when such transfer is found to be in the best interests of the patient. Third, it provides for interstate cooperation with regard to after-care, and supervision of patients on convalescent status or conditional release. And finally, the compact encourages supplementary agreements between two or more party States for the furnishing of care and treatment of patients on a cooperative basis.

Forty States are currently participating in the Interstate Compact on Mental Health. The District of Columbia is one of the few remaining jurisdictions in which eligibility for care and treatment of mental illness is based on the legal and technical definitions of residence or domicile, rather than on what is determined to be best for the patient from a medical and humanitarian point of view. The Commissioner is of the view that participation in the compact is necessary in order to update the District's approach to the problems of care and treatment, institutionalization and interstate transfer of mentally ill persons and to bring the District in step with the forty States already joined in this important example of interstate cooperation.

The Commissioner of the District of Columbia strongly urges favorable consideration of the attached draft legislation.

Sincerely yours,

GRAHAM W. WATT,
Assistant to the Commissioner.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

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

H. RES. 319

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

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

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

"The question of releasing captured military men."

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

NEW JERSEY SYMPHONY ORCHESTRA

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HELSTOSKI. Mr. Speaker, the music lovers of Metropolitan Washington, who attended the concert at the Filene Center of Wolf Trap Farm Park, were treated to a splendid musical performance of the New Jersey Symphony Orchestra, conducted by the able music director Henry Lewis.

We have always been proud of the New Jersey Symphony, but only since 1968 when Henry Lewis took over as musical director, has it risen to the prestige and acclaim it now holds.

Mr. Speaker, there is nothing better than to read a review of the concert to make one's pride become more pronounced. I have known for a long time that the New Jersey Symphony was well deserving of the accolades it has received in its past appearances. I am now of the opinion that Washington, one of the greatest cultural centers of this country, has received this symphony with the enthusiasm it deserves.

To illustrate the acceptance of the performance made by the New Jersey Symphony, Mr. Speaker, I would like to include as part of my remarks, the comments made by Alan M. Kriegsman which appeared in the Washington Post of Monday, August 2.

The review follows:

SYMPHONY NEW JERSEY

(By Alan M. Kriegsman)

Until Saturday night, when he led the New Jersey Symphony in one of several appearances at Wolf Trap, it had been quite a few years—perhaps seven or eight—since last I heard Henry Lewis conduct. Back then, in California, he seemed a promising youngster no more and no less. Now that promise has been realized, more fully and more brilliantly than anyone could have anticipated in so short a time.

To start with, there is the miracle he has wrought with the New Jersey Symphony. If you have been entertaining any vague notions, as I have, that the Jersey orchestra must be some hick outfit, you couldn't be more in error. I don't know what it was like when Lewis took over in 1968, but now it rates only a few notches beneath the nation's finest.

It is perfectly clear from the orchestra's response to his command that Lewis must have had a great deal to do with the ensemble's present excellence.

The sound and texture are glorious throughout every choir. The strings could use more body, possibly, but their quality is wondrously silken. Splendid winds and brass; the horns are particularly strong, and the first oboe is outstanding. I looked over the fine percussion section and noted to myself that only once before, years ago in New York, had I seen a lady timpanist of this caliber. Sure enough, inquiry confirmed that it was the same gal, Elaine Jones, who really knows how to make those tubs sing and is right there rhythmically with an exactitude that is rare.

From this extraordinary instrument, Lewis drew extraordinary results. His baton work is a pleasure to watch, not just because it is crystal clear and graceful, but because it is a perfect graphic analogue of the ebb and flow of the music. And from the orchestra it summons amazingly vital rhythms, lively articulation and supple, shapely dynamic curves.

The opening orchestral potpourri from "Der Rosenkavalier" was as voluptuous, as subtle, as endearingly romantic as one could wish, and incidentally, it couldn't have sounded more thoroughly "Viennese" in style had Strauss himself been at the helm. All of which is to say that the most impressive thing about Lewis is the interpretive maturity he has achieved.

It is hard to think of another singer today who is as much the total artist as Miss Horne. She's got everything—staggering technique, a voice as radiant and true from chesty bottom to soaring top, impeccable musicianship, and a personal intensity that makes listening to her almost unbearably affecting.

She delivered the goods, too. Her sensitivity and restraint in the "Che faro" from Gluck's "Orfeo" were no less winning than the luscious cantabile of her "Nobles seigneurs, salut!" from Meyerbeer's "Les Huguenots," or her infinite tenderness in "Mon coeur s'ouvre a ta voix" from Saint-Saens "Samson et Dalila." In Rossini's "Non temer d'un basso affeto," from "The Siege of Corinth," she gave as fantastic an exhibition of coloratura virtuosity as I ever hope to hear, yet her unfailing musicality kept it within the strictest bounds of tastefulness. She requited the prolonged cheers of the crowd with an equally stunning "Cruda sorte," from the same composer's "Italiana in Algeri."

The program ended with Glazunov's Symphony No. 5 in B Flat, resurrected from its relative obscurity in a performance of immense warmth and spirit. This was the final sign—a conductor who can make second-rate music sound supremely inspired is really one to watch.

FRANK OSTER AND ROBERT HOWELL: COPS WHO CARE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. MAZZOLI. Mr. Speaker, the policeman of today finds in his work a difficult and growing challenge. It is only rarely that you find men who can accept and meet that challenge. That is why men like detective Walter Oster and officer Robert Howell of my district are so deserving of the attention of the House.

They and other members of the Louisville Division of Police render community service both during and after duty hours.

Through coaching, counseling, and teaching among the young they work to fight crime before it has happened. Such devotion is invaluable.

For the information of my colleagues, I insert at this point in the RECORD the text of a recent Louisville Times article by Frank Clifford about these devoted policemen:

COPS WHO CARE

(By Frank Clifford)

Finding a job for a dispirited ex-convict; chaperoning a group of city youths on a weekend camping trip; introducing an agile young street fighter to competitive athletics; becoming an adult "big brother" to a fatherless boy.

It's all part of the voluntary extra duty pursued these days by a growing number of Louisville police officers.

Between 100 and 150 city policemen are devoting their own time to coaching, counseling, teaching, or aiding in some capacity a variety of individuals and community groups, according to one estimate by an assistant to the chief of police.

Some of the officers, like 2nd District detectice Walter Oster, have translated community spirit into everyday responsibility.

During his five-year career as a police officer, Oster, 26, also has been a sandlot baseball and football coach, a volunteer probation officer and a community house staff member.

"Just keeping in touch with the boys I've worked with takes up an hour or two each day," he said.

Oster credits his preoccupation with athletics and youth activities to natural inclination, but he said he became interested in working with delinquent boys after an investigation to which he was assigned last year.

"It involved a beating, one of the worst I've ever seen," he said. "For no apparent reason, a bunch of boys jumped a man and whipped him almost to death with lug wrenches and tire tools."

Oster arrested the boys responsible and helped convict them, but he said the incident stayed with him long after the assailants had been sent to prison.

"I got to thinking about my own childhood and about some of the factors that drove boys I knew to do things I wouldn't have believed," he said.

"It was a case of nothing to do and no place to go, of standing around so long and getting so bored that finally something snapped inside," he said.

"I know the same thing is true in a lot of neighborhoods today."

Oster said he began revisiting the scenes of arrests he had made and started talking to some of the same boys he had picked up for fighting, or cursing, or sniffing glue.

"At first, they would hardly talk to me," he said, "but after a while they started to realize that I wasn't down there just to push them around and hassle them."

Oster's street-corner encounters moved last summer to a nearby community center where he sponsored a weight-lifting program, helped form regular group discussions and monitored weekend dances.

When the community center closed last winter, Oster began working individually with boys he had arrested.

In three cases, Oster said, he asked a judge to probate youthful offenders to his custody. The judge agreed.

"It was an experiment," Oster said, "and I wanted to try it because after arresting these boys I felt they weren't entirely at fault for what they had done.

"I felt they were basically good boys who needed someone to give them some self-confidence."

Oster readily admitted that his efforts have not been completely successful.

"One boy just didn't want to have anything to do with me, and I lost track of him," Oster said. "Eventually, he got picked up for a pretty serious crime."

But Oster has not been discouraged by occasional failure, and he is not disturbed by the skepticism of some of his colleagues.

"Some policemen think that there's nothing to be done for these kids, that they're just a bunch of punks," he said. "But I don't know. I tend to feel like those sidewalk preachers you see around town, and you know what they say.

"If you can save one person, you've made a success."

Like Oster, 4th District officer Robert Howell started working with former lawbreakers after a series of casual sidewalk encounters.

In Howell's case, the sidewalk led to Dismas House, 124 W. Oak, a residence for recently paroled ex-convicts who are looking for work and, generally, trying to achieve a stable readjustment to society.

Last winter during the normal rounds of his beat, Howell began stopping outside Dismas House and chatting with the house director, Charles Eastland, and a group of current residents.

"At first, it was just a way of getting to know some of the people on my beat," Howell said.

But he started making visits during his off-hours, dropping by to talk some more, or to shoot a game of pool inside, or simply to listen.

JOINED ADVISORY BOARD

Several weeks after his first visit, Eastland invited the 28-year-old policeman to join the Dismas House advisory board. Howell accepted.

Since then, however, board meetings have represented only one facet of Howell's participation in the house's affairs.

He regularly contacts local employers in an effort to find jobs for house residents. So far, said Eastland, he has been responsible for putting seven men to work.

In addition, he has helped select new residents from applicants who are about to be paroled from the state reformatory near La Grange.

And, recently, Howell has conducted informal seminars for ex-convicts who are unfamiliar with state and local laws.

Initially, Howell said, some of his superiors at police headquarters expressed concern over his involvement with Dismas House.

CONFLICT OF INTEREST?

"They felt that maybe there was a conflict of interest between my regular duties and my activities at Dismas House," he said. "On one hand, they said, I was supposed to be arresting lawbreakers, and, on the other, I was helping them.

"I said I felt that if I could put a man in a good position where he was earning an honest wage and making a contribution, then I'd have one less troublemaker to worry about on the street."

If criticism still is voiced within the department toward the kinds of things Oster and Howell are doing, it is virtually inaudible compared with the outspoken praise from the offices of Police Chief C. J. Hyde and Safety Director George C. Burton.

"Oster and Howell are the kind of men we like to talk about when we are discussing what we mean by the 'modern policeman,'" Hyde said recently.

The department's official enthusiasm for off-duty community service has inspired an experimental project in the city's Model Police District in which policemen receive financial compensation for extra work they do.

The project is beginning to emerge from the planning phase, and, thus far, district officials estimate that about 50 men have volunteered for programs ranging from self-defense classes for women to vocational training for young people.

Although the volunteers will be paid according to the department's standard wage rate, at least one police official has said he would like to see the scale increased.

"Ideally," said Burton, "men who do this kind of extra work ought to be paid double time.

"What they do is that important."

DECEPTION BY THE AMERICAN SECURITY COUNCIL

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BINGHAM. Mr. Speaker, on September 10, 1970, in a statement on the House floor, I noted the deceptive practices of the American Security Council in conducting and reporting its annual poll on national security issues.

In the most recent issue of its newsletter, Washington Report, the American Security Council provides a misleading report on a supplemental "study" issued by seven members of the President's Blue Ribbon Panel on military procurement and management. The enlightening facts of this latest example of the ASC's biased reporting have been very ably exposed by Mr. Harold Willens, chairman of the Businessman's Education Fund. I commend Mr. Willens' analysis of this ASC report to the Members of the Congress, and I include it herewith:

In the immediate past issue of its 35,000-circulation *Washington Report* newsletter which the American Security Council distributes to military and industrial supporters and to Capitol Hill, the Council tries to elevate a supplemental report filed by seven members of the President's Blue Ribbon Panel on military procurement and management to the status of a suppressed document.

The headline on the newsletter is an emblazoned "top secret", and the ASC analysis starts out, "The best kept secret in the United States seems to be the news that the period of U.S. superiority of military power has ended."

Thereupon the ASC publication quotes liberally from the "secret" supplemental report to advance the Council's view that the U.S. should be spending even more of the national resource on military development. In thus dramatising its position, the ASC's newsletter omits much relevant information.

Sen. Barry Goldwater put the entire text of the "secret" report in the *Congressional Record* on May 12th on page 14676 and Sen. Harry Byrd put the entire text in again two days later on page 15136. Cong. John Schmitz likewise put in the complete text in the *Congressional Record*.

The complete text was also attached as an appendix to the Joint Atomic Energy Committee Report. The American Security Council is offering the "top secret" supplement which it appears to have had printed to persons sending in one dollar. It fails to note that it can be also secured for 30 cents from the Government Printing Office or seen free at any public library carrying the *Congressional Record*.

Dr. Marvin L. Goldberger, an original member of the President's Blue Ribbon Panel, was asked to comment on the supplement when he appeared before the Muskie Subcommittee this past June 17th. He characterized the supplement as completely irrelevant.

He now tells us, "This supplement is so off base it makes even the sort of thing the American Security Council usually publishes sound almost closely reasoned."

Since Doctor Goldberger was chairman of the Strategic Weapons Panel of President Johnson's Science Advisory Committee and is now chairman of the Federation of American Scientists, we have it on high technical authority that the supplement issued by seven non-technical men is nonsensical.

The supplemental statement was actually filed with the Pentagon last September and as the ASC newsletter does point out, was released by the Pentagon on March 12th.

While the ASC complains that "neither Government nor the media (with the exception of *U.S. News and World Report*) deemed it a matter to be explicitly made known to the American people," the probable explanation is that the media viewed this as simply another Pentagon effort to sell the nation on spending more money for armament. The timing of the release and of the various insertions in the *Congressional Record* all preceded the vote on military appropriations.

The ASC newsletter takes cognizance of this skepticism noting . . .

"Whereas previous warnings of a dangerous shift in the balance of military power were often discounted on grounds that those raising the alarm were 'military-oriented' this cannot be said of the authors of the special 'Blue Ribbon' report."

What the ASC conceals is that at the time of their appointments, six of the seven had ties to industries with defense contracts aggregating $426 million and to firms with defense industry holdings in excess of $200 million.

While these men are entitled to their no doubt sincerely-held views on national security, we are entitled to know their defense ties in evaluating them. There is no indication that the men signing the statement knew the American Security Council would attempt to conceal the ties. These links were traced in some detail by Sen. William Proxmire in his book Report From Wasteland.* The computation of the defense industry holdings is from the figures reported by Senator Proxmire.

PERSONS SIGNING THE BLUE RIBBON PANEL SUPPLEMENTAL STATEMENT

(Full description carried in ASC Washington Report, June 28, 1971). Summary of defense industry ties *at time of appointment* reported by Senator Proxmire in "Report From Wasteland."

William Blackie—Peoria, Ill.; Chairman of the Board, Caterpillar Tractor Corp. "Caterpillar . . . held nearly $43 million in defense contracts at time of appointment . . . also director of the Shell Oil Co. which held close to $33 million in defense contracts."

George Champion—New York, N.Y.; President Economic Development Board of New York. "Director of the Travelers Ins. Co., which has loans and stock interest in defense industries totaling almost $200 million . . . director . . . Int'l Paper Co., which held $665,000 worth of defense contracts, and of American Smelting and Mining Co., which had $448,000 worth of defense business."

William O. Clements, Jr.—Dallas, Texas, Pres. Southeastern Drilling Co. "Chairman of Board of Governor of Southern Methodist Univ., which held $735,000 in defense contracts . . . Chairman SEDCO, Inc., which held . . . $93,000 in defense contracts . . . Director, Fidelity Union Life Co. which has loans and stock interest in defense industries totalling $7.6 million."

John M. Fluke—Seattle, Wash.; President, John Fluke Mfg. Co., Inc. "which held $1,472,000 worth of defense contracts at the time of appointment."

Hobart D. Lewis—Pleasantville, N.Y.; President Readers Digest Assoc.; Inc. (no defense industry ties noted)

William J. McNeil—New York, N.Y.; Director and Advisor, Fairchild-Hiller Corp. "which (Fairchild-Hiller) has $148 million in defense contracts."

Lewis F. Powell, Jr.—Richmond, Va.; Lawyer, Past. Pres. American Bar Assoc. (1964–65). "whose law firm . . . represented Newport News Shipbuilding and Drydock Co. . . . with $181 million worth of defense contracts . . . Director of the C&P Telephone Co. . . . which held over $13 million in defense contracts."

*Frerick A. Praeger, 1970.

CITIZEN'S ROLE IN NATIONAL PROBLEM SOLVING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HAMILTON. Mr. Speaker, I include the text of my speech prepared for the July 31 meeting of the Jaycee's Mid-American Institute at Bellarmine-Ursuline College, Louisville, Ky., at this point in the RECORD:

THE CITIZEN'S ROLE IN NATIONAL PROBLEM-SOLVING

The American people believe their nation is in trouble. Their traditional optimism about the nation's steady progress has faltered and most feel that the United States has slid backward over the past five years.

This public anxiety over the state of the nation focuses on the tensions and the divisions among us, and many Americans believe a real breakdown could occur.

These views are the carefully documented conclusions of a Gallup poll, as reported in a recent book entitled: "The Hopes and Fears of the American People."

Your own conference theme—and your seminar topics—reflect this unrest and concern about the nation. Your theme suggests that you are sufficiently concerned that you want to know: "How can I help?" "What can I do?"

Why is there this pervasive mood of unease and disquiet?

We are winding down the most frustrating war in American history—a war:

—that has cost $120 billion, and will cost in veterans benefits another $60 billion over the next 100 years

—that has resulted in over 350,000 U.S. casualties (More than we suffered during World War I).

We have strategic weapons in place today to cause, within twenty minutes from now, 240 million fatalities in the Soviet Union and the United States.

At every turn of the television dial or newspaper page we are reminded of the violence that bubbles and seethes around the world—in Sudan, Morocco and Jordan.

Despite all our efforts, the gap between the rich nations of this world and the poor nations increases with ominous implications for the future.

The performance on the American economy in recent years gives us cause for alarm. Unemployment and underemployment devastate many and inflation haunts all of us.

Although many say we have done too much for the black man, he is restive—and no wonder:

—He is three times as likely as the white man to die in child birth.

—Three times as likely to live in poverty.

—Twice as likely to be unemployed.

—Half of his housing fails to meet health and safety standards

—His income is 40 percent lower.

And even his life expectancy is 5 years shorter.

The rich natural heritage of our land is slowly being booted away as we proceed pell mell with the destruction and fouling of the natural environment.

We wonder where we, as individuals, really fit in.

Whether we can make our mark felt.

Whether we are shut out from the decision-making processes of the nation.

Part of the problem, of course, is that we face a constant bombardment of information about the details of problems at home and abroad. Recently I turned on an early morning news program and the announcer began by observing that there wasn't much news on that day. He then proceeded to talk of anarchy in Pakistan, air strikes in Vietnam, a $3 billion legislative battle in the Congress, and a coup d'etat in the Sudan.

It is no wonder my 13-year-old daughter said to me the other day after I had encouraged her to watch the evening news, "Dad, I just don't like the evening news. All the problems depress me."

We face a constant succession of problems of crisis proportions, and we cannot mobilize ourselves or others for any cause, no matter how meritorious or pressing.

Part of the problem is that we live in a maze of paradoxes that confuse and unsettle us. The GNP doubles in a decade as cities and states teeter on the edge of bankruptcy.

We have built a nation of incredible wealth and yet never have the problems of the poor so beset us.

We have passed civil rights laws of sweeping dimensions, yet discrimination still denies jobs and housing to millions. There are no blacks, for example, in the top 2500 executive positions of the top 50 corporations in America.

I can understand the frustration of the constituent who wrote to me the other day and said, "Congressman, you talk one day about progress and the next day about the problems. Are we making progress or not? Can't you make up your mind?"

We are progressing—but our expectations soar and the gap widens between where we are and where we would like to be.

So, as the report on the hopes and fears of the American people suggests, we are more aware of national divisions and differences, the breakdown of law and order, the constant threat of war, the uncertainty over the economy. A whole array of social problems—drugs, pollution, crime, political instability—seem suddenly to have sprung upon us. Although things seem to be going reasonably well for most of us in our personal lives and we each look forward to personal attainments and progress, the national scene causes us unrest and distress.

So it is appropriate that you, out of your concern as young leaders, ask, "What can I do for my government? Can I be part of the answer rather than part of the problem?"

Allow me to make only one suggestion in answer to your questions.

You can develop a sophisticated understanding of what the decision-making processes of this nation require of each one of us.

Nothing is more desperately needed in this nation than for large numbers of citizens to grasp the essentials of these requirements.

The founding fathers of this nation agreed upon a set of principles and what they thought was a perfect plan of government to preserve order and liberty. But they also knew in order to make that system work,

people had to understand the democratic process, and what it required of them. They knew that if an insufficient number of us failed to get into our bones what the Democratic process meant and what it demanded of us, their noble experiment would fail.

The beginning of understanding is to realize that any one of the problems that confront this nation are enough to bring us to catastrophy, if left unattended. One reason for the disquiet among the American people is a growing awareness of the magnitude of the problems that we have, and a dissatisfaction with our rate of progress. A constituent said to me just the other day, half in jest, and half seriously, "Don't we ever solve problems any more?"

They are terribly complex. They are not going to be solved over night, not withstanding the soaring rhetoric of politicians who have become unhitched from reality.

We will not abolish poverty tomorrow afternoon. We will not beat aircraft carriers into tractors next week. We will not, by single act of the United States Congress, cause discrimination to fade into non-existence.

Not long ago a constituent burst into my office loudly denouncing the U.S. State Department for its stupidity, if not its treasonous intent. He had read a single newspaper article about Communism in Japan. The article blamed U.S. policy for much of the difficulty. I told my friend I knew little of the problem, but I suggested he talk to a friend of mine on the State Department's Japanese desk. He did so, and later in the day he returned to my office with a sheepish smile on his face, and a large stack of materials. His comment was, "You know that's not such a simple problem those fellows are wrestling with." He and I both learned something about the complexity of our problems.

There are some who want to ignore these problems, but they are not going to solve themselves. This government is so constituted that sufficient numbers of displeased persons will make their objections known and felt. And if we refuse to acknowledge that serious problems exist, or if we acknowledge them and don't do anything about them, then we make a very serious miscalculation about the nature of the democratic process.

Some, facing the complexity of these problems, will grasp for simple solutions. But there are none.

Some would solve the problems by pasting a label on the proposed solutions. If the proposal is labeled, "A conservative approach" the self-styled conservative automatically advocates it; if it is labeled a "liberal approach" the self-styled liberal proclaims it. But labels get in the way of real solutions. Forget them. Study the issue, the facts, the proposed solutions, and ask yourself: What will work? What is feasible?

Not long ago a constituent castigated me for voting wrong 80% of the time on the basis of ratings of Congressional voting by a certain national organization. I wrote back and said it must be easy to have a massive organization do your thinking for you, to accept blindly and faithfully its judgment on national issues. He was thinking by labels, and labels that someone else applied for him.

Some persons as they survey the national agenda, become too quickly discouraged. They are there for the parade, but not for the long, hard pull.

Right after the 1968 Chicago Democratic convention a cry of alarm ascended from many who rightly demanded reform of the Party—a reform which was badly needed to open up the decision-making processes of the Party. All kinds of committees and commissions were appointed, but many whose cries for reform were the most anguished in Chicago were not there to work out the details of reform, day by day, line by line, word by word.

This democratic process requires staying power. Without it, there is no chance of improvement or accomplishment.

It also requires us:

To be constructive

To speak for interests far beyond our own

To seek to build bridges of understanding and reconciliation

To emphasize positive proposals rather than protests

To build rather than to tear down.

It requires us to have an appreciation of the political process as the art of compromise or the art of things possible, as Count Cavore put it a century ago, without the constant exercise of compromise and accommodation a responsive government simply could not exist in the vast, complicated, diverse country.

There are 20 million persons over 65 years of age who want adequate, self-respecting systems of social insurance. At the same time, there are 70 million persons under 21 years of age most of whom want access to higher education. The nation's resources are limited. We must compromise the demands of each group.

The process of accommodation will meet a stern test with the new political leverage of young people. One of the decisive political influences of recent years has been the senior citizens. As a result, the government has been giving increasing attention to Social Security, Medicare, and other benefits. Now with the sudden growth of the younger voting group in the 1970s, we can expect, in the process of compromising conflicting interests and competing demands, more emphasis in public affairs and legislation for the benefit of the younger generation.

No single group, political party or politician has a monpoly on virtue or patriotism. The democratic process is the practice of compromise and accommodation. It does not provide perfect answers, but it does provide suitable answers, and it is the cement that keeps this country from coming apart at the seams.

It requires that we be alert for ways to improve the decision-making process.

One of the things the Pentagon Papers say to us is that we must improve the decision-making processes in this nation. While a handful of our top policy-makers were involved in raging debates over the Vietnam conflict, very little of the debate surfaced. The American people who had the most at stake, were given little or no opportunity to understand the stakes, the difficulties or the options.

One of the most disturbing aspects of these papers to me, as a Member of Congress, is the fact that the U.S. Congress seems not to have been a partner in foreign-policy making in Vietnam. The Congress was looked upon by the policy-makers as an obstacle to be overcome, a nuisance, and certainly not a vital part of the decision-making process.

Is that the way the founding fathers intended it? Is that the way the American people want it? I cannot believe so.

Your awareness of the weaknesses in the process are a fundamental prerequisite for changing it.

It requires from us a recognition that at the center of this process—indeed at the center of what this country is all about—is a respect for the individual, not just the individual we agree with, but all individuals.

Their opinions are to be respected.

Their views considered.

Their dignity enhanced.

Their development promoted.

And their opportunities widened.

Because the democratic process demands that we respect individuals—it requires us to adopt an attitude of trust and confidence in our fellow Americans—not a blind undiscriminating attitude of trust of everyone to do anything, but a prudent attitude that gives the other fellow the benefit of the doubt.

Because we respect other individuals we will expose our ideas and proposals to analysis, examination and suggestions by others, as the democratic process requires.

We will agree to disagree agreeably. And in the rough and tumble of vigorous and heated discussion of policies we will remember the words of Isaiah—"Come let us reason together."

The decision-making process needs more than your understanding.

It needs you to work for the solution of one or more of the problems that grip your community.

You need not look far to find work to be done.

One of the distinguishing characteristics of the United States in the 1970s is that virtually every major institution is under fire and in a state of crisis:

From the military to the university;

From Lockheed Aircraft to the Methodist Church;

From the courts of justice to the county hospital; and

From the United States Congress to the Ford Foundation.

Indeed, for an institution not be in a state of crisis is almost a badge of dishonor and ill repute.

Take a look about you.

The people, the President says, are simply fed up with government at all levels. Any politician can tell you that people are beginning to doubt—

Whether their government is responsive

Whether government can meet its problems before they occur or only fight off disaster after they occur.

The welfare system is a colossal failure:

It is costly

Almost impossible to administer

Degrading to the recipient.

No one is satisfied with it.

Our most responsible health officials say we are faced with a breakdown in the delivery of health care unless immediate and drastic action is taken. Health costs are rising rapidly while access to health care is inequitable and the quality of care is not as good as it ought to be.

In education—

Teachers strike;

Students riot;

Whites and blacks clash;

Taxpayers revolt; and

We have a crisis in the classroom.

The cities are described by the poet:

Why are the mayors all quitting?

Why are the cities all broke?

Why are the people all angry?

Why are we dying of smoke?

Why are the streets unprotected?

Why are the schools in distress?

Why is the trash uncollected?

How did we make such a mess?

The battle against crime falters. Our law enforcement agencies are undermanned and undertrained. The courts are clogged and prisons become universities of crime.

Not even the church stands serene. As its growth is leveled off—

New construction has slackened;

Circulation of religious publications is down; and

There is an alarming lack of interest in the organized church among large segments of the population.

And as one constituent reminded me one day, we don't even know how to keep the same time in Indiana.

Wherever you look then, you find institutions in crisis and crying out for help. The risk is that the cry for help from so many places will drown out the cry from any one place.

A Congressman is often asked the question what can I do? It's really an impossible question to answer in any meaningful way for a specific person.

If you understand the dominant problems

of your community, and you are dedicated to the public good, you will find ways and means to make a contribution to the most pressing human needs of your community.

I began by saying the American people believe their nation is in trouble and needs help. Your conference and its theme suggest to me that you agree with that view.

The remedy for that mood is not a national psychoanalysis or even hand wringing. It is for enough of us, beginning with those in this room, to enter the fray by working for the solution of one or more of the problems that grip our home town. You cannot solve all the problems. You cannot die on every cross, but you can enter the fray.

Anyone who knows one whit of American history knows that our people have often responded to challenge in a magnificent way. I believe the American system is on trial as never before. There are many reasons to have confidence in the future. None is more important than you.

A NATIONAL HORROR STORY HEALTH CARE FOR THE URBAN POOR

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. MIKVA. Mr. Speaker, once again the American people have fallen victim to their own chronic short-sightedness. Just as we have disregarded the causes of the decay of our cities, and have overlooked the millions who go hungry in our country while others feast, so too have we refused to recognize the extreme inadequacies in our public health facilities and services.

In recent years, thousands of children, especially those of ghetto families, have died from diseases that could easily have been detected and arrested months before if proper facilities and adequate professional and paraprofessional staffs had been available.

There is a health crisis in this country which should shock and disgust every American. No amount of rhetoric from the American Medical Association can change the facts. The United States is first in space, first in military technology, first in economic power; yet, our health services trail most industrialized countries of the world. Twelve other countries have lower infant mortality rates than we do. In my home city of Chicago, the situation is even worse than the national average. In less than a year, 1089 black infants have died. While being the fifth largest state in population, Illinois ranks but 18th in ratio of physicians to population. Decades ago, Americans realized the profound effect an inadequate education would have on the life of every citizen and so provided for every American to receive a free public education. Today we must realize that inadequate health care of millions of Americans also has repercussions throughout the structure of our society that reach not only into the spirits of human beings, but are intermeshed with the present social programs of this country. A man incapacitated by an illness that could have been treated effectively at an earlier stage, becomes a burden to society. He is the victim of an illness that will affect his family life, his children's lives, and his outlook toward a society that has placed him on the welfare rolls. A child who does not receive adequate medical attention in infancy and early childhood may never fully develop either mentally or physically.

Two reporters for the Chicago Tribune recently spent 5 weeks posing as out-of-State public health observers, volunteer workers, and college students to gather information on health care in Chicago. During their investigation, they subjected themselves as patients to both licensed physicians and to the unlicensed healers who take advantage of the poor. What follows are a series of five articles which appeared in the Tribune June 20 through 24. I recommend them to all my colleagues; in them, you will find the duplicity and inefficiency present in probably all health care programs in our cities.

These articles demonstrate the urgency of the need for health care reform in the United States along the lines of the National Health Security Act proposed by Senator KENNEDY and, at last, Congresswoman GRIFFITHS. We must expand and redistribute health services so that health, like education, becomes the right of all those who seek it.

The articles follow:

BIRTHRIGHT OF PAIN: A CHICAGO HORROR STORY: CARE FOR ILL BLACK CHILDREN

(By Patricia Krizmis and Angela Parker)

They are children, Chicago's children.

They receive their birthright of pain, deformity and retardation in their mother's womb and are thrust into an insensitive world from the loins of poverty and disease.

They are black and they are dying.

In a city described by local officials as "the safest large city in which a baby can be born," 1,089 black infants, babies less than one year old, died last year, shaming Chicago with one of the highest black infant mortality rates in the nation.

But the story of health care for the black infant and young child is not merely one of dead babies and repugnant statistics.

SURVIVAL NOT ENOUGH

It is a horror story of those who survive the trauma of birth, of tiny bodies wracked with suffering.

It is the story of real hurt; of medical practitioners who bilk the poor and, indirectly, the taxpayer; and of city officials who take a callous and apathetic approach to the problem.

"The need is so apparent that it is burgeoning thru the doors and windows," said Dr. Albert Clements, head of pediatrics at the Martin Luther King Health Center, a government-funded center on the city's West Side.

"We are dealing with more than medical ills," Dr. Clements said. "One man can do a lot, but he can't do everything. Often, you must chip down the wall of fear and distrust with understanding and concern. Often, you must beat the system and its red tape for the sake of the patients."

We lived the health care crisis in Chicago for five weeks. And we saw some of the innocent victims sacrificed each year.

An emaciated 8-month-old boy lies in a bed of torment with tubes running into his skeleton-like body. He weighs only 10 pounds.

"Obviously the child is suffering from malnutrition," said Dr. Julian Berman, head of genetics and pediatrics at County Hospital, "but it isn't because his mother didn't feed him." The mother is only 15; she probably had no prenatal care, he said. If she had, she might have known to seek help earlier, he added. She tried continually to feed the baby, and when he reached this stage she brought him to County.

A 7-month-old boy twitches in agony and with each spastic jerk, there is a wail of pain. His body is covered with a skin infection. His mother repeatedly sought help from city-run clinics, but not until two days ago had health workers decided the condition was serious enough for referral to County Hospital.

And in a tiny grave in Restvale Cemetery, lies one of last year's morbid statistics. The mother had rejected Board of Health clinics because she had learned thru experience that sick children are not treated in the clinics in her neighborhood.

She sought the help of private physicians. The last one brushed off the ailment as stomach flu, as he had on four previous visits.

THE DOCTOR DIDN'T CHECK

Soon after, the child was rushed to a hospital in a coma. Emergency room doctors made desperate attempts to save her after immediately diagnosing the problem.

The cause of death: acute lead poisoning. The private physician had not bothered to administer the simple blood test that detects the child-killer.

There are many physicians who work among the poor, treating them as well as they would North Shore patients.

In fact, some of them, angered and frustrated by the health crisis, cooperated in this investigation.

We watched babies born in roach-infested, vermin-ridden hovels that are home for the poor. We saw these tiny human beings enter the world on beds or kitchen tables covered with newspapers, used as a desperate attempt to bring the most primitive forms of sanitation where there is none.

POSED AS PATIENTS

We became victims of the crisis by subjecting ourselves as patients to licensed physicians who have become prostitutes of their profession and to the unlicensed treatment peddlers who pose as legitimate healers and tinker with human life in the slums.

We found these medical swindlers preying on people in pain, in trouble or too young or too uneducated to know better. They prescribe unnecessary medicine, give not even perfunctory examinations and bilk their victims, while, at the same time, urging them to return.

ADVISES HOSPITALIZATION

And we felt the last ounces of human dignity being drained from us by these medical swindlers as it is every day from the poor in Chicago.

One doctor told a reporter she was so sick she should go to a hospital. When she said she had no money and no welfare care because she had just arrived in the city, he callously told her:

"You should go to the hopsital, but if you don't have any money, I guess there is nothing that you can do. I just hope you don't fall out in the street somewhere." There was no attempt to get her into a hospital.

"If Chicago, is indeed the healthiest city in the nation, as Mayor Richard J. Daley says, then the rest of America is in deep trouble," said Pierre de Vise, an expert on population, medical and urban problems who has conducted in-depth studies of Chicago's health care crisis.

FOR THE WELL ONLY

The health crisis involves a Board of Health priding itself on its 34 infant welfare stations which in reality are assembly-line factories for distributing pills and dispensing inoculations a few mornings a week to well babies and children.

The sick are turned away. Or, in the burocratic rhetoric spewing from the board's offices, parents of the sick infant or child are told to find a private physician or "referred"

to County Hospital, where the poor take their hurt when there is no place else to go.

De Vise, project director of the Chicago Regional Hospital Study, pointed to "the incongruity of a 19th-century Board of Health whose clinics see only well babies and well mothers-to-be." He added:

"Many poor people are under the misapprehension that these Board of Health clinics see sick people and are frustrated and delayed in their search for an alternative to the long trip and wait at County Hospital clinics."

TELLS OF HEALTH CENTERS

Early this year, when Dr. Murray Brown, the city's health commissioner, announced that eight health centers would be opened, he said:

"Altho we have no legal responsibility to provide health care, we felt a moral responsibility because of the magnitude of the problem."

The first center, the Uptown Community Health Center, is at 4414 N. Clarendon Av. It is run by the United States Public Health Service under contract with the city. And Dr. Brown boasts that he goes to the center because of the excellent care provided.

POSES AS STUDENTS

However, the same could not be said for a child under the age of 5. When we visited the center, posing as college students working on research papers, a nurse told us:

"We treat sick children and adults. But this center treats children who are 5 years and over. We don't treat infants and preschoolers here. They go to the Board of Health well-baby clinics."

Involved in the health crisis are many of the city's private hospitals. They have their quota system—fill a few beds with patients who are both black and poor and send the others to County Hospital.

"Every patient on welfare has a card that supposedly allows her to have care just as anyone else," said Dr. Robert W. Blumstein, an obstetrician. "In reality, the poor go to County Hospital or have their babies at home, or if they are very lucky, they get in on the quota system."

"By law and statutes," de Vise said, "the poor of Chicago are free to choose their physicians and hospitals and these private vendors may be reimbursed by the state for their service to the poor.

"In practice, however, it does not quite turn out that way. Cook County Hospital, the only public charity hospital serving the 5 million people living in the 1,000 square miles of the county, is the primary hospital for Negroes, serving over half of the Negro patients residing in Chicago's 24 poverty communities."

MOTHER SHUNS COUNTY: ROACHES WATCH BIRTH IN A SLUM APARTMENT

(By Patricia Krizmis and Angela Parker)

Rain beat hard against the window, and thunder echoed thru the room, heralding the infant's birth in the South Side slum apartment he would call home.

It was 2:45 a.m. when Andy was born on a bed covered with newspapers. Roaches crawled along the wall molding far above him, and below, the floor was dotted with black gummy spots.

The newspapers had been placed on the bed in an attempt to bring the most basic forms of sanitation to the newborn and his mother.

MATERNITY TEAM ARRIVES

A little more than four hours before, a team from the Chicago Maternity Center had arrived at the frame building; a squad car had awaited its arrival. Police escort the teams at night in neighborhoods where the crime rate is high.

"Sure glad you're here," said a large black woman waiting at the door. She led the team down a dark, dingy hall and thru a living room and stopped in front of two long curtains serving as a door to the bedroom where a woman lay waiting her baby's birth.

A reporter, posing as a public health observer, accompanied the medical teams from the center as they traveled thru the city's slum areas delivering the babies of poor women who chose to give birth in their homes rather than go to County Hospital.

For those shunning County, the alternative, sometimes a grisly one, is to have a neighbor or friend deliver the infant.

DECIDES ON BIRTH AT HOME

This expectant mother had decided a Maternity Center team would deliver her baby.

"I hear we're going to have a baby tonight," said Dave, a Northwestern University medical student.

"You're going to be busy, the water bag broke," the patient said. "Yes, you and Willa [the registered nurse] are going to be busy."

Maternity Center teams had delivered her two other children. She liked the way they treated her; she trusted them.

DELIVER 85 BABIES A MONTH

Last year, center teams delivered 1,183 live babies. There were 10 fetal deaths and 14 neonatal (one month after birth) deaths. The total infant mortality rate for Chicago in 1970, covering both hospital and nonhospital births, was 27.7 for every 1,000 births. The Maternity Center's teams are delivering about 85 babies a month this year, but at times the number jumps to 100.

How severe were the pains; how often did they come, Dave asked the patient as he began timing the contractions. Willa spread newspapers over the brown dresser near the bed before setting down the medical bags and utensils. She then took over the timing detail to free Dave to examine the patient and listen to the baby's heart beat.

PAINS INCREASE

The pains were occurring more frequently now, and the team made every attempt to make her comfortable.

"Breathe deeply, honey, thru your mouth like this," Willa instructed, showing her how.

The Northwestern medical students who volunteer to serve the poor thru the center continually telephone reports to the center to inform them of the patient's condition and receive advice. They keep a constant record of the patient's condition.

Dave was fortunate; this patient had a phone. Often students must run up and down flights of stairs to use a neighbor's telephone.

DOCTOR HANDLES DELIVERY

As the time of birth nears, Dr. Beatrice Tucker, head of the center at 1336 S. Newberry Ave., or the doctor in residence there, is called to deliver the baby; first pregnancies take priority.

If complications are anticipated, the doctor comes to the home to examine the patient and determines if she should be taken to Wesley Memorial Hospital, the center's backup hospital.

Andy's mother suffers from high blood pressure. However, the condition did not necessitate hospital delivery, the center doctor determined.

While the patient left the room to provide a urine sample for testing, Willa and the reporter prepared the bed where the baby would be born.

INK ACTS AS STERILIZER

The family had collected stacks of newspapers, knowing a large quantity would be required. Layers of newspapers were spread over the bed, topped with a large piece of heavy plastic and then by more layers of newspapers.

"The ink in newspapers brings about some form of sterilization," a nurse had told the reporter on a previous case, "and bugs don't stay on newspapers."

Willa wrapped three soft drink bottles, lining them up one after the other, in newspapers and did the same with another three bottles. She placed the bottles on the bed in a right angle; the patient would brace her feet against them during the delivery. The bottles also would prevent the seepage of fluids onto the rest of the bed.

It wasn't necessary for Willa to drive a nail into the wall behind the bed or to bend coat hangers on which a bottle for intravenous feeding would be strung. The coat hangers remained from the last delivery.

BEGIN HEATING WATER

Center teams wear disposable paper surgical gowns, caps and masks and use plastic gloves. Every time the medical student conducts a vaginal examination, he wears a plastic glove, which is then discarded.

As Dave conducted the examination, the reporter followed Willa into the small kitchen, off the bedroom, to begin heating water in a large kettle to sterilize the instruments and clean up. Newspapers were spread over the stained sink's draining area and atop a small table. First pregnancies are delivered on the firmer surface of a kitchen table and an ironing board is set up for use as a surgical table.

The kitchen was small, made even more cramped by the dilapidated refrigerator which was pushed out from the wall. The floor was sticky, and missing chunks of linoleum exposed the wooden floor beneath. The medical bags were moved to the small table to provide more room in the bedroom.

Dave was sitting in a card table chair at bedside talking to the patient, reminding her to breathe deeply.

"IT HURTS—HELP ME"

Every so often, the large black woman who had met the team at the door pushed thru the curtains to check on her daughter.

The pains were getting very severe now, and the patient was screaming:

"It hurts. Oh, Jesus, please help me."

"Now I don't want to hear no more of that, girl," the grandmother scolded. "Remember, you're a woman, a lady."

The patient's dark eyes darted from her mother to the reporter, who held a wet cloth on her forehead. Her husband had left her; she lived with her mother, her sister, eight nieces and nephews and her own children; she was now on public aid.

At 24, a series of setbacks and struggles had conditioned her not to expect too much out of life, and she quietly replied:

"I'm sorry, Mamma. I'm sorry."

A diapered toddler ran into the living room, calling for his grandmother. Grandmother pushed thru the curtain toward him and carried him to a large overstuffed chair in the darkened room, where the television blared and the screen provided the only light.

SATISFIED WITH CARE

Years ago, the grandmother had come from Mississippi. She had delivered scores of babies, but she didn't want to talk about it. The Maternity Center was taking good care of her daughters and grandchildren. She was satisfied. There were the prenatal clinics there, where mothers-to-be are examined by doctors, instructed in baby care and told what to eat and how to care for themselves.

In this case, the center had put the patient on a special diet for high blood pressure. After the baby was born, she would be given a six-week checkup and birth control information. A nurse from the center would visit the home daily for a few days after the birth to check on mother and infant. The infant would receive his two-week checkup in the center.

CONCERNED ABOUT SHEET

The patient was crying loudly now and the reporter rushed into the room. The newspapers beneath her were wet and had to be changed. The intravenous feeding had been started. Willa gently placed fresh newspapers beneath her.

The young mother was concerned about the new blue sheet she had purchased for the baby's birth. In her own way, she had tried to do the special little things for her baby. There were the two baby blankets, the robe, the diapers and the four diaper pins with yellow bears on them.

She tugged at the curlers in her hair, trying to remove them before the baby was born, and placed them on the unpainted headboard above her. Suddenly she screamed:

"The baby's going to come!"

DOCTOR NOT THERE YET

She was right. Willa quickly supplied the surgical dress and sent the reporter to the kitchen for the boiled water. The Maternity Center doctor hadn't arrived. Dave, the medical student, prepared himself. He gave the reporter explicit instructions on what not to touch and then sterilized the birth area.

The baby's head appeared.

"Come here, come here," the patient shouted to the reporter, who was standing off to the side so as not to interfere. "I want your hand, please."

She clutched the reporter's hand and dug her nails deeply into it. On impulse, the reporter squeezed back tightly, trying to make the hurt go away.

CORD AROUND NECK

"Check the neck for the cord," Willa reminded Dave. The cord was wrapped about the baby's neck; Dave cut it.

The mother was exhausted; she impulsively stopped cooperating with the team.

"Push, push," Dave and Willa commanded, as the shoulders appeared. "Don't stop now, push, push."

The baby was born—a boy.

Dave swabbed the baby's mouth with his gloved finger and gave it the traditional whack across the backside.

There was no cry.

RESPONSE FINALLY COMES

He held the baby about an inch over the bed, and he and Willa snapped their fingers against its arms and legs.

A whimper. Then a cry. Then a full-fledged wail.

Those few seconds seemed like an eternity. As the wail came, so did the resident from the center. There had been another birth, and Dr. Tucker had been away delivering a baby. There were two more births anticipated.

Willa had been cleaning off the baby. Dave worked on the patient and told her:

"It's a boy, a beautiful boy."

The doctor took over, and Dave examined the baby.

Willa announced 2:45 a.m. as the time of birth.

The baby was fine and so was his mother.

AN EIGHT-POUNDER

Willa took a half sheet and placed the baby in it, bunched up the ends and attached the scale. "Eight pounds 2 ounces," she announced. Then she dressed the infant.

The team remains for two hours after the birth. After cleaning the area, Willa, Dave and the reporter sat down to help the mother decide on the baby's name.

Then it was 5 a.m., time for the team to leave. The family was grateful. The mother lay holding Andy, and, above them, the roaches crawled into the hole in the ceiling.

WHERE DO SICK BLACK BABIES GO?

(By Patricia Krizmis and Angela Parker)

The killers roam Chicago's poverty areas, stunting the lives of their young black victims.

Doctors identify these major contributors to the city's high black infant mortality rate as pneumonia, influenza, prematurity, poisonings and congenital malformations.

THE SLOW KILLERS

There are the slow killers—malnutrition, sickle cell anemia, tuberculosis and infections—diseases and conditions that, like a cancer, eat away the health of the child, leaving him ill equipped to cope with society because of deformation, chronic pain and retardation.

Despite glowing reports from city officials, the Board of Health has made only piecemeal attempts to improve the health care of the black infant and child here.

For the most part, Board of Health stations serve as preventive and referral agencies, giving the free shots required by law and sending sick babies and children to other institutions.

One pediatrician described Board of Health stations as "factories where pills and shots are doled out by doctors who work a few four-hour days and where workers have an 'I don't give a damn' attitude."

NO HOURS POSTED

There are 34 infant welfare stations and four high risk clinics. The clinics, for infants up to the age of 1 year, serve babies born of mothers who are considered a high risk because of their age or a disease. Premature babies also are considered high risk.

Posing as college students, we visited Board of Health stations and found that:

1. Doctors spend only three to four hours, two or three days a week, seeing well babies and children in most of the clinics. Many of the 34 stations are housed in storefronts with cramped examining rooms.

2. There are no signs on most of the stations giving the hours or days the doctor will be in to see infants and children. To be served, a child must live in a specific geographical area. There is no followup service.

3. Several babies, stripped to their diapers to speed the process, were held in a large waiting room by their mothers in the station at 4350 W. 16th St. It was 11:30 a.m. on a Monday. When asked if the doctor [there was only one there] treats sick children, a large blonde nurse whose name tag was hidden by a handkerchief pinned to her uniform, replied:

"We send the kids and babies who are sick to the Martin Luther King Center [a federally-funded center]. The doctor has been here all morning and we're trying to get rid of the rest of these patients."

STATION LOCKED EARLY

4. All the doors to the station at 3704 S. Vincennes Av. locked at 2 p. m. on a Friday. The Board of Health claims the station is open until 4 p. m. A clerk finally responded to knocking at the door.

"The nurses are all upstairs having coffee," she said. "The doctors are gone. We see babies 8 to noon Wednesday and Friday. We give prenatal care the other times." What happens when a baby is sick? "We refer it to the hospital, Cook County Hospital. That's the best one for these people. We have three doctors, sometimes two, sometimes one is in. We give school inoculations, too."

5. In the high risk clinic at 1832 W. Washington Blvd., a licensed practical nurse, whose name tag identified her as Mrs. Pleasant replied to a query about how many doctors staff the clinic and when:

"It fluctuates. We've had a lot of changes. I can't say when they'll be in."

"COME BACK THURSDAY"

6. A reporter took a 3-year-old child to the station at 2231 W. Madison St. It was 11:45 a.m. on a Tuesday. When she entered the door a nurse yelled out:

"We're closed now. Come back Thursday between 9 and noon. Doctor's not in now. He'll be back then."

"The medical care in the city of Chicago is not the responsibility of the Board of Health by statute," said Dr. Murray Brown, the city's health commissioner. "It is the responsibility of the state and the county. Knowing there is a problem, we are looking for federal funds."

Dr. Edward Murray of the Health Department said there are 34 infant stations that serve healthy babies and give inoculations. Four of these clinics also are high risk baby clinics, he said. There are prenatal clinics in each of the infant stations and 17 of them are high-risk prenatal clinics.

"These children are not treated except for simple things like anemia," Dr. Murray said. "But the really sick are referred to some other pediatric agency or a nearby hospital. Some can go to private doctors."

Dr. Murray said there are seven clinics that see sick children. He first named three of them as the Woodlawn Children's Clinic, 936 E. 63d St., run by the University of Chicago Hospitals; the Near North Children's Clinic, 1441 N. Cleveland Av.; and the Martin Luther King Health Center, 3312 W. Grenshaw St.

CITY FUNDS NOT USED

City money is not used in these clinics. They are financed by the Children and Youth Program of the Children's Bureau of the Federal Department of Health, Education, and Welfare.

Dr. Murray cited four Board of Health clinics which he said see sick children. They are at 6504 S. Cottage Grove Av., 880 N. Hudson Av., 3448 W. Ogden Av. and 4350 W. 16th St.

In effect, these four clinics refer sick children. The Ogden and 16th Street clinics refer sick children to the King center; the Cottage Grove clinic refers the sick to the Woodlawn clinic and the Hudson clinic sends sick children to the Near North Children's Clinic.

"We could use 10 more clinics like this in the city," said Dr. Albert Clements, head of pediatrics at the Martin Luther King Center. "The total family is our target area. However, children under 13 are really under the Board of Health stations 14 and 16."

At the center, there are about 3,000 pediatrics visits every three months. Children wait with their mothers in a large room where tiny chairs are provided for the young patients. When the family's name is called, the mother and child go to an examining room to be seen by a pediatrician. The mother is given time to undress her baby in the examining room.

DOESN'T ACCEPT RESPONSIBILITY

"The Board of Health should have a program for comprehensive health care for the poor where all services would be available," said Dr. Harry Elam, director of Mile Square Health Center, operated by Presbyterian-St. Luke's Hospital with funds from the Office of Economic Opportunity.

"I don't think Mayor Daley has accepted health care as a political priority," said Pierre de Vise, director of the Chicago Regional Hospital Study. "The Board of Health's budget is up to $18 million. But in Chicago, the city doesn't accept the responsibility for health care. They say they made a departure from this with the announcement of the eight health centers [to be constructed by 1972].

"I doubt they will all be built. The announcement came before the mayoral campaign. But in 1966, during that mayoral campaign, the city announced 12 centers would be built. They've even dropped the number."

According to the Blue Cross and Blue Shield medical study in the model cities areas, residents there had a higher incidence rate of the 20 most frequently reported diseases than the city as a whole.

MEASLES RATE HIGH

"The rate of measles was four times the city rate, while the rates for venereal disease and lead poisoning were more than three and one half times," the report said.

"It is the opinion of the Blue Cross-Blue Shield medical staff that the incidence rate for many of the diseases such as measles, mumps, chicken pox, whooping cough, rubella and poliomyelitis could be reduced if

preventive techniques were utilized," the report said.

Sickle cell anemia is a slow killer. It is so prevalent that black children have nicknamed it "sickly cells." The hereditary disease, found almost exclusively in Negroes, is carried by nearly 10 percent of all black people in this country and is fatal to about one out of 400, federal medical reports show. Tho Chicago is 35 percent black, the number of cases here has never been inventoried.

"The blood test detecting sickle cell costs 2 cents," said one black pediatrician. "It would cost $2,404.72 to test all black children under the age of 5 in Chicago. It would cost about $5,600 to test all black children ages 5 to 14. That's very little to insure the health of children."

NO SCHOOL TESTING

According to 1970 census reports, there are 120,236 black children under 5 and 279,786 children ages 5 thru 14 in Chicago.

Yet, Dr. Brown said there is no school testing for sickle cell in the public schools and the Board of Health has no plans to do so.

PRACTICING ON WEST SIDE—FIND UNLICENSED DOCTOR

(By Patrick Krizmis and Angela Parker)

An unlicensed practitioner is posing as a legitimate medical doctor on the West Side.

Le Roy S. Matthews, who practices medicine at 2400 W. Madison, St., admitted to THE TRIBUNE he is not a licensed doctor. He said he was licensed as a chiropractor in another state.

A TRIBUNE investigation has found that Matthews even sends in claims to insurance companies for treating patients.

WOULD TREAT DURING PREGNANCY

Matthews, who first told one reporter he was a pediatrician, told another reporter he would treat her during her pregnancy.

He leads the poor who come to him to believe he is a medical doctor. The door to his office reads: "Dr. Le Roy S. Matthews." He treats patients in a three-room panel office on the fifth floor of the Madison Street Building.

The office is equipped with medical supplies and utensils. There is an examining room with stirrups where he treats women patients and a large cabinet is filled with medicine bottles. Matthews wears a white coat worn by doctors. On his desk are stacks of books on gynecology, obstetrics and pediatrics.

The American Medical Association said Matthews is not registered with it and the Illinois Department of Registration and Education said he is not licensed with it.

SENDS INSURANCE CLAIMS

THE TRIBUNE obtained documents which show that Matthews sent in claims to insurance companies for treating patients as a medical doctor. He also ordered blood tests and pregnancy tests.

The United American Insurance Co., Dallas, is one of the companies which paid a claim sent in by Matthews. W. L. Mistrot, assistant vice president of United American, said the company's investigation shows that Matthews is not licensed. Company records show that one of its clients was examined by Matthews last March, Mistrot said. The company paid the claim, Mistrot said, but asked Matthews for more information which never was sent.

BARRED FROM MAKING TESTS

Edward Price, attorney for the Department of Registration and Education said a chiropractor is prohibited by law from making blood tests or taking blood from patients.

As part of the investigation, we subjected ourselves as patients to illicit treatment peddlers and to licensed physicians who have become prostitutes of their profession.

After visiting Matthews as patients, we asked him:

Q.—Are you a licensed doctor? A.—Yes [pause]. No, I'm not.

LICENSED AS CHIROPRACTOR

Q.—Do you have any license whatsoever that allows you to practice medicine? A.—I was licensed as a chiropractor, but not in this state, in another state.

Q.—What state? A.—I don't want to tell you.

Q.—Do you treat patients here? A.—Well, [pause] I never practiced.

Q.—What did you never practice? A.—I better not say anything else.

BETTER NOT SAY

Q.—Why do you have an examining table with stirrups and other medical equipment? A.—I better not say anything.

Q.—Why did you offer to treat me for pregnancy? A.—I'm not talking.

Q.—Are you aware you are violating the law? A.—I think I better leave this interview off.

At one point, Matthews recognized one reporter.

VISIT BY REPORTER

"You came to me a few days ago, as a patient," he said. "I remember you." He referred to the visit made by the reporter in which she told Matthews she thought she was pregnant.

"Get in there and take off your slacks so I can examine you," he had told her pointing to his examining room. The reporter had told him she would rather have a friend with her because there was no nurse there. He told her to come back any Thursday, Friday or Saturday afternoon.

Another reporter went to Matthews for treatment of a sore throat. He listened to her lungs with a stethoscope and sent her to a nearby private medical clinic after telling her:

"I'm a pediatrician. I see patients on appointments only."

HUMAN DIGNITY LOST

As we visited the office of various physicians who serve the poor, we felt the last ounces of human dignity being drained from us as it is from the poor every day. Here are our findings:

1. Many physicians practice production line diagnosis, spending only a few minutes with each patient. They offer no cursory examination and give very little explanation to the patient as to what is wrong.

2. Many don't even bother to gown a patient or to provide a sheet for cover. Many employ men who masquerade as physicians and give shots to the patients. These men wander in and out of examining rooms with no regard for the patient's dignity.

3. Many of the offices are vermin-ridden hovels where material is tossed on the floor. Often, the doctors don't even wash their hands between caring for patients.

SENT TO SPECIFIC DRUGSTORES

4. Many refer patients to specific drugstores to fill prescriptions. Others pull pills out of sample bottles and place them in boxes which are given to the patient.

In the clinic of Dr. Leslie S. Kaplan, 3527 W. Roosevelt Rd., a reporter presented herself as a patient with a sore throat. A man, who identified himself as Dr. Kaplan, conducted a brief examination, checking her throat, heart and lungs. No gown was provided.

After he left the room, a man who identified himself as Jim wandered in and told the reporter he was going to give her a shot.

OBJECTS TO SHOT

When she objected to the shot because he refused to tell her what it was, he told her, "I'm a doctor."

She began to complain. He then told her, "I'm a male nurse."

Later when the doctor returned, he explained:

"He is a medical technician. I prefer to have men here for a number of reasons."

But the medical swindlers who prey on the city's poor do more than drain dignity. Often, their lack of concern causes death.

HER DAUGHTER DIES

A mother, who will be identified only as Gloria, is a bitter woman. Her daughter, Stephanie, died last year at the age of 2 years, 28 days. Gloria, a recipient of public aid, took her child to private physicians. The last one has an office at 4809 W. Madison St.

This is Gloria's story:

"I kept taking Stephanie to Dr. F. and told him she was sluggish, not active like she always was. He told me she had a stomach virus and gave her a penicillin shot. He told me to bring her back if she wasn't better."

Stephanie's condition became worse and within two weeks, Gloria took her to the doctor four different times.

"I kept telling him she was losing weight. She even fainted once when she was walking into the kitchen. He said she had a lack of vitamins and he gave me vitamins for her. I told him she was vomiting a lot, and she would wake up in the middle of the night crying because her stomach hurt."

TELLS OF SYMPTOMS

Gloria also informed the doctor of other symptoms, but he insisted the child suffered from a stomach virus.

"A few weeks later, I got Stephanie up at 7:30, like I always did, and gave her a bath. She wanted some grapefruit juice. I went to get it, and my son ran into the kitchen screaming that something was wrong."

When Gloria reached her daughter, the child was sitting, staring. Her mother could get no response.

RUSHED TO HOSPITAL

"We wrapped her in a blanket and rushed her to Loretto Hospital—the emergency room. She was shaking so much. Then she passed out. A doctor—Dr. Paul Dunn—examined her. He said she was very sick. He said it might be lead poisoning or a brain tumor. Then they tested her."

LEAD POISONING CAUSE

The doctors determined the child suffered from lead poisoning.

"They worked so hard—those doctors—they really tried to save my little girl. But she died, 11 hours later," Gloria said.

The official death certificate lists acute and chronic lead poisoning as a cause of death. Though pediatricians contacted about the case said the symptoms demanded a test for lead poisoning, the private physician never bothered to administer the simple test that detects the child killer.

CAN BE ELIMINATED

"The medical prostitutes would not be there, if government did something," said Pierre de Vise, director of the Chicago Regional Hospital Study. De Vise has investigated the care given by many physicians to the poor.

"As in most poverty programs, it is the providers that make the money," he said.

HEALTH CARE FOR BLACKS: SOME SUGGESTIONS ON HOW TO IMPROVE IT

(By Patricia Krizmis and Angela Parker)

The cost of Chicago's health care crisis must be measured in the lives of its victims. And that price is great.

Last year, 1,089 black infants paid with their lives, giving Chicago one of the highest black infant mortality rates in the nation.

Chicago's total infant mortality rate in 1970 was 27.7 deaths for every 1,000 births. However, broken down by race, 34.8 black babies died for every 1,000 born, compared

with the white infant mortality rate of 21.8 deaths for every 1,000 births.

But others who survive infancy also pay—the children who are both poor and black. They are forced to live in poverty and disease which take their toll slowly in pain, deformation and retardation.

DUAL SYSTEM BLAMED

Many medical experts blame the dual system of health care, with one system for the poor and another for those who can pay.

"Because the rich and the poor, the urban, rural and inner city persons, and the young and the old cannot receive equally adequate care, we have a health crisis," said Dr. James Haughton, director of Cook County Hospital. "The number of doctors and facilities do not coincide with the location and type of need for patient care."

"We cannot survive our medical problems," said Dr. Andrew Thomas, president of the Cook County Physicians Association, "if we continue this dual health care program. Our health program is an extension of the old royalty system. Anything we initiate in health care that is good for the rich should be good for the poor."

WHAT IS INVOLVED

Involved in the dual health care system, doctors say, are the shortage of qualified physicians serving poor areas, the lack of available care, the failure of existing facilities and the red tape which envelops government-funded programs. Slow payment of medical bills and piecemeal regulations also have forced many doctors to turn their backs on welfare patients.

Dr. Haughton defines the health crisis as the shortage and maldistribution of medical personnel.

"Their persistence in the use of the private solo practice, where a fee is paid each time for services, forces them to follow the dollar even when modern technology dictates that some other practice would be more sensible," he said.

Haughton suggested that a group medical practice in which each doctor receives a set salary would be a more efficient use of manpower.

"As a nation," Haughton said, "we have been giving money to medical schools for years but we have yet to tell them what kinds of doctors to train. We are turning out super-specialists, but we need good doctors who will serve the sick, the old and the poor. Most of the young doctors coming out of medical schools are trained to cure special things, but people are dying of common illnesses."

WANTS FEDERAL DIRECTION

To combat the problem, Haughton suggested that the federal government and other agencies which give grants for students to continue medical school should require that they practice the kind of medicine which is most needed at the time.

"Right now, we need physicians in the inner city," Haughton said, "physicians to treat common, everyday ailments like the common cold."

In an attempt to combat the health care crisis, Cook County Hospital is beginning a program for interns and residents. Each will have 40 families, said Dr. Julian Berman, attending physician in pediatrics, head of genetics and director of medical education.

"The intern or resident will follow the 40 families for three years and will provide entire family care."

Dr. Berman believes there are not enough health care facilities available to the poor in Chicago.

"But even if there were," he said "where would you get doctors to staff them? You'd have to pay good money to get good doctors."

County Hospital, he said, is attempting to change its image. Often the poor fear County Hospital, he believes, but they have no other choice in hospitals.

Dr. Berman believes education is a major solution for the health crisis. County Hospital, he said, has begun a program where young mothers attend classes to learn how to care for their babies. The program is in effect in the hospital's premature baby section.

MOBILE PLAN BEGUN

The Cook County Physicians Association is beginning a new program called the Metropolitan Chicago Mobile Health Project to offer preventive care to the poor in the Kenwood-Oakland community. Two mobile units will travel thru the community offering comprehensive medical care to the poor, said Dr. Thomas.

"Every individual in the area will have an opportunity to be immunized and will be tested for various diseases," he said.

A bill introduced by Rep. Robert Mann [D., Chicago] to take the responsibility for administering health programs for the poor away from the Illinois Department of Public Aid and to permit the State to buy comprehensive health coverage for them thru private insurance companies will come up for a vote this week before the state legislature.

DOCTORS ARE RELUCTANT

Delayed payment from the welfare department, because of heavy caseloads, makes many doctors reluctant to treat public aid patients, Mann said. Most of the poor end up in emergency rooms.

"Under prepaid care, we will tighten up eligibility," Mann said. "Once the person has an insurance company card, the medical vendor won't have to worry about not getting paid."

Mann believes that the prepaid plan will stimulate physicians to practice in the inner city.

"They will know their services will be financially rewarded," he said. "The quality of care will improve by doing away with the green card [the medical card provided by the welfare department] and substituting insurance cards for it."

WOULD NOT GRANT ACCESS

Dr. Haughton, however, believes that the Mann bill is not a complete answer. It would insure that the doctor would be paid, he said, but it offers no assurance that the patient would have any more access to doctors than he does now.

"We seem to assume that by making money available to pay for medical care, we ultimately will make medical care accessible to the poor," Haughton said. "That [the bill] will not guarantee that. The doctors make the care available to the poor. They should have learned this from Medicaid and Medicare programs."

Dr. Thomas said the Cook County Physicians Association supports the Mann bill as one means of offering adequate medical care to the poor.

CALLS MEDICAID INADEQUATE

However, he agreed with Dr. Haughton on the inadequacy of Medicaid, which he described as "hastily contrived and terribly inadequate with so many red tape restrictions."

Gov. Ogilvie, who has described the health care system in Illinois as "inefficient and fragmented," has called for state aid to develop health maintenance organizations as a means of offering a high level of care for a reasonable cost.

The organizations would be operated by a group of doctors who, for a fixed fee, would provide all necessary health care services from examinations to hospitalization.

Ogilvie also has suggested setting up comprehensive health planning on state and regional levels. The Illinois State Medical Society has authorized the creation of a non-profit physicians' organization to reach the same end—better care at a reasonable cost.

REASONABLE FEES SOUGHT

The new organization, called the Illinois Foundation for Medical Care, will attempt to set a reasonable fee schedule for its member physicians. It also will work with private insurance agencies and federal agencies to establish comprehensive health coverage programs.

To offer comprehensive care to the poor, a few private multispecialty groups are springing up in the city's poverty areas.

One such group is Comprehensive Medical Associates. In it, the general practitioner is surrounded by a complement of specialists in every area of medicine, said Dr. Robert Blumstein, an obstetrician and one of the founders of the group.

"The services of such a group must be available 24 hours a day, 7 days a week and no patient can be excluded for any reason," Blumstein said. "The patient must exercise free choice in choosing the group and the physician must have available a first rate hospital."

The multi-specialty group has organized two clinics, one on the city's West Side and another on the Near North Side.

Medical experts also see the health care crisis as more than a medical problem.

The mortality rate among Chicago's black children will not decrease, said Dr. Haughton, "as long as children in the ghetto live in housing where they are exposed to lead poisoning and are bitten by rats and where their parents can't afford to feed them or see that they get the proper nutrition and clothing.

"As long as these social problems exist, even if we have the best health services in the world, we are not going to stop children from dying."

MINORITY LANGUAGES

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HANNA. Mr. Speaker, probably very few people are aware that there are some 2,000 languages in the world with no written counterpart. The primitive life style of these peoples is due in large measure to the fact that the lack of a written language bars these people from participation with the world community of man.

Now through the efforts of the Summer Institute of Linguistics, primitive languages are being given written form. This group is building cultural bridges and literary roadways to people who have for many generations been intellectually isolated from the mainstream of their fellow man. Written language provides people with a collective identity and is the first rung in the ladder of progress.

On July 27 I was proud to introduce into the House, House Joint Resolution 813 which gives recognition to this important effort by authorizing the President to designate 1971 the "Year of World Minority Language Groups."

I know my colleagues in the House will want to join me in wishing the Summer Institute of Linguistics continued success in their most worthy endeavor.

THE PERSONAL WAY

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BAKER. Mr. Speaker, an example of how tensions can be relieved and people-to-people relations improved through attention to the little things is evident in a letter which Hardwick Caldwell, Jr., President of Modern Maid, Inc., Chattanooga, Tenn., sent recently to business leaders in his home community.

Mr. Caldwell saw an opportunity to respond to a need. In doing so he set a good example for others to follow. By spreading the word within a small circle of business associates he sees his act of solicitude multiplying with only good as the result.

Under leave to extend my remarks, I ask that Mr. Caldwell's letter be printed in the CONGRESSIONAL RECORD. I'm sure there are other leaders in other communities who can adopt his philosophy of community improvement. The letter follows:

MODERN MAID, INC.,
Chattanooga, Tenn., July 29, 1971.

Have you heard the recent commercial "What can one man do?" which refers to some of the problems of our day? Right now we are in a temporary lull in the open bitterness which hit our community so hard a few weeks ago, but the sores aren't healed, just salved.

What can one man do? He can't correct this situation all by himself, but I found one thing which may help just a little by chipping away at the edges of the problem, and in the process it has brought me a real and personal pleasure of being able to help others.

Our factory used to be in the middle of a white neighborhood. Now it's turning into a black neighborhood. I don't know where the white kids used to play, but I never was especially aware of them. I am aware of the blacks, however. They are all over the sidewalks and all over the streets because there is no other place to play in this neighborhood. True, we have Montague Park and Warner Park and others like that, but the majority of kids are going to play in their own neighborhood.

We owned an old house on a very small lot near the factory. The house was so terrible that we just tore it down. Why not put this vacant lot to use? I contacted one of the black ministers in the area and gave him some money to pay some of the neighborhood kids to clear the lot. Then we bought a couple of playground swing sets and a basketball backboard and before we knew it, we had a little playground. To relieve us of any insurance problems, we turned over the lot to the City at $1.00 per year rent.

This one act isn't going to solve our racial problems, but if you'd see the kids all over that little lot, it would do your heart good. Fifty or even one hundred more of these playgrounds won't solve the problem, but it will be a start. Even more important, it will show that business leaders do care, that they do have a heart, that under the outward cool they are warm people who are really interested in others.

This isn't a movement sponsored by the United Fund, the Chamber of Commerce, the churches, etc. In fact, it's just a letter from me to you asking you to consider something like this playground in your area or if not in your area, maybe you would want to look into a lot in Alton Park or off Third Street or somewhere in a black neighborhood.

You can delegate most of the details but unless you are behind it *personally*, it will never be done. Here's how: 1) Find a vacant lot and buy it or lease it, 2) have it cleared by neighborhood kids under the direction of a black preacher in the area, 3) put some playground equipment on it and give them two or three basketballs, 4) give it to Steve Conrad's department. They will maintain it.

If just fifty of us do this and as few as twenty kids use the playground each day, we've taken one thousand children off the streets. And we've let one thousand future employees and one thousand citizens know that we do care for something besides stockholders and financial reports.

As I said before, this is not an organized campaign, but it is a way for you to derive a tremendous amount of personal satisfaction for a mighty small investment. If you want any more information, give me a call.

Sincerely,

HARDWICK CALDWELL, Jr.

TRIBUTE TO A FINE PUBLIC SERVANT—AND A CAUSE FOR CONCERN

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. VAN DEERLIN. Mr. Speaker, I rise today in tribute to an outstanding young public servant—John E. Ingersoll, who has just observed his third anniversary as the first and only director of the Bureau of Narcotics and Dangerous Drugs.

In this short time, he has honed BNDD into a highly effective instrument in combating the drug menace.

As many of our colleagues will recall, BNDD was formed through the merger and transfer into the Justice Department of the Treasury Department's Bureau of Narcotics and the Bureau of Drug Abuse Control in the Department of Health, Education, and Welfare. It was up to Mr. Ingersoll to coordinate and consolidate the somewhat disparate functions of these two former agencies, and I believe he has performed this task admirably—particularly in the extension of BNDD operations overseas.

In recent testimony to the subcommittee on Public Health and Environment of the House Commerce Committee, Mr. Ingersoll summed up some of the achievements—and problems—of his bureau.

I was particularly concerned about his comments on the gentle treatment many professional drug peddlers are receiving in the courts.

In far too many cases, it seems, known and convicted criminals either are handed relatively short prison sentences or do not go to jail at all.

Speaking of these hard core pushers, Mr. Ingersoll said:

> These people are not going to respond to the velvet glove . . . (they) are going to respond only when the risks of doing business outweigh the potential profit. The only thing they understand is jail—and quickly, and immediately, and certainly.

Most of the big time traffickers are well-heeled, and as Mr. Ingersoll points out, "they can post any bond that any court wishes to levy without taking a second breath."

Because of the leniency of the courts, and the ease with which pushers can raise bail, a number of individuals charged with trafficking have been able to jump bond and flee the country—Mr. Ingersoll estimates "some 30 major international traffickers" have done so in the past 6 or 7 months.

I could not agree more with Mr. Ingersoll, on the need to get tough with these criminals, and thus bring to an end the needless undermining of the excellent work of his agency.

But in expressing his concern so pointedly to the subcommittee, I wonder if Mr. Ingersoll was speaking for his superiors in the Justice Department and the Administration—or only for himself.

THE ATLANTA BUSING DECISION FOR A CONTROLLED ENVIRONMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. RARICK. Mr. Speaker, not content with destroying the inner city school systems through programs of massive forced integration, the Federal courts have recently come up with another historic landmark decision laying the groundwork for destruction of the suburban schools and communities established by whites who fled the crime and corruption of the inner city using their freedom to search for a new environment with some degree of quality education and safety for their children—education designed to train their children in the great heritage and culture of their forefathers.

The very fabric of American society is under attack by the Federal courts. A recent decision by the U.S. District Court in Atlanta, Ga., has held that all aspects of city life must come under bureaucratic control as a way to attain some theoretical goal of proper "racial proportions" in the city schools. The court decision reads:

> The situation calls for a sweeping examination of its [the school's] relationship to housing, planning, finances, rapid transit, and all the other external factors which vitally affect its role in the community.

The court dicta continued with the suggestion that Atlanta consider, as the first possible means of averting resegregation, the consolidation of the black inner city school system with the suburban white school system. In this instance the primary effect of such a plan would be the replacement of the traditional local forms of government with the metro system in which all control and power will be swallowed up by the big cities—including the power to tax those who fled from the city to the suburbs.

Such a recentralization can only serve to further the programs of increasing Federal control. The next logical step, when the metro form of government breaks down because of further flight of

the whites, can be expected to be a system of statewide application of the unreasonable and unworkable concept of racial proportions under a regionally centralized government which is already established and waiting.

The one means left to the people to correct this intolerable situation is the power of the purse—to force their legislators to cut off funds for such de facto court-directed activities. Congress still controls the purse and still makes the law. If the Members of Congress will not defend their people from absurd judicial decisions, it is the right and privilege of the people to defend themselves and their constitution by finding and electing men to Congress who will uphold their oath.

I include the text of the Atlanta court decision, related news articles dealing with this decision, and the crisis facing our cities, and a news article at this point:

HERE'S THE TEXT OF BUSING DECISION

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, VIVIAN CALHOUN, ET AL., PLAINTIFFS VS. ED S. COOK, ET AL, DEFENDANTS

This case is on remand from the Fifth Circuit with directions to require implementation of a pupil assignment plan in compliance with the principles of Swann v. Charlotte-Mecklenburg Board of Education. Specifically, it directs only two changes: (1) The provision for majority-to-minority transfer with transportation and space being guaranteed under the option and (2) The filing of semi-annual reports. After hearing on remand the court finds the following:

This case is now in its thirteenth year before this court, having been filed in 1958. Atlanta in 1961–62 was one of the first major southern cities officially abandoning the dual school system. In its court experience, the original desegregation order was one of the few unappealed and assented to. Periodically as each new specific to Brown v. Topeka was belatedly developed by the higher courts, the School Board has been returned to court and given new directions under such landmark cases as Jefferson, Green, Singleton, Montgomery County, and Orange County. Each has been accepted and promptly implemented. In the interim, the system voluntarily accelerated from the early concept of grade-by-grade annual integration to system-wide integration; it voluntarily and studiously located new schools and rezoned so as to maximize integration; it voluntarily liberalized its pupil-transfer plan; and in various ways increased responsibility for its black teaching personnel, principals, and area superintendents. Through court order, it has advanced from the initial requirement of two teachers of opposite race to each school to a computerized mathematical distribution of its faculty by race throughout the city; and from historical and traditional attendance zones to a court-supervised optimum Orange County plan. No one has successfully challenged the good faith of its elected Board of Education, the appointed Superintendent, Dr. John W. Letson, or of its administrative personnel throughout this uncertain decade. Its efforts were early described as "commendable" by the Supreme Court. Each change has produced convulsive implosions within the system and what has now become the annual agony of Atlanta has caused significant change in the character of the system, both physically and psychologically.

When this suit began, Atlanta had a pupil ratio of 70 per cent white and 30 per cent black and a predominantly white faculty; today, its racial complexion has reversed to 70 per cent black and 30 per cent white and its 4,800 teachers are 60 per cent black and 40 per cent white. From an enrollment of 115,000 students it has dropped to 100,000 in the school year 1970–71, during which it lost 7,000 whites and gained 1,000 blacks. The system itself covers an area approximately 16 miles long and 14 miles wide lying in Fulton and a portion of DeKalb counties. The Atlanta City School System is a so-called "independent system" in that it is separately organized and operated from the county systems, each receiving direct grants from the state, supplemented by local tax funds. It is one of the 31 remaining independent city systems within the state. As such, it receives no state funds for transportation. It has never transported students, owns no buses, and there is no school "bussing" available. Based on information furnished by each principal as to location and times, the private Atlanta Transit System arranges routes to accommodate students at reduced fares provided by each student individually. The system presently maintains 123 elementary-primary schools and 29 secondary schools, with two units to be opened this coming year.

The white students remaining are concentrated at the extreme northern and southern ends of the district, while the vast middle is a broad belt of industry and high-density solid black housing. The line between these areas is steadily creeping towards the ends, with increased black housing and diminished white housing. Since 1961, it has annually achieved substantial temporary integration by the establishment or construction of "line schools." However, 34 of those schools have gone from all-white to 90 per cent or more black during the period. This "tipping process" is so rapid that it sometimes occurs by the time a facility deliberately located to increase integration can be completed and occupied. Seldom does it last longer than two years. Since official desegregation in 1961, 24 new schools have been constructed, several of which have been especially built to serve federal housing developments in the inner city. Others were appropriated for such purposes. In spite of official laws and directives to the contrary, the bulk of such developments have been operated as all-black since inception. As a natural consequence, 29 schools provided for such "controlled situations" are substantially black. Enforcement of fair housing legislation under Jones v. Alfred H. Mayer Co., and Title VIII of the Civil Rights Act of 1968 will automatically integrate these zones.

The cause of such frustrating results lies in factors completely beyond the control of school authorities. Segregated housing, whether impelled by school changes or not, remains the unconquerable foe of the racial ideal of integrated public schools in the cities. The white flight to the suburbs and private schools continues. As far back as 1967, in an offshoot of this case involving the proposed construction of an all-black school in the heart of the black belt, the problem was accurately characterized by plaintiffs, witnesses and the court as de facto rather than de jure. Griggs v. Cook. The problem is no longer how to achieve integration, but how to prevent resegregation, Only last year, the parties and Judge Hooper for this court exhaustingly investigated possible remedies for over seven weeks of trial, culminating in the orders involved in this appeal and remand. Some of the fruits of those "best efforts" have already slightly soured in the face of evolutional de facto changes. Through it all, the Atlanta system has maintained a traditional position of leadership in the public schools. It remains at the top of the state in pay scale, curriculum development, and innovative efforts in quality education.

HISTORY

In this litigation, the longtime standard of measurement has been the classification of schools in excess of 90 pct-10 pct enrollment by race as "integrated". Presently, 38 elementary schools and 13 secondary schools meet this test in that they have integration in excess of 10 pct (many at 50–50) of the minority race at such schools. Of the remainder of 101, all but 46 have either completely resegregated, serve special controlled housing situations, or have been built since official desegregation as previously discussed. Of some 46 schools in neither category, the information furnished the court reveals substantially the following:

24 have integration of less than 10 pct. (ranging from 1 pct.– 7 pct. black and 1 pct.–5 pct. white);

7 have only token integration (less than 10 students of the opposite race, ranging from 1–4 blacks and 3–9 whites);

15 are either all-black or all-white.

The closest schools with a majority of the opposite race are located as follows:

PRESENT SITUATION

Less than ¾ mile—1
¾ mile to 1½ mile—5
½–½ mile to 2 miles—11
1½ miles to 2 miles—11
2 miles to 8½ miles—29

These distances are calculated in straight lines without regard to traffic patterns, transportation barriers, etc. In many instances, there is an intervening interstate highway, railroad, or similar artificial barrier.

Last year, 1140 students took advantage of the unlimited transfer option in effect. (Under the old freedom-of-choice provisions, an unusually large number of blacks bypassed closer white and black schools to attend a "prestige" black school; and white students by-passed closer white and Negro schools to attend a "prestige" white school.) There is, in fact, no serious problem of overcrowding at any facility. Annual zone changes and excellent modern portable classrooms are used to take care of increasing enrollments in either white or black schools. There are, proportionately, as many vacant classrooms at black schools as at white. The court is convinced that no device of packing is being used to preserve segregation. To the contrary, crowding at one school has been used to increase integration at another school. The Board assures the court there will be no problem of overcrowding at any school during 1971–72.

When the remand issued, the Board promptly agreed to the specifics required therein by formulating plans with the Atlanta Transit System to afford transportation by direct grants to the students taking advantage of the majority-to-minority transfer option. Prior thereto and following the issuance of Swann, it formed administrative task forces to study the possibilities of increasing integration by pairing, rezoning again, etc. All of those efforts have been reviewed by the court and representatives of the plaintiffs. Pairing or additional zone changes along the line either produce substantial hardship increases in travel time for the children involved or seriously imperil existing integration at one of the schools involved. In either event, the end result at best would accomplish only a temporary change soon to be wiped out in the historical pattern already established.

With the exception of an innovation in the transfer system, no single measure appears hopeful under the circumstances. There is evidence in the prior record that Atlanta has encouraged maximum majority-to-minority transfers on an individual basis. The court reasons that if such transfers could be effected on a bus-load basis, the prospects can be enhanced. The Atlanta Transit System is in dire straits itself. However, it has agreed to allow the Board to utilize the same total number of busses previously employed on an individual pick-up route basis for "group transfers". Thus,

if a bus-load group of students in one area opt for a transfer to a particular school of the opposite race in another area, they can be transported at the same time in the same bus rather than individually along with the general public. The attached order so provides.

Additionally, the Board has agreed to make special efforts in the black area to encourage such group transfers through its area superintendents and other personnel stationed there. Already, it has given wide-publicity to the new transfer option through local newspapers, television, and radio. Over 100,000 bulletins have been placed in the neighborhood schools and a teacher is on duty to explain the plan to all interested parties. A central information center with a publicized telephone number has been established to impart the details to anyone inquiring. Each pupil may readily apply for the new transfer at the school he last attended on a quarterly basis on or before two days before the quarter opening.

CONCLUSIONS

Other than the above, it is apparent that the only device which could effect any significant change is mass-bussing in an endeavor to achieve a 30 pct-70 pct ratio throughout the system. As seen, distances alone would require 40 minutes or more for each child transported and all of this would have to be achieved by a system which has no busses, no drivers, and no funds with which to acquire and operate them. The pairing of non-contiguous attendance zones is, under urban circumstances where a half-mile for a school child is a long distance to walk, but another term for bussing. The court has considered the possibility of requiring the transportation of black students from the center to the white ends. This move is opposed by a large group of blacks except on a voluntary basis as described. On the facts alone, the court concludes that wholesale busing is neither "reasonable, feasible, or workable."

Of paramount significance, however, is the obvious result. Atlanta now stands on the brink of becoming an all-black city. A fruit-basket turnover through bussing to create a 30 per cent white-70 per cent black uniformity throughout the system would unquestionably cause such a result in a few months time. Intelligent black and white leadership in the community realizes and fears it. Responsible citizens both in and out of the school system are deeply concerned with preservation of the biracial identity of the city. Without it, the ultimate goal of equality in all its aspects is doomed and Atlanta's position of leadership is severely threatened.

The Atlanta School Board is made up of ten members, three of whom are black. Its chairman is Dr. Benjamin Mays, a respected black educator and civil rights leader. The Board deems it unrealistic to go further than stated and unwise to do so. The Biracial Committee appointed by this court is composed of ten outstanding civic and business leaders, five of each race. Its chairman is Mr. Lyndon Wade, the black Executive Secretary of the Urban League. A majority of 9 of its members have furnished the court with a resolution praising the Board's efforts and recommending no further action. (The tenth member was out of the city for an extended absence.) Short of mass bussing, the plaintiffs whose counsel and advisors have vast experience in such matters can offer no other alternatives. The Department of Health, Education, and Welfare has long ago approved the present plans.

The remedy of mass bussing under these circumstances is rejected. Nor is it deemed required under Swann. "An objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process."

The time and distance which would be involved is impractical, particularly for children in the primary and elementary grades. If the premise of Brown is correct and education in an all-black system is injurious, then certainly the results here would impinge the educational process for the children remaining. At least now there is complete integration administratively and substantial integration in pupil assignment. In a similar situation (Memphis), the Sixth Circuit in its post-Swann remand, indicated that the "extensive transportation of pupils to schools all over the city, regardless of distances involved in order to establish a fixed ratio in each school" is not required; and seemingly recommends that the trial court review all of those other devices already considered in Atlanta.

Swann holds that once de jure status is removed that a school district is not required to reintegrate continually due to de facto changes. "Neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition of student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system." On this basis, there is considerable merit to the position that this case ought to be dismissed forthwith. Atlanta's de jure status has long since been removed by Board action and by successive court decrees. Its present problems are entirely de facto. There is absolutely no evidence of any affirmative action by the Board to increase segregation. To the contrary, all official action for many years has been to promote integration. It appears to be a unitary system "within which no person is to be effectively excluded from any school because of race or color." On such basis, Atlanta is entitled to a dismissal.

However, should Swann be considered as a starting point for such a goal, the present facts qualify. In essence, Swann holds that the essentials of any unitary system are the elimination of invidious racial distinctions in regard to (1) transportation, (2) faculty and supporting personnel, (3) extracurricular activities, (4) construction and site selection, and the presence of an (5) optional majority-to-minority transfer provision. To the extent that they apply, Atlanta has had such essentials for some time. With this order, the payment of public transportation and space guarantee has been added to the transfer provision. On pupil assignment, the Court, sitting in equity, may utilize any number of devices to achieve a "realistic and workable" plan for the district. All of the devices named, with the exception of mass bussing, have been considered by the Board and the Court and optimum results obtained. Insofar as one-race schools are concerned, the Board has satisfied its burden of showing that "their racial composition is not the result of present or past discriminatory action on their part."

As seen, on a school-by-school basis there is existing integration of some kind or there is a purely de facto situation occurring since official desegregation in all but 15 all-black or all-white schools, or less than 10 percent of the total facilities in operation. Accordingly, upon implementation of the attached order, the system will be judicially declared unitary and a dismissal will be directed on January 1, 1972, the court retaining the inherent jurisdiction to deal with future problems. (In this respect, it should be made clear that for the present, the Singleton-type faculty assignment ordered by the court on March 20, 1970, calls for an annual adjustment. See Carter v. West Feliciana Parish School Board, 432 F. 2d 875 (5th Cir. 1970). Implicit in the attached order is the admonition that it be so administered until further direction is received.) But, in the absence of a showing that either the school authorities or some other agency of the State has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary."

COMMENT

Looking ahead, the court is compelled to note that the critical point for public education in the City of Atlanta and its environs has been reached. The situation calls for a sweeping examination of its relationship to housing, planning, finances, rapid transit and all the other external factors which vitally affect its role in the community. Apparently, no serious effort has been expended on the question of consolidation of the Atlanta system with the Fulton County system. In terms of efficiency, taxes, and quality education, such consolidations normally produce long-range improvements. In terms of the current problem, such consolidation might well produce partial, even though not perfect, solutions. Certainly for many reasons connected and unconnected with this case, this one aspect ought to be studied without delay. In any such investigation, the proper vehicle should be community-wide, crossing lines of industry, government, and transportation as well as education. While the School Board should certainly participate, it cannot function successfully alone. A special Mayor's Committee of both races might be appropriate. The existing Biracial Committee might well be expanded to 20–30 members to undertake such a task. If so, the court would gladly entertain a motion by any party or the committee itself to add sufficient members to represent the other community aspects involved. Short of such critical reevaluation, the Atlanta system faces a difficult task in merely "hanging on" to its present position, awaiting the uncertain reversal of white flight from its limits.

It is so ordered.

This the 28 day of July, 1971.

SIDNEY O. SMITH, Jr.,
United States District Judge.
ALBERT J. HENDERSON, Jr.,
United States District Judge.

TEXT OF BUSING ORDER

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, VIVIAN CALHOUN, ET AL, PLAINTIFFS VS. ED S. COOK, ET AL, DEFENDANTS

Upon consideration of this case under the remand of the Fifth Circuit, the defendant is ordered and directed as follows:

1. To abide by the previous decrees of this court regarding faculty and pupil assignment in the Atlanta public schools and specifically the orders of February 9, 1970; March 20, 1970; and August 31, 1970.

2. To provide for majority-to-minority transfers by application at the school last attended or at the central office each quarter of the school year at any time on or before the second day prior to the beginning of each quarter with space to be guaranteed each applicant at the school of his choice.

3. To provide for transportation for majority-to-minority transfers on the following basis:

(a) Where a sufficient number of students from a given community, zone, or point of origin will be traveling to a single destination, transportation will be provided by direct-billing contract with the Atlanta Transit System or some other carrier.

(b) Where the number of children moving to a given destination school is smaller than a bus load, transportation will be provided in the form of special bus tokens, distributed directly to the pupil involved on a weekly basis, to be used on regular Atlanta Transit System routes.

4. To furnish to the court and to the Biracial Committee through its chairman, reports on at least a semi-annual basis by October 1st and February 1st of each year containing the date set out in Appendix "B" of the district court order approved in United

States v. Hinds County School Board, 433 F. 2d 611 (5th Cir. 1970). If such data is presently available in the existing monthly-quarterly reports published, such reports may be furnished in lieu of a special report.

5. To consult with the Biracial Committee, in its advisory capacity, in the areas of the promulgation and maintenance of school zone lines, in the selection of sites for new schools, in student transfer and school transportation policies, together with such additional matters as may be assigned to the Biracial Committee by the School Board for consultation and advice.

To the extent stated herein, relief is granted; otherwise, it is denied. The motion by plaintiffs to hire a professional consultant at the expense of defendant is rejected. Considering the experience of the parties and the court in these matters, and the obvious factual situation, such expense is deemed unnecessary. Moreover, such action would delay these proceedings several more weeks up to the projected opening of the school.

It is so ordered.

This the 28th day of July, 1971.

SIDNEY O. SMITH, Jr.,
United States District Judge.
ALBERT J. HENDERSON, Jr.,
United States District Judge.

[From the Atlanta (Ga.) Journal, July 29, 1971]

U.S. JUDGES BAR MASS BUSING FOR ATLANTA SCHOOL INTEGRATION: STUDY ASKED ON STEMMING WHITE OUTFLOW

(By Donna Lorenz)

A federal court here has rejected mass busing as "neither reasonable, feasible or workable" as a means of integrating Atlanta schools.

The court called for a "sweeping re-evaluation of housing, planning, finances, rapid transit and all other external factors" to preserve integration in the school system and in the city.

"Short of such critical reevaluation, the Atlanta system faces a difficult task in merely 'hanging on' to its present position awaiting the uncertain reversal of white flight from its limits," commented Judges Sidney O. Smith and Albert J. Henderson in an order issued Wednesday in U.S. District Court.

In a lengthy opinion accompanying the newest order in the 13-year-old school desegregation case, the judges commended the Atlanta school board for maintaining a "traditional position of leadership in public schools" in spite of a deluge of urban problems beyond its control.

The judges commented that mass busing is an attempt to integrate further city schools, which the order said was the "only alternative" offered by the plaintiffs, the NAACP, would eventually defeat that end and cause "severe hardship" for the students involved.

"Atlanta now stands on the brink of becoming an all-black city," the opinion read.

"A fruit-basket turnover through busing to create a 30 per cent white-70 per cent black uniform system would unquestionably cause such a result in a few months time," the judges wrote.

The court suggested that Atlanta's "responsible citizens" are concerned about preserving the "biracial identity of the city without which the ultimate goal of equality in all its aspects is doomed and Atlanta's position of leadership is severely threatened."

The court did, however, order what it called an "innovation" in the board's majority-to-minority (M&M) transfer system—which allows any student to transfer from a school where he is in the racial majority to a school where he is in the minority.

The judges commended the school board for "encouraging" M&M transfers on an individual basis, but suggested that integration might be "enhanced" by transfers by the busload under the choice plan.

The order was merely a formality, however, since the judges themselves pointed out that the school board has already "widely publicized" the new transfer option.

Specifically, the court ordered:

Any student wishing to use the M&M transfer option may do so at the beginning of any school quarter, provided he registers by the second day before school starts, with space to be guaranteed in the school of his choice.

The school board will arrange a direct billing system with Atlanta Transit System when the number of students transferring on one route is sufficient, or arrange to provide special bus tokens for individual students when fewer than a busload transfer on a route. The transit system last year allowed students to transfer at a discount rate of 10 cents. Under the new order, the school board will pay the transportation costs. This was also mainly a formality, since the board had included such a provision in its amended integration plan submitted to the court for this case. The Atlanta school system owns no buses and receives no state funds for transportation.

Semiannual reports, due Oct. 1 and Feb. 1 each year, must be sent to the court and the school board's biracial committee.

Consultation will be required between the school board and the biracial committee on "promulgation and maintenance" of school zone lines, new school sites, transfer and transportation and other matters assigned by the school board.

The board must abide by previous orders on faculty and pupil assignment.

The 13-year-old case surfaced again this spring in the wake of the recent U.S. Supreme Court decision on the Swann vs. Charlotte, N.C., case, which outlined approved methods of desegregation.

Judge Smith said earlier that the Charlotte case did not clearly compel the use of any method, but Wednesday's order stated that the payment of transfer transportation costs by the board and the issuance of semiannual reports are required.

The Atlanta case, along with another Georgia desegregation case involving 79 school districts and several other Southern cases, was remanded by the 5th Circuit Court of Appeals in New Orleans for reconsideration on compliance after it had laid dormant for some time pending the Supreme Court decision on Charlotte.

The Atlanta case was originally filed in 1958 by the National Association for the Advancement of Colored People (NAACP) and in re-arguing the case this year in a July 5 hearing, NAACP attorney Peter Rindskopf accused the school board of attempting to skirt Supreme Court desegregation requirements and, therefore, falling in its integration plans.

Rindskopf asked the court to order the board to hire a consultant to help formulate new integration plans. He recommended Michael J. Stolee, dean of the University of Miami School of Education and a staff member of a Department of Health, Education and Welfare Desegregation Assistance Center in Florida.

The court denied the consultant request in Wednesday's order, however, saying that, "considering the experience of the parties and the court in these matters, and the obvious factual situation, such expense is deemed unnecessary," and would delay the proceeding until the opening of school.

The court order was highly complimentary of the school board's history of integration and cited many "external factors" beyond the control of the board which make further integration measures unfeasible.

The judges blamed segregated housing "which remains the unconquerable foe of the racial ideal of integrated public schools" and the "white flight" to the suburbs for inner-city conditions which have caused the Atlanta student population to completely reverse from 70 per cent white and 30 per cent black to the opposite percentage in the 13 years the court has had jurisdiction in the case.

"Atlanta in 1961–62 was one of the first major Southern cities to officially abandon the dual school system," the court pointed out.

"No one has successfully challenged the would be built for a regional IRS data proof the appointed superintendent, Dr. John W. Letson, or of its administrative personnel throughout this uncertain decade," the judges said. Each change has produced convulsive implosions within the system and what now has become the annual agony of Atlanta has cause significant changes in the character of the system, both physically and psychologically.

"The problem is no longer how to achieve integration, but how to prevent resegregation," the judges said. "Atlanta is entitled to a dismissal."

The case was dismissed effective Jan. 1, 1972, leaving the court jurisdiction to handle further problems during that time, but "further intervention by a district court should not be necessary," the order read.

[From the Manchester Union Leader, Aug. 2, 1971]

THE TREND

Decade by decade America's largest cities are becoming more black in terms of population percentages. If the trend is not halted, many of the nation's largest urban centers will be predominantly black by the year 2000.

Here are approximate and preliminary figures for the 1970 and 1960 censuses:

Rank cities	Population	Negro 1970 population	Negro 1970 percentage	Negro 1960 percentage
1. New York City	7,771,730	1,666,636	21.2	14.0
2. Chicago	3,325,263	1,102,620	32.7	23.0
3. Los Angeles	2,782,400	503,606	17.9	14.0
4. Philadelphia	1,926,529	653,791	33.6	26.0
5. Detroit	1,492,914	660,428	43.7	29.0
6. Houston	1,232,802	316,992	25.7	23.0
7. Baltimore	895,222	420,210	46.4	35.0
8. Dallas	836,121	210,238	24.9	19.0
9. Washington, D.C	764,000	537,712	71.2	54.0
10. Indianapolis	742,613	134,320	18.0	10.8

Source: Taken from Parade, June 20, 1971. Intelligence Report edited by Lloyd Shearer.

[From Washington Post, Aug. 3, 1971]

RIGHTS SUIT ASKS BAR ON SUBURBAN IRS UNIT

(By Peter Braestrup)

Nineteen civil rights groups sued yesterday to bar the Nixon administration from opening a new 4,000-employee IRS center in suburban Brookhaven, Long Island, until "adequate housing" exists there for prospective low-income, nonwhite employees.

"The government had a share in creating apartheid, now it has some obligation to dismantle it," said Richard F. Bellman of the National Committee Against Discrimination in Housing, chief attorney for the plaintiffs.

In essence, Bellman argued, federal officials violated the 1968 fair housing law and President Nixon's own executive orders by locating the IRS center in all-white Brookhaven without a "meaningful" investigation of the local

housing situation and thus access to the new jobs for blacks.

The suit is the latest of a dozen filed by civil rights groups against alleged suburban housing discrimination, notably racially exclusionary zoning (Black Jack, Mo.) or economic zoning to keep out low-income persons (Oyster Bay, N.Y.).

This one, the first against a federal agency rather than a local government, was filed in U.S. District Court in Brooklyn against the General Services Administration, which buys and leases property for the federal government.

Last Sept. 4, after inviting bids, GSA agreed to lease a $20 million building that would be built for a regional IRS data processing center in Long Island's Brookhaven Township. IRS is due to take over the building, now 30 percent complete, by mid-1972, paying annual rent of $3 million.

"PATTERN" DENIED

In Washington, a GSA official said the agency had not seen the brief filed by the civil rights groups. But he denied the contention made in the suit that there is a "pattern" of "GSA failure" to abide by national anti-discrimination in housing policy. An IRS project similar to the one in Brookhaven is being built adjacent to Mexican-American and black neighborhoods in Fresno, Calif., the GSA official said.

Other officials pointed out that housing is "not the only consideration" in federal site selection—that land costs, available space, and "the ability of the agency to carry out its mission" counted heavily.

In the case of Brookhaven, these officials said, the idea was that most of the 4,000 full- and part-time clerical jobs would be filled by people already living in or near Brookhaven Township.

Roughly 40 miles from New York City, the township last year had a population of 254,-260—of which 3.6 percent was nonwhite and located for the most part in a few enclaves such as Gordon Heights and Bellport.

SEPTEMBER REPORT

However, Gerald Turetsky, GSA regional administrator in New York City, told The Post last April that after study he had been concerned—and then satisfied—about both low-income housing and access to the center by commuters from outside Brookhaven.

He cited a housing report to GSA from Township Attorney Oscar Bloom as among the key factors. According to attorney Bellman, the Bloom report went to GSA on Sept. 4, the same day that GSA approved the Brookhaven site and was misleadingly optimistic.

In any event, Turetsky said at the time, "we can't attempt to seek an overhaul of the entire housing situation."

Town Supervisor Charles Barraud, a conservative Republican, said then that he was flatly opposed to local civil rights groups' demands for a local housing authority, which could use federal funds to build low-income housing. He said private enterprise should be given a chance first. But he differed with GSA in his assessment of Brookhaven's low-income housing situation.

"You can't find rentals under $200 to $280 a month," he said. "It's hard on the newly married, the elderly. I'm very concerned about the low-income."

CONSERVATION OF AMERICAN WILDLIFE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HANNA. Mr. Speaker, I rise to commend my colleague from California, the Honorable GLENN ANDERSON, for his efforts on behalf of the conservation of American wildlife. Mr. ANDERSON's bill H.R. 9668, limits the use of poisons on federally owned land. It is clearly the responsibility of the Congress to protect the endangered species that use public land as their natural habitat. The indiscriminate killing of these animals cannot be allowed to continue.

Particularly repugnant is the use of poisons which can endanger all wildlife, predatory or nonpredatory, those in abundance and those on the verge of extinction. Mr. ANDERSON's bill would require the approval of officials of the Department of Interior and the Environmental Protection Agency for the use of any trapping or poisoning techniques on public land. I commend this bill, H.R. 9668, to the Members of this distinguished body and urge its swift enactment.

KENTUCKY LEGION HONORS BILL NATCHER

HON. FRANK A. STUBBLEFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. STUBBLEFIELD. Mr. Speaker, I am sure our colleagues on both sides of the aisle will take great pleasure in learning that one of our most respected and hardest working Members was recognized last week by his fellow Kentuckians when he was presented the highest honor the American Legion of the State of Kentucky can bestow, its "Distinguished Service Award." The recipient of the award, my good friend Congressman WILLIAM H. NATCHER, was so honored by the Department Convention of the American Legion in Lexington on July 10 in recognition of his many years of public service to his community and State prior to his election to the Congress and for his distinguished service to his district, State, and Nation in the U.S. House of Representatives.

In making the presentation, Legion State Commander John W. Adams, Jr., among other things, mentioned that BILL is recognized as one of the hardest working members of the House Committee on Appropriations and is chairman of its subcommittee on the District of Columbia. BILL NATCHER has never missed a roll call in the House and through the years has sponsored or supported many pieces of legislation of far-reaching benefit to his constituents and the Nation.

After responding to the presentation, Congressman NATCHER delivered a hard-hitting statement on our national security to the Legion delegates which carries such import that I believe it should be included in the CONGRESSIONAL RECORD. Mr. NATCHER's speech follows:

REMARKS OF CONGRESSMAN WILLIAM H. NATCHER, SECOND DISTRICT, KENTUCKY, TO THE 1971 KENTUCKY DEPARTMENT AMERICAN LEGION CONVENTION, LEXINGTON, KY., JULY 10, 1971

NATIONAL SECURITY IN THE SEVENTIES

A major drive is underway to discredit the military in this country. There has been a steady escalating attack on the entire United States defense organization in recent years. The assault is probably broader, more intensified and varied than at any other time in history.

A full page ad appeared in one of our large newspapers several days ago making one of the most vicious attacks on the military that I have ever seen. A bold headline across the top of the page stated that America has a tapeworm and since the year 1946 the military has devoured more than one trillion dollars of our resources and it is going through us at the rate of $200 million a day. This ad further stated that as the result of huge expenditures for our military we were permitting our cities to die; our public services were collapsing, and we were carrying a huge tax load that was not necessary. According to this ad 61 cents out of every dollar paid to the federal government including social security trust funds goes to the military. In bold heavy type it said that by squandering the wealth of our nation on the military for twenty-five years, by paying for it partly through the concealed tax of money inflation the government has in effect confiscated a substantial portion of the purchasing power that Americans have had in savings accounts, in bonds and in pensions.

It does not require a professional historian to inform us that it has been the United States military that has prevented a third World War during the last twenty-five years and that it has been this force that has successfully turned back Communist expansion during this period. Communism has found the United States military its chief obstacle to world domination just as the principles of democracy under God have been the chief challenges to Communism throughout the world.

Those who signed this ad do not express the opinion of the majority of our people. To accept the conclusion expressed in this ad would bring about further erosion of American might. If the American people are unwilling to provide adequately for their own defense it is evident that their survival instinct has been impaired.

Today and more often in the future we must decide as to whether or not we can solve our problems in our cities and our major domestic problems throughout this country and at the same time maintain adequate forces for the protection of our people. It is imperative that we meet both, because if not we shall meet neither.

We are now in the process of attempting to move our country away from war and toward peace; away from a wartime economy and toward a peacetime economy; away from arms competition and toward arms limitation.

For full protection in these uncertain times the United States will continue to need the long range bomber, the submarine launched missile and the land launched intercontinental ballistic missile. An effective military force is vital to United States foreign policy. We must be ever alert and insist that the United States armed forces be provided with all of the tools of defense—the nuclear Navy, missiles and conventional forces that spell the difference between national life and death.

Our country is still the strongest nation on earth, and there is no place in our country for a spirit that accepts retreat and defeat. There is no valid reason for us to become a second rate power, or to kow-tow to the Soviet Union.

Ads such as the one that I mentioned if accepted by the people in this country would ignore the lessons of history.

It is true that we have expended over a trillion dollars for defense in the last twenty-five years. In 1946 we had a budget totaling $60.3 billion. $43.2 billion of this amount was for defense. At this time our Gross National Product was $201.6 billion dollars. Our Gross National Product today is $1 trillion, $12 billion. Our total budget calls for expenditures of $176.9 billion. $77.3 billion of this

amount is for defense. This means that 43.8% will go for defense.

When the war in Vietnam winds down we must continue to keep our country militarily fit and progressive. Our people must understand that the kind of military establishment we have and how strong and effective it is is a problem that concerns all of us.

The right kind of defense will continue to cost a large sum of money. We do have a certain amount of waste and duplication in our military services. The time has arrived for changes to be made in our military strategy, in the overall structure of our military services and the system used to spend the money appropriated for the military. The fight against military over-spending must be given the highest priority.

As we go along we must remember that the Soviet Union has during the five year period since 1965 surpassed this nation in land based intercontinental ballistic missiles. Today we have fewer missiles than they have. The Soviet surface fleet now includes two helicopter carriers, about twenty-four cruisers, thirty-five guided missiles destroyers, fifty gun-armed destroyers, more than 100 destroyer escorts and thousands of smaller ships consisting of mine sweepers, coastal escorts, support craft and intelligence collectors. The Russian nuclear submarine construction capability now is about twenty units a year. Our combat aircraft now number about 8,500. The Soviets have nearly 10,000. While we take ships out of commission the Soviet Union presses ahead with construction of the most heavily armed fleet in history.

It now has become obvious that unless we move promptly to rebuild our conventional armed forces and its nuclear deterrent we will be extremely vulnerable to Soviet Union blackmail. Our people must understand that ships, planes, missiles are instrumentalities of national purpose.

We have not ignored our cities and our major domestic problems during the past twenty-five years. More constructive legislation was enacted during the 1960's then at any other ten year period in the history of this country. Our elementary and secondary legislation, higher education legislation, water resources legislation, water and air pollution legislation, manpower training legislation, mental health and general research legislation have been enacted during this period. More housing, sewer and water grants and loans, classrooms, highways, and hospitals have been approved and completed than at any other ten year period. We have landed our men on the moon during this period and we all know that this is the greatest achievement of the twentieth century.

The drive underway to discredit the military in this country must not succeed. We can and we will solve our domestic problems and at the same time maintain adequate forces for the protection of our people.

REDUCING RESORT TO VIOLENCE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. WYMAN. Mr. Speaker, the spring 1971 issue of the Newsletter of the Institute of Social Research at the University of Michigan contains a special report on violence in the United States. Information contained in this report and the statistics included therein contribute to increased public understanding of the distressing emphasis on resort to violence by some persons in this country.

In the interests of seeking to reduce the causes of violence and to eventually eliminate violence as a means of settling disputes or expressing personal resentments and frustrations, I include this report in the RECORD at this point:

VIOLENCE WORRIES AMERICANS; MEN IN STUDY OFTEN JUSTIFY SEVERE POLICE ACTION TO QUELL DISORDER

Violence in this country has become something of a daily, reoccurring nightmare—a vision we can't quite believe, and yet one from which we can't awake.

Violent crime is more prevalent. Individual acts of mass murder occur with a tragic frequency and assassination has felled some of our most charismatic leaders. In Southeast Asia our collective act of violence continues to make headlines, while at home an endless progression of domestic violence is punctuated by ghetto riots, student disturbances, and police actions.

Many recent social and political crises have highlighted the confusion and the tragedy surrounding the seemingly endless series of events in which one violent act justifies a violent return from someone, somewhere. The deaths of students at Kent State and Jackson State are but two widely-publicized examples of this kind of escalating domestic violence, and the conflicting judgments that are still being made of the events on the two campuses are typical of a division which pervades this country.

We can't, it appears, even agree as to what the phenomena of violence are; and certainly we are not of one mind on where the monotonous sequence of action and reaction begins. For as long as we can identify some preceding abuse as violence, the justification for future violence is near at hand.

To understand better how Americans feel about violence, a study of the Institute for Social Research's Survey Research Center has attempted to reduce these clamorous opinions on violence to something measurable. In the summer of 1969 interviews were conducted with a nationwide sample of 1374 men who are representative of the male population as a whole, but who were also picked to include a larger number of blacks than would normally have been included.

The study, under the direction of Monica Blumenthal, Robert L. Kahn, and Frank Andrews was particularly concerned with unearthing the justification we use to make different kinds of violence acceptable and to discover just what levels of violence American men would tolerate in different situations. Two quite different types of violence were isolated and studied specifically—violence for social control and violence for social change.

What first became apparent from the ISR data was the magnitude of concern over violence—particularly domestic violence; over 65 percent of the men questioned mentioned some form of violence when asked about the things in this country which "nowadays concerned them." Furthermore, 68 percent mentioned some form of civil disorder and protest as being related to violence, while only 27 percent mentioned crime.

When asked to describe what causes violence 20 percent of the men pointed to problems such as a lack of understanding, communication, and trust between people or groups. Another 15 percent mentioned frustrations and general dissatisfactions as the cause; and 11 percent pointed to racial problems.

While men agreed that the basic causes of violence rest with social problems such as unemployment, discrimination, and lack of education, 30 percent said the way to prevent violence is through more police force and stricter, more punitive legislations.

While there was nearly unanimous agreement with the idea that some changes in society of the type advocated by blacks and students will be necessary, there was considerable diversity of opinion on what it will take to achieve those changes (and certainly on the magnitude and scope of those changes as well).

On the whole, American men did not agree that violence is necessary to produce social change. In the interview the men were asked to indicate how much violence was needed to bring about change for blacks, for students, and how much violence was necessary to bring about change in general. They responded to all situations similarly with between 58 and 62 percent agreeing "a great deal" that "changes can be made fast enough without action involving property damage or injury." And another 24 to 25 percent agreed "somewhat" with that proposition depending on the specific situation.

There is a significant number of Americans who feel that violence is necessary to bring about needed changes fast enough. About 20 percent of the men questioned believed that protest involving some property damage or personal injury is necessary, and another 10 percent or so believed that protest involving extensive property damage or some deaths is necessary to bring about change fast enough. Although the 10 percent who believed in the necessity of violence of a severe nature is dwarfed by those who held the opposite view, it should be pointed out that the figure still represents some 5 million men—no trivial number.

There was also a larger minority at the other end of the spectrum willing to tolerate and justify the use of a great deal of police violence. Respondents were asked how police should handle disturbances involving hoodlums terrorizing a town, campus disturbances involving some property damage, and ghetto riots. In each case, the respondent could indicate the appropriate police action ranging from letting it go, making arrests without clubs or guns, using clubs, shooting without killing, and shooting to kill. Under these circumstances from 19 to 32 percent felt that the police should shoot to kill depending on the specific situations.

There is, however, the calming fact that a solid consensus wanted the use of police force in a threatening situation kept to a minimum. From 79 to 87 percent of Americans agree that police ought to make arrests in various disturbances without the use of clubs or guns "almost always" or "sometimes." Eighty percent thought that such arrests should be made using clubs but not guns "almost always" or "sometimes." There was considerably less agreement about the appropriate use of guns. From 48 to 66 percent of the American men, depending on the specific situation, felt that the police should shoot (but not to kill) "sometimes" or "almost always."

To further clarify the attitudes of people favoring one type of violence or another, the study directors combined three sets of questions dealing with the amount of force the police should use to handle a specific situation and formed a single scale—Violence for Social Control. They also took three sets of questions dealing with the amount of violence necessary for social change and came up with a scale for Violence for Social Change.

They then looked at the subgroups holding beliefs along these violence scales and measured their values, what they defined as violence, how they identified with certain groups, and how they looked at prominent social issues.

Who were the men that want to use high levels of violence to control the social forces of dissent and protest? They were, for the population as a whole, less well-educated than the average American, living in rural areas or small towns located in the Southern or Border states more often than in urban areas. They identified strongly with the goals and persons involved in police work, believed

that if black protesters "get what they want" their life will change for the worse, and that few or no policemen dislike people such as themselves.

They were also more likely to have stronger belief in the principle of retributive justice—"an eye for an eye, a tooth for a tooth"—and they believed strongly in the right to defend their self, family, and home to the point of committing homicide.

They are also less likely than the average American to believe that violence has its roots in social problems, and that poverty and discrimination contribute to violence. Furthermore, they more often expressed the belief that the courts treat everyone equally, that the police should have more power, and that the Supreme Court has made it difficult to punish criminals.

Their attitudes support the violence of the legitimate powers of government to be used against disruptive or threatening forces. As such it is, for them, justified, necessary, and not really "violence" at all.

In fact, one of the key findings of the study was that what people *mean* by violence has a great deal of significance for other attitudes. And the more one labeled an act as violence, the more force one was willing to unleash to combat it.

It is not just a case of semantics. The study found that by-and-large when men talked about violence they all had the same qualities in mind: something bad, worthless, fierce, strong, and unnecessary. Blacks were the only exception to this; they tended to define violence as weaker, less bad, and less fierce than other groups.

All men, however, did not apply the term violence to the same events. American men generally, the study found, thought of protest as violence per se. They did not differentiate between burglary, draft-card burning, looting, and sit-ins in labeling them as violence.

When asked to mention violent events some 30 percent of the American men questioned came up with racial problems, another 23 percent with student protest and only 30 percent with crime problems.

When given nine specific events and asked if they were violence, the men cited looting the most often (85 percent), burglary next (65 percent), followed by draft-card burning (58 percent). Only 56 percent thought that "police beating students" was a violent act and only 32 percent believed "police shooting looters" was violent.

How can one account for the disparity between the study's own textbook definition of violence as "activities inflicting damage on persons or property" and what the public generally perceives as violence? How can the act of burglary—as aggressive toward property as it is—be spoken of in the same breath with the relatively benign (at least as far as physical damage) act of draft-card burning?

The study directors believe that one answer lies with the illegitimacy of the acts. Men tended to put under the rubic of violence actions they categorized as illegitimate, and the majority of American men believed force.

These matters are looked at quite differently in the black population where the majority of men regarded many police actions as illegitimate and violent. For example, 59 percent of the black sample defined "police shooting looters" as violence, while 23 percent of white union members did so.

This fundamental difference in the meaning of violence was also found between college students and white union members. Here the views were almost diametrically opposed. Seventy-nine percent of the college students (and 82 percent of blacks) regarded "police beating students" as an act of violence and only 45 percent of the white union members did so.

The situation was reversed on the question of draft-card burning—nearly two-thirds of the white union members regarded it as violence compared to only about one-fourth the college students.

Calling an act violence is to delete in a stroke all the nasty ambiguities. An action thus labeled will more easily justify a forceful response that is then seen as legitimate and necessary. The result is that if student protest is defined as "violent" one has to wrestle less with one's self and the language to mete out a just return of force.

If, on the other hand, we thought of violence in a purely objective, textbook way as "activities inflicting damage on persons or property," we would be struck with the much more uncomfortable and difficult task of prescribing violent medicines to heal the wounds of violence.

There is a rich history of gruesome examples of people's willingness to use violence against people who are not members of their group. People excluded from the status of "our people," or "our own kind" are treated with moral considerations different than members of our own peer group—even sometimes to the point of being seen and dealt with as less than human.

Justifications for violence were, of course, used against Jews in Europe 35 years ago as they have been used by whites against blacks for centuries in this country. Another example of this type of rationalization for violence in contemporary thinking can be found in the Vietnam War. A Newsweek article (Dec. 1, 1969, p. 37) in discussing the My Lai incidents states:

"Many U.S. fighting men under the stress of combat display a profound contempt for the people of South Vietnam. With hearty distaste, GI's commonly refer to the South Vietnamese—allies and enemies alike—as 'dinks.' And in the view of many longtime observers of the war, it is not unreasonable to conclude that the strong antipathy underlying such epithets—or the 'dink' syndrome as it is known in Vietnam—sometimes plays a part in the casual killing of civilian bystanders. 'Psychologically and morally,' says a U.S. civilian official, 'it's much easier to kill a 'dink' than it is to shoot a Vietnamese.'"

One wonders how much of the recent uproar in this country over the conviction and sentencing of Lt. William Calley is conditioned by the fact that he is so easily identified as one of "ours," while the women and children who were killed—as helpless as they may have been—are so much like the "enemy," so complicit with "them."

The study found that how men identified with the contenders in the violent scenarios enacted every day in this country did indeed strongly relate to how they approved or disapproved of their actions. Not only were men willing to use more force against persons or groups they didn't like, they were less likely to term that force "violence". The more a man was found to identify with the police, for example, the less he would call their actions violence and the more Violence for Social Control he would justify.

"These data imply," the study directors note, "that the less highly regarded the members of a particular group, the more likely men are apt to justify high levels of police force to be used against them."

People's values also add an interesting dimension to the picture. The researchers questioned the men about five basic values: (1) retributive justice, (2) self-defense, (3) person vs. property, (4) liberalism vs. conservatism, and (5) kindness. They found that retributive justice—"an eye for an eye"—and self-defense were the most potent values among American men generally in determining attitudes toward violence—kindness was the least potent: "One is tempted to say that the values that jusify violence are more important in the determination of attitudes than the values that oppose it."

The study found that the more justifiable a man found the use of violence by police to control hoodlums, students, and rioting blacks, the more he believed in the value of self-defense, retributive justice, material over humanistic values, property over persons, and the less he believed in kindness.

Blacks presented almost the exact mirror image of whites on this subject. For them, the values of self-defense and retributive justice were important, but they supported violence of the opposite type—for social change. The more a black-American believed in self-defense and retributive justice the more he believed violence necessary to change the social system. The experience of blacks in this country as a minority group suffering a history of oppression and discrimination has apparently reversed the role of aggressor and victim. Values, furthermore, did not have any correlation for whites on the Violence for Social Change scale.

With whom men identified was also effected by values. The individual who believed strongly in retributive justice was more likely to regard student demonstrators and black protesters as untrustworthy, looking for trouble, and likely to define their behaviors as violence and less likely to regard police actions such as "shooting looters" or "beating students" as violence. The plausible and somewhat frightening assumption follows that such a person may sanction strong police actions against students and blacks as a method of retribution—of "getting back at them."

The composite picture of a man who advocates a great deal of violence for social change was one who believes student demonstrations are helpful and that if student demonstrators and black protesters achieve their goals his life will change for the better. He was more inclined to regard the police as untrustworthy and looking for trouble and to define police actions such as shooting looters, beating students, and frisking suspects as violence. Furthermore, he did not believe that the police need more power, nor that the Supreme Court has made it more difficult to prosecute criminals. He was more apt than the average citizen to believe that violence is good, necessary, and unavoidable.

Nearly everyone in this study could justify some level of violence at some time. At the extremes of the spectrum the feelings for violence are most intense, most dramatically opposed; but the fact that a majority of us stand somewhere on the middle ground does not always mean that we are the peacemakers. Nearly all of us can find our share of situations where we justify some level of violence.

Breaking the cycle—freeing ourselves from the feeling that the omnipresent "violence" always deserves a violent return—will not be accomplished easily. Most of our attitudes toward violence are fed by deep, pressurized wellsprings.

One hopeful sign the study found was that with increased education came a general decrease in the level of violence recommended for police enforcement. This was true for both blacks and whites. For people of the other end of the spectrum, the same relationship exists but it was smaller—the higher the education, the less the violence for social change. It is interesting to note that the opposite was true for blacks wanting social change.

Increased education was also associated with a broadening of identifications, allowing men to see more with others' eyes and thus break down some of the neat, tight boundaries that so easily prompt violence. This is especially important since about one-fifth of the difference in attitudes toward the use of police force was due to how men identified with the police or with the objects of their force. An increase in education was also accompanied by a sharp decrease in the belief in retributive justice. Men with at least some graduate education disavow retributive justice four times as often as persons with an elementary school education.

Broadening our identifications to include people outside of our own group should also help to increase the general level of aware-

ness of the social and political realities which prompt much violence. Doing so, the data suggest, would reduce the general level of violence: the people who rated highest on the Violence for Social Control scale believed least in the social causes of violence. But Americans generally did not mention the eradication of poverty, discrimination, lack of jobs, and poor education as solutions to the problem of violence, even though they overwhelmingly recognized them as sources of that violence.

The greatest hope for reducing violence in this country, the study seems to indicate, still lies with the frustrating task of improving basic human understandings. The rhetoric of violence too often becomes a cudgel to subdue an opponent rather than a language to communicate with him. It still remains for a large portion of the American public to recognize that the roles of aggressor and victim are not permanently cast, but are subject to the experiences of people. Perhaps the more we are able to get into each other's skins and see with each other's eyes, the more our rigid interpretations of what is "legitimate" and "violent" will relax. Then we may begin to communicate and explore where we now react violently.

ATTITUDES TOWARD VIOLENCE OF WHITES, BLACKS, COLLEGE STUDENTS, AND WHITE UNION MEMBERS

[Percent]

	White	Black	College students	White union members
Violence for social control:				
Low	23	37	25	16
Medium	51	46	54	54
High	26	17	21	30
Total	100	100	100	100
Violence for social change:				
Low	48	11	35	47
Medium	38	37	38	39
High	14	52	27	14
Total	100	100	100	100

WHO CALLS WHAT VIOLENCE

[Percent]

	College students	White union member	Blacks
Police:			
Police beating students is violence	79	45	82
Police shooting looters is violence	43	23	59
Police frisking is violence	16	10	34
Burglary:			
Looting is violence	76	91	74
Burglary is violence	47	67	70
Dissent:			
Student protest is violence	18	43	23
Sit-ins are violence	4	24	15
Draft card burning is violence	26	63	51
Denial of civil rights is violence	54	40	70
N	(63)	(279)	(303)

SOVIET MILITARY RESEARCH AND DEVELOPMENT—PART IV

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HARRINGTON. Mr. Speaker, on May 19, 1971, the Senate Armed Services Subcommittee on Research and Development, chaired by Senator THOMAS MCINTYRE, held an important open hearing with representatives of the Federation of American Scientists on the subject of comparison of United States and Soviet technology. A reading of the transcript of the hearing is most useful for those who would try to understand this controversial subject.

The Federation of American Scientists in May 1971 released a report of its ad hoc committee on military R&D, entitled "Is There an R&D Gap?". This report, which strongly criticized Defense Department assertions, was printed in the RECORD on May 10, 1971, pages 14093–14101. The members of the FAS committee were:

Dr. Marvin L. Goldberger—chairman—chairman of the physics department at Princeton University, former member of the President's Science Advisory Committee and chairman of its Strategic Weapons Panel, and former chairman of the Jason Division of the Institute for Defense Analyses.

Dr. Richard R. Nelson, professor of economics at Yale, coauthor of "Technology, Economic Growth and Public Policy," published by the Brookings Institution in 1967.

Dr. George Rathjens, professor of political science at MIT, former deputy director of the Advance Research Projects Agency in DOD, former Special Assistant to the Director and former Deputy Director in the Arms Control Disarmament Agency.

Dr. F. M. Scherer, professor of economics at Michigan and coauthor of "The Weapons Acquisition Process."

I would point out that Dr. John Foster's comments on the Federation of American Scientists statements are printed at the end of the hearing. I would also suggest that the Director of Defense Research and Engineering has not in his comments been responsive to Senator McIntyre's request for "detailed evaluation and specific comments on each of the allegations and questions in the report and in the statement made by the federation." It is unfortunate that some DOD officials and others have sought to portray the FAS criticisms as being primarily a personal attack on Dr. Foster and thus have apparently sought to escape the need to respond adequately to these criticisms. I regret that Dr. Foster may perhaps have been given cause to feel unfairly and personally assailed but I find it disturbing that there seems to be operating here a mechanism which seeks to discredit critics and their criticisms by reference to essentially irrelevant matter.

The transcript of the Senate Armed Services hearing on comparative Soviet and United States military R&D follows:

COMPARISON OF UNITED STATES AND SOVIET TECHNOLOGY, WEDNESDAY, MAY 19, 1971, AD HOC RESEARCH AND DEVELOPMENT SUBCOMMITTEE OF THE COMMITTEE ON ARMED SERVICES

The subcommittee met, pursuant to recess, at 10:05 a.m., in room 224, Old Senate Office Building, Hon. Thomas J. McIntyre (chairman of the subcommittee) presiding.

Present: Senators McIntyre (presiding), and Goldwater.

Also present: Hyman Fine, professional staff member.

Senator MCINTYRE. The subcommittee will please come to order.

OPENING STATEMENT BY CHAIRMAN

This morning we are pleased to have before us representatives of the Federation of American Scientists, who have requested this opportunity to appear in connection with the research, development, test and evaluation part of S. 939, the fiscal 1972 military procurement authorization bill. The Federation was to be represented today by two members of its Ad Hoc Committee on Military Research and Development. It is at least represented by one member of the Ad Hoc Military Research and Development Committee. Dr. George W. Rathjens, professor of political science, Massachusetts Institute of Technology. It is my understanding that his colleague, Dr. Richard R. Nelson, is unable to get the airplane to take off because of fog and it is also my understanding that if he does not make this meeting this morning that Dr. Jeremy Stone, who is also here, the director of this Federation, will speak on behalf of Dr. Nelson and also on behalf of himself.

STATEMENT OF DR. JEREMY J. STONE, DIRECTOR FEDERATION OF AMERICAN SCIENTISTS

Dr. STONE. Dr. Nelson joins me in a statement I will make subsequently on the assertion that DOD has "broken the code" of the R. & D. budget. My further comments would be on behalf of myself and the Federation. (See p. 3333.)

Senator MCINTYRE. All right. I would like to place at this point in the record a copy of the letter dated April 5, 1971, from the Federation of American Scientists which requested this opportunity to appear before the subcommittee. That letter indicated that several senior members of the Federation had expressed doubts about the validity and meaningfulness of comments being made by Dr. John S. Foster, Jr., Director of Defense Research and Engineering, on relative rates of research and development spending here and in the Soviet Union.

(The letter follows:)

FEDERATION OF AMERICAN SCIENTISTS,
Washington, D.C., April 5, 1971.

Hon. THOMAS J. MCINTYRE,
Chairman, Ad Hoc Subcommittee, on Research and Development, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Several senior members of the Federation of American Scientists have expressed doubts about the validity and meaningfulness of comments now being made by Dr. John S. Foster, Jr., on relative rates of R&D spending here and in the Soviet Union.

The Federation would welcome a chance to express its view in unclassified testimony before your Subcommittee on Research and Development. We note that your hearings are indeed dealing in part with overall levels of R&D spending. And our membership includes prominent strategists, famous economists working in relevant fields, and former directors of research for DOD, CIA, and ACDA. We believe that we could make a useful presentation putting in some perspective what should and should not become a matter of concern in this general area.

As evidence of our competence to address these questions, may we call your attention to the testimony FAS presented on bomber defenses on March 11 before the Special Subcommittee of Senator Stennis. We enclose also our comments on the Military Procurement Bill before the Hébert Committee.

We believe that a reasonable outside voice on these questions can play a useful role in providing the Subcommittee with a point of view to contrast with official comments. For this purpose the Federation is the largest single collection of relevant expertise outside the Government.

We look forward to hearing from you,

Respectfully,

JEREMY J. STONE, *Director.*

DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING,
Washington, D.C., June 24, 1971.

Senator JOHN C. STENNIS,
Chairman, Armed Services Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In testifying on 19 May 1971 before the Senate Armed Services Committee, Mr. George W. Rathjens quoted from my testimony of 27 April 1970 to the Defense Subcommittee of the House Appropriations Committee. He was concerned that I had predicted then that the Soviet Union might assume technological superiority in two years.

When this was brought to my attention I, too, was concerned. To clarify the issue, I wrote a letter to Mr. Mahon. Knowing that you have an interest in this issue, I have enclosed a copy of that letter. It may be of use to you in the coming discussion of the FY 1972 budget for RDT&E.

Sincerely,

JOHN S. FOSTER, Jr.

MAY 27, 1971.

Hon. GEORGE H. MAHON,
Chairman, Committee on Appropriations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In recent days, my attention has been called to a statement I made before the Defense Subcommittee of the House Appropriations Committee on 27 April 1970 in answer to a question from Congressman Sikes. The transcript of the Hearing shows on page 9016 that I said:

"The primary significance, I believe, sir, is that, if the Soviets continue to increase their effort devoted to military-related research and development, and we continue our present trend, within the next two years the Soviet Union will assume technological superiority."

This appears also in the published record of the U.S. House of Representatives, Defense Subcommittee of the Appropriations Committee, Fiscal Year 1971, 91st Congress, 2d Session, Part 6, page 40.

I have difficulty believing that the above records accurately show what I said. The data available in April 1970 was inadequate to make any such precise prediction. I may have said: ". . . within the next few years the Soviet Union will assume technological superiority. . . ." and the reporter misunderstood the word "few" to be "two". If this is what happened—and it is my only explanation for this obvious error—then I must apologize for not having corrected the error in my review of the transcript.

The above reference was the first time I gave any estimate of when the Soviet Union might assume technological superiority over the United States—assuming present trends continue. In subsequent statements, based on a more accurate and complete analysis of Soviet Union R&D funding, I have mentioned the possibility of the United States' losing the technological lead in the mid to latter part of this decade. Of course I recognize, and I am sure you do too, that any such estimate is simply that—an estimate of what might happen. It cannot be precise and, in this case, can be thrown off by changes in either of the two countries.

I look forward to presenting to you on 1 June 1971 the current situation as I see it.

Sincerely,

JOHN S. FOSTER, Jr.

RESUMPTION OF HEARING

Senator MCINTYRE. I would like to make a number of observations before proceeding with this hearing. The civilian and military authorities who are charged with the responsibility for running the Department of Defense have been unanimous in their expressed concern about the dramatic increases in Soviet technological capability and the growing threat which this represents to our Nation. Dr. Foster has stated before this committee that the Soviets are now spending in 1968 equivalent dollars some $3 billion more annually on military and space research and development than is the United States. He also stated that their greater effort could provide the Soviets with weapons systems that are superior to ours. Further, that while the United States is still technologically ahead of the Soviet Union by perhaps 2 to 3 years on the average, if present trends continue, they would probably assume technological superiority in the latter half of this decade.

Soviet element of surprise

While I fully recognize the gravity of any Soviet technical surprises which may produce a better weapon than ours, and while I fully support the need for an adequate level of research and development to maintain our technological lead, I am not convinced that technology is synonymous with the total of the research, development, test, and evaluation program. Technology includes only those portions of the program which are identified as research, exploratory development, some portion of the advanced development program, and that part of the management and support area which pays for our laboratories and test facilities. A larger dollar fraction, which includes a portion of advanced development and management and support, and all of the engineering development and operational development programs, is so closely alined to production that it is not correct to consider these efforts as being part of the technology base. There is very little, if any, in the way of invention or innovation which results from the efforts of a very substantial body of engineers and machinists who are involved in translating designs and specifications into hardware. An analysis of the U.S. technology base, as compared with the Russian, but reflecting a more precise definition, would have much greater significance in arriving at a meaningful comparison.

I am deeply concerned about the statements of the Department of Defense. I am particularly concerned that larger amounts have not been requested for technology in previous year budgets if, in fact, their allegations are correct. It is noteworthy that there has been a scarcity of major new weapon systems entering the inventory in the past 5 to 10 years as compared with the Soviets. If their prediction is valid, I wonder if this predicament is not more a reflection on the quality of past judgments and decisions of the Department of Defense in their selection of the specific technology to be pursued and the major weapon systems to be developed. For example, termination of the Manned Orbiting Laboratory program several years ago, after an expenditure in excess of $1 billion, raises the question as to the judgment of the Department of Defense. This is particularly significant when we observe the Russian activity today which points to an earlier manned space station than we can achieve.

It is against this background of doubt and in this atmosphere of apprehension that an expression from the scientific community, outside the Government, is considered most timely and appropriate.

Dr. Rathjens, will you please proceed with your statement?

Senator GOLDWATER. Might I say a word or two?

Senator MCINTYRE. Yes.

Senator GOLDWATER. I think you made a good statement here. I think the base of our problem in this country is that for 10 years we have practically ignored research and development while the Soviets produced at least one new aircraft every 3 years in all their categories, including new engines. We found ourselves in the unusual position of having airframes waiting for engines, which is the opposite of the situation.

I believe in research and development, and I think the advancement of technology depends upon expenditures in this field. What I have lamented for years is that we had a Secretary of Defense who did not believe in it and we are now paying the piper.

Go ahead.

Senator MCINTYRE. Thank you very much, Senator Goldwater.

STATEMENT OF GEORGE W. RATHJENS ON BEHALF OF THE FEDERATION OF AMERICAN SCIENTISTS

Mr. RATHJENS. Mr. Chairman, Senator Goldwater, thank you very much.

I am honored to appear before you on behalf of the Federation of American Scientists to discuss military research and development.

A report on "R. & D. gap"

The Federation has recently completed a report which deals with a facet of that subject, the question of whether an "R. & D. gap" is developing. I understand that report and also a summary have been made available to you, and I would hope they could be included in the record.

Unfortunately, Professor Marvin Goldberger, who chaired the committee that produced the report, is unable to be here today. However, I will be pleased to answer any questions regarding it, particularly with the help of Dr. Stone, our director, who is sitting next to me.

In the next few minutes I will comment on some of the points made in the report. To the extent that my observations go beyond the content of the report they should be regarded as my own and not the considered views of the Federation, although I believe many of its members would agree with me.

During the last several years, Defense Department spokesmen, particularly Dr. John Foster, the Director of Defense Research and Engineering, have, on a number of occasions, asserted that the United States was in danger of losing its lead in technology to the U.S.S.R. To support this contention it is claimed that differences in the production of scientists and engineers, and in expenditures for R. & D., will lead to Soviet superiority, and it is claimed that, by considering the kinds of military equipment being developed and deployed, a trend in favor of the Soviet Union is observable. Such statements are based on very dubious premises and analysis, as our report shows, and they are dangerously misleading.

I have nothing to add beyond what our report says on the question of relative rates of production of scientists and engineers. I would like to comment briefly on the other two points.

Technological superiority

Of the various statements made by Dr. Foster on the erosion of U.S. technological superiority, probably the most irresponsible was one made a little over a year ago before the House Subcommittee on Defense Appropriations when he asserted, "If the Soviets continue to increase their effort devoted to military-related research and development and we continue our present trend, within the next 2 years the Soviet Union will assume technological superiority." Taken literally, that statement would, I assume, mean that by next April—that is, 11 months from now—the Soviet Union would be introducing into its operational forces equipment with performance superior to that being introduced by the United States. In a few areas that may be true, but I submit that, in most important areas of military technology, the United States now has a technological lead and will have next April, even though I assume the trends to which Dr. Foster has referred will have continued.

Let me cite a few examples, limiting myself

to the strategic area which I know best and about which there have been the loudest alarms from the Defense Department. Unfortunately, because of security classification, my remarks cannot be as specific as I would like, but I suggest that you might find it useful to make detailed comparison between U.S. capabilities and those in our various intelligence estimates regarding the Soviet Union.

As regards ballistic missiles I believe you will find that the systems we are now deploying will deliver their warheads with higher accuracy than will the Soviet missiles now being deployed. The ballistic coefficients of U.S. warheads, you will, I believe, find to be higher than those of the U.S.S.R., an important consideration for the attainment of high accuracy and penetration of possible defenses. We have completed development of two MIRV systems and are now deploying them while, insofar as I am aware, there is still uncertainty about whether the Soviet Union has yet had a single true MIRV test. We have been using solid propellants since the early sixties. The Soviet Union introduced them at a much later date and is still deploying liquid-fueled systems.

If you consider submarines, I believe you will find that the ships we are now deploying are significantly less noisy than their Soviet counterparts, and in sonar development we also probably have a significant lead.

If you consider ABM defense, I believe you will find that, ineffective as Safeguard is likely to be, it incorporates interceptors and radars of higher performance than the Soviet systems.

Finally, in computer technology, which is essential not only to ABM systems but to many other military systems, you will find that the United States has a truly enormous lead.

If the United States is going to lose its technological superiority within the next year or so I submit that the present administration is grossly derelict in its responsibilities. If not, Dr. Foster is irresponsible in making such statements to the Congress and the public. The subcommittee should find out what the situation is by a careful examination, calling on not only the Department of Defense, but on the CIA and other relevant Government agencies for hard comparative data.

I would like to depart from the prepared text to comment in the light of your introductory remarks, Mr. Chairman.

Foster comment cited

I understand Dr. Foster has made a statement this last year in which he said—I believe you quoted him—we could lose our superiority in the latter half of the decade but we are now 2 to 3 years ahead. That is very different from the statement he made a year ago, and if you try to compare these two statements I would only conclude that the gap is improving very much in our favor.

A year ago he said we would lose technological superiority within 2 years; now he is saying we are 2 to 3 years ahead and that we could lose it within half a decade. I question whether the situation is improving as much as might be suggested by comparing these two statements, if at all. I simply do not know what to make of this except it seems to me there is a gross inconsistency.

Senator MCINTYRE. May I ask you a question? You quote Dr. Foster before the House committee?

Mr. RATHJENS. Yes, sir.

Senator MCINTYRE. Was he speaking of the entire spectrum of R. & D. or was he answering a particular question in some specific area of weaponry?

Mr. RATHJENS. To the best of my knowledge, he was speaking of the whole question of military technology.

Senator MCINTYRE. I thank you.

Dr. STONE. We have in our report five quotes given since 1969, in the last 3 years, which say successively, that the Soviets either "will" or "could" achieve technological superiority over us in the following time periods: First, he said "in this decade"; next "in several years"; then in "2 years"; then in the "latter half of the decade" and then "in the middle of the decade." Of these five statements, four refer to the Soviets actually gaining technological superiority over us rather than us losing technological superiority.

Mr. RATHJENS. I do not know what to make of these. They seem to be grossly inconsistent. I expect the situation is about the same as it was a year ago. Both sides have made some progress. My guess is that the lead is about the same and has not changed dramatically, but I think the committee ought to find out.

Comparing budgets

Much of the DOD case regarding erosion of our technological lead has been based on budget comparison. Certainly budgets are indices which should be used for R. & D. comparisons, but they can be very misleading. Far more important than the amounts that are spent is how the money is spent. Initiation of a few unwise programs, or failure to terminate large projects when they should be terminated, can consume enormous amounts of money while producing very little useful capability. The amount being spent this year on SAFEGUARD R. & D. is comparable to the entire part of the Defense R. & D. budget for research. Yet, it should now be quite clear that SAFEGUARD will not provide a very satisfactory defense for MINUTEMAN and is being kept alive largely because of the administration's political commitment to it.

The proposed test of the SPARTAN warhead provides an even more flagrant example of wastage of R. & D. funds. Before we are through, that test, and the two predecessors, will probably have cost a couple of hundred million dollars. Yet, the principal role for that warhead, a defense against a possible Chinese nuclear attack, has been rejected—in my judgment, wisely so— by the Congress.

Security comparisons

Actually, unwise as some of our decisions are, I believe we probably do much better than does the U.S.S.R., and that brings me to my next point. Defense spokesmen have often argued that Soviet secrecy is a great advantage—that we cannot know until late in the Soviet R.D.T. & E. process what their capabilities may be, and that because of that Soviet advantage we must maintain a technological lead. I believe there is something in that argument, but that whatever advantage the Russians have in this regard is more than offset by the disadvantage of a closed society.

One of the strengths of our system is the informed criticism and questioning with respect to major weapons development and procurement decisions that goes on within the executive branch, by the Congress, and by the public. Without such questioning I believe we would have made many more unwise decisions than we have. With the Soviet penchant for secrecy and the consequent compartmentalization in their government structure I believe they suffer great disadvantage. To give a single example, they have undoubtedly invested billions of R. & D. rubles, not to mention procurement rubles as well, on the Leningrad and Moscow ABM systems—rubles that very likely would not have been spent had there been widespread and informed discussion of the technical limitations of those systems.

Before closing I would like to comment briefly on a facet of the "R. & D. gap" problem that has not been, I believe, adequately brought out either in DOD statements regarding the subject or in our FAS report. This is that rather different problems arise when one considers tactical systems on the one hand and strategic systems on the other.

Tactical and strategic systems compared

The tactical systems we develop are very likely to be used in combat, if not by us, perhaps by our allies, and the outcome may be quite sensitive to how well these systems perform. To me this suggests that, as regards tactical systems, we should have a fairly vigorous program that involves the whole R.D.T. & E. cycle. An aircraft that looks good on paper, or even one of which a prototype has been flown, may in fact not be very satisfactory. Thus, in considering tactical weaponry I find it had to argue that expenditures on research and exploratory development are necessarily more critical than those that must be incurred in the later stages of the R.D.T. & E. cycle.

The situation as regards strategic weaponry seems to me drastically different. The present situation is one of great overkill and considerable stability. I do not expect ever to see the strategic weapons used—and if they are, I do not expect this Nation will survive as a going society; and that will not depend on whether or not one side or the other has somewhat superior weaponry. Thus, in the strategic area I submit we need not be much concerned about modest differences in performance between Soviet and American systems or even about whether all of the systems have been thoroughly tested. What we must be concerned about is the possibility of a major technological breakthrough that could so alter the strategic balance that it could be exploited against us politically or militarily. Our best insurance against such surprise will be vigorous efforts in research and possibly in some exploratory development. Such work will let us know what is possible. Until such time as a true breakthrough appears in sight, vigorous efforts at advanced development will be unnecessary and even wasteful. As an example, it would seem to me that freezing the ULMS design and going into advanced development would be premature at this time.

In being as critical as I am of claims raised by the DOD I would not want to leave you with the impression that I am not concerned about the state of the technical community and the support of science and engineering in the United States. I am deeply concerned. We are now in a situation where we have vast numbers of talented technical people who are unemployed or underemployed. Many are bitterly disillusioned and would be reluctant to return to the aerospace industry even if there were opportunity. The Nation as a whole has been to some extent disillusioned with technology, seeing it as a source of troubles rather than a means for their solution. Finally, and this is most pertinent here, there has been a serious erosion in confidence, particularly among young people, in the American system and in particular in Government leadership. Much of this stems from the war in Vietnam. But it goes beyond that. There is a more general feeling that Government is not to be trusted in either what it does or what it says. This is why exaggerations by responsible governmental officials such as those about the R. & D. gap are so dangerous. They needlessly frighten the ill-informed public, further alienate the informed public, and are a serious impediment to the orderly processes of government.

I believe the most serious gap about which we must worry in this country is not missile gap, not an R. & D. gap, not a balance-of-payments gap, but a credibility gap which widens daily. In terms of our subject for today it means that, even if they are sorely needed, some of the best minds being produced in this country will not be available to the Government simply because they will have become conditioned to not believing what their Government tells them, and because they will be profoundly skeptical of the purposes to which their inventions and ingenuity might be put. It will be some time before this credibility gap can be closed, and we must face that realistically. But we must begin to close it; and in the hope that it will in time be closed, we must provide reasonable

support for science and technology so that those with talent and interest in these fields can be educated, and so that the country can continue to develop its scientific and technological base on which its well-being depends.

Thank you.

Senator McINTYRE. Thank you, Doctor. Would you consider this an appropriate time for your statement, Dr. Stone, that you wish to make on behalf of Dr. Nelson and yourself?

Dr. STONE. Please; I would like to.

Senator McINTYRE. You may proceed.

Dr. STONE. If the committee please, I would like to first submit a short statement from the chairman of the federation, Dr. Herbert F. York, who would be here today, I am sure, were he not chancellor of the University of California at San Diego and both busy and a long way away.

Dr. York was, as you know, under President Eisenhower, the first Director of Research and Engineering, the position that Dr. Foster now holds as the third such Director. Dr. York authorized me to make this statement for him as chairman of the Federation.

(The statement follows:)

STATEMENT BY DR. YORK

I would like the record to show that I am in full agreement with the report, "Is There an R&D Gap?" being submitted to the Committee. Estimates of Soviet R. & D. spending are the special province of the Central Intelligence Agency and other intelligence agencies. Our document gives ample reason for questioning the Pentagon analysis under discussion. Therefore, these intelligence agencies should be called to testify on their opinion of the Pentagon assumptions.

I want to emphasize, however, that the Pentagon charge that the Soviets will gain "technical superiority"—as a result of the alleged spending imbalances—is alarmist and misleading and would be even if these imbalances existed. Technological superiority is based on many factors, including the efficient use of human resources, the facilities made available, the projects assigned, and the state of the civilian and military technological art in the society. For example, the Soviets have in the past demonstrated one particular weakness which I would hope we would not emulate—and which would certainly not lead to technological superiority—the actual building of a wide variety of prototypes of military hardware which, in many cases, add only marginally to their military strength and become rapidly obsolete.

RESUMPTION OF HEARING

Dr. STONE. I think, Mr. Chairman, this captured very much the flavor of many of the points you made just now, although we had not read your statement earlier.

Also, I would like to point out in our statement on page 16, Dr. York is quoted as having said many years ago that the most serious mistakes he made when he was Director of Defense Research and Engineering were those mistakes involving the initiation and carrying along to a considerable degree of completion of programs which it later turned out we did not need.

So, here again, I think this statement is very similar to that made by you, Mr. Chairman.

Now, if I might, I would like to state precisely formulations of the questions we are raising in our lengthy report, so there should be no mistake about exactly the points we would like to have the Pentagon answer for our part, and so that we can document for you that the charges we have made about the statements made by Dr. Foster are backed up in each case by serious questions on our part, and do not represent simply rhetorical exaggerations on our own part.

(The report follows:)

CONCERNING THE EVENING STAR REPORT OF MAY 18

1. On May 18, DDR&E began to claim that they had "cracked the code" of the Soviet budget for R&D according to Dr. Eberhardt Rechtin; the new study had been taken to Secretary Laird in late summer.

2. In November, Foster told the American Society of Naval Engineers (November 24, 1970) that:

"The President's Defense request to the Congress this year is about $72 billion. As we look for a comparable figure in Russia, some uncertainty exists about the ruble's value in dollars, and parts of the Soviet defense budget are hidden. Still, it is clear that the Soviets have increased their spending, the present 'ballpark' of U.S. expenditures, and they show no signs of leveling off."

If the present "ballpark" means within—let us say—5%, then the entire Soviet military budget is not known to within $3.5 billion.

3. According to the Evening Star report, "military experts could estimate the costs of running the Soviet armed forces—how much it costs to pay the soldiers, sail the ships and fly the planes. Something was found left over—research costs."

In short, the research costs are a residual and have in them all the errors associated with estimating the total. The entire $3.5 billion alleged Soviet advantage may be a residual error.

4. The Star report goes on to say:

"The American analysis added up the entire Soviet technological effort and began subtracting identifiable pieces . . . Space work similar to that done by the civilian U.S. space Agency is reasonably identifiable because it involves tests that can be seen or heard. A figure could thus be assigned to this part of the effort."

In short, the space effort was not estimated by breaking the code of the Soviet budget but by estimating how much it might have cost to set off each test that we observed.

5. In other words, although the Star report shows an attempt by DDR&E to suggest that it has somehow had an intelligence breakthrough, the calculations being made are traditional estimates from what we can see to what it might have cost.

Indeed, until pressed on this matter by the Federation of American Scientists, Dr. Foster made no such dramatic claims as "breaking any code." In his testimony to this Committee, he noted that his estimates of increases in Soviet R&D spending were "according to calculations" (p. 1–3) and according to our "best estimates" (p. 1–3).

And although Dr. Foster told the Star that he had asked the intelligence community to make another try last year, when Congress was "dealing pretty harshly" with his R&D budget, in order to decode the budget, he told the Armed Services Committee of this body quite a different story. He simply said:

"This analytic work is an impressive pioneering attempt to help resolve questions about comparative U.S./U.S.S.R. efforts in defense research and development. The data present, even with the problems associated with converting "defense rubles" to dollars and the Soviet budget concealments [sic] are believed to be accurate to within 10 to 20% (p. 2–5)."

And he noted that the "conclusions pertaining to fiscal inputs are based largely on the results of studies, begun several years ago, which analyzed Soviet budgets in terms of U.S. dollar equivalent for space and defense-related research and development" (p. 2–4).

6. Nor was Dr. Rechtin claiming that any budget code was broken in speeches early this year. Instead, he said:

"In the area of RDT&E our information is limited by Soviet secrecy, leading to controversy in any comparison of U.S. and U.S.S.R. efforts."

He said: . . . the Soviet RDT&E effort is very secret compared to ours—data is scarce. In addition, the U.S. and Soviet budgets are constructed differently. And then, the Soviet budgets are in rubles, not dollars, with the conversion factor from rubles to dollars depending on what one wants to buy.

7. When Dr. Rechtin went on to explain how the "analysts recently were able to reduce the uncertainty considerably" in Soviet spending, he confirmed that the refinement "took several steps" including an anlysis of the budget and results of the Soviet space program.

But in his second step he reveals the circularity of apparent DDR&E reasoning. He says:

"The next step was to take a look at whether the U.S. or the Soviet Union was pulling ahead technologically in military RDT&E. We compared ICBM's, ABM's, fighter aircraft, submarines, tanks and a variety of other weapons systems to see whether we were better off in 1968 than we were in 1960. We also made a similar technology comparison on the space side. *We then reasoned that if one country or the other was conspicuously pulling ahead it was probably investing more.*" (P. 8, speech given in Feb. 1971 to University of Southern Calif.)

In short, budget estimates are being made from assessments of *results*. Since there can be no significant assessments of across the board technological results since 1968 in the Soviet Union—the period is much too recent—this method will not work to estimate Soviet R&D expenditures of this recent period.

A direct estimate of technological results can be made for earlier periods and when it was applied to 1960–68, it revealed that:

"As a general rule, we *neither gained nor lost* very much of our several-year military technological lead over the Soviets from 1960–68. On the other hand, we *clearly picked up lead on* the Soviets in the space business" (italics added) (same speech as above).

8. Since, for the recent period, budget assessments cannot be made from results, DDR&E is assuming that the rate of growth of the Soviet space program is being held constant and that all efforts are being placed in the Soviet military R&D program.

Thus, in the two graphs provided by DDR&E, and in its statements, the sharp increase in Soviet military R&D arises from the assumption-conclusion that the Soviet Union will find it desirable to *continue* its rate of growth in total military-related R&D but will *cease* all growth in space R&D and *assign* total growth in military-related R&D resources to military R&D. The three italicized words reflect conclusions for which it would be hard or impossible to get firm evidence.

9. Having assumed that the Soviets will be spending ¾ as much as the United States, Dr. Foster is making statements saying that the Soviets "now seem to be gaining technologically" one year in every three or four. In short, Dr. Foster seems questionably to be basing his numerical estimates of Soviet *technological progress* on already highly questionable estimates of Soviet R&D *spending* and to be clothing these estimates in rhetoric that pretends to be looking at underlying technological capabilities."

10. The softness of these estimates, and their unreliability, is evidenced by the fact that, since 1969, Dr. Foster has said, in successive statements, that the Soviets would overtake or pass us in technological capability in a "decade", in the next "several years", in "two years", and in the, "middle of the decade".

11. And in four of these statements, he has suggested not that the United States would "lose" technological superiority but that the Soviets would achieve it. This is a further distortion of rhetoric since one ex-

pects the nation behind to catch up through copying but not to jump into a lead.

12. Finally, we would like to call attention to the fact—documented in our statement—that Dr. Foster misled the House Armed Services Committee by claiming that he could not break out "military R&D figures" while talking about increases in just that Soviet account and while producing figures that are easily shown to reflect U.S. superiority. And when asked by the Senate Armed Services Committee, in 1969, to document for the public record his charges, he failed to submit such a statement for the record at that time or later.

13. In conclusion, last-minute DDR&E assertions that they broke the code of the Soviet R&D budget—assertions released a day before these publicly announced hearings—are at best a gross exaggeration, and at worst, a snow job.

Dr. Herbert F. York, was, under President Eisenhower, the first Director of Defense Research and Engineering (DDR&E), the position that Dr. John S. Foster now holds. He had this statement to make for the hearing record:

"As Chairman of the Federation of American Scientists, I would like the record to show that I am in full agreement with the report 'Is there an R&D gap?' being submitted to the Committee. Estimates of Soviet R&D spending are the special province of the Central Intelligence Agency and other intelligence agencies. Our document gives ample reason for questioning the Pentagon analysis under discussion. Therefore, these intelligence agencies should be called to testify on their opinion of the Pentagon assumptions.

"I want to emphasize, however, that the Pentagon charges that the Soviets will gain 'technological superiority'—as a result of the alleged spending imbalances—is alarmist and misleading and would be even if these imbalances existed. Technological superiority is based on many factors including the efficient use of human resources, the facilities made available, the projects assigned, and the state of the civilian and military technological art in the society. For example, the Soviets have, in the past demonstrated one particular weakness which I would hope we would not emulate—and which would certainly not lead to technological superiority—the actual building of a wide variety of prototypes of military hardware which, in many cases, add only marginally to their military strength and become rapidly obsolete."

RESUMPTION OF HEARING

Dr. STONE. First of all, we wonder if the D.D.R. & E. statements were based on "questionable assumptions and exaggeratedly precise estimates" and under that category we would like to raise the following three questions:

First, we question whether accurate estimates can be made of the ruble value of the resources put into military-related R. & D.; that is, into space and atomic energy and military R. & D. That is, even if you group together all of the technological efforts in the priority sectors in the Soviet Union, we question—even in these gross quantities—whether the ruble value of those expenditures can be accurately estimated. In the second place, we question whether a meaningful breakdown of this Soviet military-related R. & D. can be broken down into military R. & D. on the one hand and space R. & D. on the other. This is, after all, what Dr. Foster said could not be done in early 1970 when he testified before the House Armed Services Committee.

In order to "break out" military R. & D., he is now explicitly assuming that the rate of growth of military-related R. & D. is all being assigned to military R. & D., an assumption we will talk about later. We think he was more accurate in the first place, when he said that military R. & D. could not be broken out—when, as we point out in our report, he precisely answered a question of your own, Mr. Chairman, before the Senate Armed Services Committee, saying he regretted it was not possible to break out these numbers. That statement of Dr. Foster's was made only a year ago.

Third, the ruble-dollar ratio, which is used to convert these estimates into dollar costs, so as to compare them with our own expenditures, itself varies in authoritative estimates by a factor of 40 percent.

Let me interject the comment here that in our prepared statement presented today we refer parenthetically to the pages in our basic document where we bear out these charges.

Soviet progress in last 2 years

Fourth, since it is charged that the Soviets have surged ahead of us only in the last 2 years, it is impossible to get independent observation of Soviet activity to confirm the estimates involved. Normally we confirm R. & D. estimates by looking at Soviet production in military areas and noting how much R. & D. must have gone into that much production. This is an independent way of confirming how much R. & D. is being spent. But if the charge is that the Soviets have surpassed us only in the last 2 years—from an almost stationary level over the last 8 or 10 years before which they were below us—then it is impossible to get independent confirmation of these estimates. Therefore, we conclude that it is absurd to argue that the graphs supplied by D.D.R. & E. are accurate to within "10 percent or so" as the principal Deputy of D.D.R. & E. has announced. We point out in our report that, in two different versions of that chart, they differ at a crucial point by 15 percent.

Next, we charged that the statements made by D.D.R. & E. in this matter had used misleading language and alarmist non sequitur conclusions; we would like to support that statement with these two questions.

You see, the best documented and most surprising fact admitted by D.D.R. & E. is the conclusion that the Soviets did not gain relative to us in military technology from 1960 to 1968 even though since they are behind and—since we are an open society—can read our literature, which is a great advantage to them.

Dr. Foster's charge that the Soviets "now seem to be gaining on the U.S. technologically" is evidently based on his concern about the last 2 years because D.D.R. & E. itself is admitting that the Soviets did no gaining relative to us over the whole period from 1960 to 1968. During this period D.D.R. & E. argues that we maintained a 2- to 3-year lead.

Now, what can it mean to say that the Soviets are now gaining on us technologically at a rate of 1 year in every 3 or 4 when the estimate is based only on the last 2 years of projected R. & D. spending? Evidently Dr. Foster is noting that, according to his estimates, the Soviets are spending 1⅓ as much as we are on R. & D. According to these estimates, which we find questionable, he has estimated that the Soviets must be catching up 1 year in every 3 or 4. But this clothes in the rhetoric of advances in technology a statement which really has to do with projected budget expenditures for the Soviet Union—a projection which itself cannot be confirmed.

Second, even if the Soviets were catching up technologically, as there is admittedly no direct evidence, according to D.D.R. & E.—but as one might expect, since they are behind us—it does not imply that the Soviets will assume technological superiority.

One would expect that two countries would come to a par if they are of equal strength in native intelligence, manpower, and resources. If one deployed a MIRV the other would see it deployed and, using that idea, would be able to copy it and match it. There is reason to believe two great powers like the United States and the Soviets will eventually reach a par technologically.

We also charged in our statement that there was selective disclosure indicated in the statements of Dr. Foster, which we recognize is a serious charge. We back that up with this question.

From the evidence produced to the House Armed Services Committee in early 1970 it is possible to deduce that the United States was spending more than the Soviet Union in military R. & D., and was doing so all the time from 1960 to 1968. In fact, 9 months later, the graph that Dr. Foster provided does say exactly that. Nevertheless, although Dr. Foster was talking at that time about the rate of growth of Soviet military R. & D., he was claiming—and he claimed to you—that he could not break out the total quantity of Soviet military R. & D. Thus, although he was telling that committee the percentage increases in Soviet military R. & D., he claimed not to know the absolute value of it and said that absolute value could not be broken out.

Now, second, we point out that Dr. Foster misquoted a speech of Brezhnev's in such a way to make it seem that this speech indicated greater Soviet emphasis on R. & D. spending in the priority sectors when in fact—as the Washington Post pointed out in an editorial a year ago—the full text of the speech discussed the Soviet interest and Brezhnev's interest in more R. & D. for tractors and other civilian products. This is not an isolated slip, but an important one, for this reason. Remember the basic assumption that Dr. Foster is making is this: From 1960 to 1968, the rate of growth of Soviet military-related R. & D. went into space. In 1968, the rate of growth of R. & D. in the priority sectors was switched into military spending.

Now, if you take these speeches of Brezhnev's as indicative of what the Soviets are interested in doing, then they indicate that the Soviets may be putting this potentially military-related R. & D. instead into civilian R. & D.

Finally, we charge that the data provided was often largely incomplete or irrelevant. We said so, for this reason. We question whether gross levels of R. & D. funding are closely related to the problem of technological surprise. Assume one is concerned that the United States maintain an adequate level of technological basic expenditure. These expenditures are that approximately 25 percent of the gross R. & D. budget that refer to basic research, exploratory development, and part of advanced development. These are relatively small quantities of money. We do not propose cuts in those budgets. In fact, we are not here today proposing any cut in the R. & D. budget at all, but we support a vigorous program of expenditures in exploratory development, advanced development. Also we support expenditures on those prototypes which are necessary to reduce lead-time against threats which we can see or which are so dangerous they must be prepared against.

Soviet R. & D. costs

What we are concerned about is most of the gross R. & D. budget is not associated with these kinds of expenditures. And, furthermore, R. & D. expenditures in the Soviet Union that are associated with these kinds of expenditures—the basic research, adcanved development, exploratory development—are expenditures of such a small amount, a few million dollars, that no one has ever claimed—and D.D.R. & E. does not now claim—that it can estimate what the Soviet Union is spending in this category. Therefore, there is no question of estimating whether the Soviets are spending more or

less in this important category—a category which permits one to decide whether a given weapon can, or cannot, be built. Expenditures beyond this category involve engineer development on already "invented" weapons.

So we do not believe matching is necessarily a good idea; it can lead to a great deal of waste. Finally, as a hallmark of this general level of discussion, we are concerned that Dr. Foster has raised the specter again that the Soviets are producing "more scientists and engineers than we are."

The fact of the matter is, and his own table shows, we are producing twice as many scientists as the Soviet Union. We have been doing so for a very long time. We are continuing to do that and we have in gross total twice as many scientists as the Soviet Union.

The only reason Dr. Foster's statement is literally true is because it lumps together scientists and engineers. The Soviets have a great many more people than we do—four or five times as many—that claim they are engineers. This is partly because it is a very high-priority, high-status thing to say you are an engineer in the Soviet Union, and partly because 40 percent of the Soviet engineers are trained in correspondence courses.

The fear that the Soviets would be producing more scientists and engineers than we are is a fear that started in the late 1950's; we think it not a serious one today.

Finally, Mr. Chairman, if I may, I would like at this point to make some comments about the article that was produced in the Evening Star last night, which made new claims on the part of the Director of Defense Research and Engineering, released on the eve of this hearing and which we would like to answer in some detail.

If the committee please, may I proceed to that statement?

Senator MCINTYRE. Surely.

Breaking code of the Soviet budget

Dr. STONE. Yesterday an interesting story was released which gave more information about the views of the D.D.R. & E. It claimed, according to Dr. Rechtin, principal deputy, late last year that D.D.R. & E. had broken the code of the Soviet R. & D. budget and this fact had been taken to Secretary Laird late last summer. We would like to make the following comments on this possibility and these comments are specifically agreed to by Dr. Richard Nelson, professor of economics at Yale, who is the author of one book and many articles on the question of military R. & D. and to whom I spoke about this statement this morning.

Dr. Nelson is also a co-member of our ad hoc committee on R. & D.

First of all, in November—this is after the summer in which this breaking of the code was supposed to have taken place—in November, Dr. Foster told the American Society of Naval Engineers the following thing. He said:

"The President's Defense request to the Congress this year is about $72 billion. As we look for a comparable figure in Russia, some uncertainty exists about the ruble's value in dollars, and parts of the Soviet defense budget are hidden. Still, it is clear that the Soviets have increased their spending the present "ballpark" of U.S. expenditures, and they show no signs of leveling off."

Now, first of all, there was evidently no breaking the code in November of the R. & D. budget. This is saying that, in the gross budget itself, we are only in the "ball park" as to what Soviet expenditures are. If the "ball park" means within 5 percent, then the Soviet military budget is not known to within $3½ billion.

This is a very important observation because, according to the Evening Star report:

"Military experts could estimate the costs of running the Soviet armed forces—how much it costs to pay the soldiers, sail the ships and fly the planes. Something was found left over—research costs."

Now, Dr. Nelson and I would like to observe that if the research costs are being estimated, as that report yesterday suggests, at what economists call a residual, then the research costs will have in them all of the errors associated with estimating the total. Any part of that $3.5 billion about which we may be uncertain in estimating the total military budget will be contained within the estimate of the Soviet R. & D. expenditures.

I note in passing that the total which the Soviets are supposed to be ahead of us in R. & D. is $3 billion.

Next, the Star report went on to say:

"The American analysts added up the entire Soviet technological effort and began subtracting identifiable pieces . . . Space work similar to that done by the civilan U.S. space agency is reasonably identifiable because it involves tests that can be seen or heard. A figure could thus be assigned to this part of the effort."

Dr. Nelson and I would like to point out that the space effort has not, therefore, been estimated by "breaking the code of the Soviet budget" but instead by estimating how much it would cost to set off each test that is observed. This is quite a different thing than breaking a code and quite a difficult thing to do.

Fifth. In other words, although the Star report shows an attempt by D.D.R. & E. to suggest that it has somehow had an intelligence breakthrough, the calculations being made are traditional estimates, from what we can see, to what it might have cost.

Indeed, until pressed on this matter by the Federation of American Scientists, Dr. Foster made no such dramatic claims as "breaking any code." In his testimony to this committee, he noted that his estimates of increases in Soviet R. & D. spending were "according to calculations" and according to our "best estimates."

And although Dr. Foster told the Star that he had asked the intelligence community to make another try last year—when Congress was "dealing pretty harshly" with his R. & D. budget—in order to decode the budget, he told the Armed Services Committee of this body quite a different story. He simply said:

"This analytic work is an impressive pioneering attempt to help resolve questions about comparative U.S./U.S.S.R. efforts in defense research and development. The data present, even with the problems associated with converting 'defense rubles' to dollars and the Soviet budget concealments [sic] are believed to be accurate to within 10 to 20 percent (pp. 2–5)."

And he noted that the "conclusions pertaining to fiscal inputs are based largely on the results of studies, begun several years ago, which analyzed Soviet budgets in terms of U.S. dollar equivalent for space and defense-related research and development." In other words, this was an ongoing, long-standing study which late summer reached these new conclusions.

Nor was Dr. Rechtin claiming that any budget code was broken in speeches early this year. Instead, he said:

"In the area of R.D.T. & E. our information is limited by Soviet secrecy, leading to controversy in any comparison of U.S. and U.S.S.R. efforts."

This was in February after the summer of last year when this code was supposed to be broken. He said:

"* * * The Soviet R.D.T. & E. effort is very secret compared to ours—data is scarce. In addition, the U.S. and Soviet budgets are constructed differently. And then, the Soviet budgets are in rubles, not dollars, with the conversion factor from rubles to dollars depending on what one wants to buy."

This is the same principal deputy who was quoted yesterday as telling the Star they broke the code of the Soviet budget.

When Dr. Rechtin went on to explain how the "analysts recently were able to reduce the uncertainty considerably" in Soviet spending, he confirmed that the refinement "took several steps" including an analysis of the budget and results of the Soviet space program.

But in his second step he reveals the apparent circularity of D.D.R. & E. reasoning. He says:

"The next step was to take a look at whether the U.S. or the Soviet Union was pulling ahead technologically in military R.D.T. & E. We compared ICBMs, ABMs, fighter aircraft, submarines, tanks and a variety of other weapons systems to see whether we were better off in 1968 than we were in 1960. We also made a similar technology comparison on the space side. We then reasoned that if one country or the other was conspiciously pulling ahead it was probably investing more."

In other words, the budget estimates are being made from assessments of results. It is from assessments of result that the graph that D.D.R. & E. is showing conclude we spent more than the Soviets in R. & D. from 1960 to 1968.

Soviet R. & D. in the sixties

D.D.R. & E.'s fear involves three different assumptions all of which would be difficult or impossible to prove from estimates of Soviet activity, D.D.R. & E. is saying, in effect, that the Soviet Union is going to find it desirable to do these things: first to continue its rate of growth in militarily related R. & D.—that is, as they have been doing for 10 years, to continue increasing their atomic energy, their space, and their military R. & D. total by 10 or 13 percent a year. This is already a very questionable assumption because if they did continue long enough all of the Soviet would be working on this. Furthermore, this estimate of 10 or 13 years gerater growth in the total is a completely steady projection for the Soviet Union over this whole 10-year period. It emphasizes the gross kind of estimates that are evidently those available to D.D.R. & E.

Second, D.D.R. & E. is assuming that space R. & D. will be kept constant. Third, D.D.R. & E. is assuming that the rate of increase of total R. & D. will be assigned to Soviet military R. & D.

In general, this is why we feel that Dr. Foster seems "questionably to be basing his numerical estimates of Soviet technological progress on already highly questionable estimates of Soviet R. & D. spending and to be clothing these estimates in rhetoric that pretends to be looking at underlying technological capabilities."

As we point out, his statements have peppered the public arena with different estimates of when the Soviets will or could gain technological superiority.

Finally, he is not only suggesting that we will lose superiority, but that the Soviets will gain it.

Furthermore, we want to point out as we do in our report that when the chairman of the full committee here, Senator Stennis, and when the chairman of the subcommittee urged Dr. Foster to put in the public record in early 1969 evidence in support of his charges that the Russians were gaining technological superiority over us, these Senators rightfully were arguing that the public should know about this in an unclassified way. Dr. Foster did not comply with that request and, to the best of our knowledge, submitted instead only a classified report which we have been informed cannot be declassified.

In conclusion, I would like to say for the Federation, in general, and for Dr. Nelson and myself in particular that these assertions that D.D.R. & E. broke the code of the Soviet R. & D. assertions—released the day before

the public-announced hearings—seemed to us at best a gross exaggeration and at worst a snow job.

Senator McINTYRE. Have you concluded?

Dr. STONE. Yes, sir, I have.

Senator McINTYRE. I wonder did any committee or any group of your membership have an opportunity to meet with Dr. Foster informally and have a chance to look at some of the data that he could permit you to see prior to your basic report?

Dr. STONE. No, sir; we requested from D.D.R. & E. only a copy of the speeches made by Dr. Foster over the last 18 months, which were supplied, and a copy of the speeches made by Dr. Rechtin over the last 18 months, of which one speech was supplied.

Mr. RATHJENS. I might point out that at least two members of the committee of the Federation that prepared this report, myself and Marvin Goldberger, who is the chairman, have had access and continue to have access to many of the intelligence reports. Perhaps the other two members do, too, I don't know, but at least the two of us have had that kind of access and continue to do so.

Senator McINTYRE. I would like to observe that a request by your Federation or your committee to sit down and talk with Dr. Foster would be, I think, appropriate.

Mr. RATHJENS. I think that is a very constructive suggestion and we would certainly try to do that.

Senator McINTYRE. Dr. Rathjens, you are a former Director of the Weapons Systems Evaluation Group at the Institute of Defense Analysis which is a Federal Contract Research Center dedicated to the support of the Department of Defense. In addition, you have also been Deputy Director of the Advanced Research Projects Agency, a Special Assistant to the Director of the Arms Control and Disarmament Agency, and Deputy Director of the Bureau of Science and Technology at that agency. How are the views which you have expressed influenced by the insight which these positions 'n Government have afforded you? Would your views have been different if you were still with those agencies?

OPENING COMMENT OF DR. RATHJENS

Dr. RATHJENS. I don't believe that they would be different. I have, I believe—at least for the last 20 years—been deeply concerned about the question of both the absolute level of scientific and technological capabilities of this country and the relative performance of the country with others.

I don't believe I would reach any broadly different conclusions today if I were still in one of those Government agencies; I say that because I do continue to have access to information both about our own programs and about those of the Soviet Union.

Of course, in detail, my views might be somewhat different if I were a full-time Government employee because I would likely spend a great deal more time on the problem and would know more about the particular programs than I now do.

To get to the first part of your question, I believe that the background that I have had certainly is important in reaching the conclusions that I reach. I have been concerned with these kinds of programs for many years and feel that in many respects I do understand what the R.D.T.&E. process is all about.

I would just like to reiterate at this time that I am concerned about research and development in this country and I am particularly concerned about the research end of the spectrum. I question whether we are spending enough in this area.

I note that this year the DOD R.T.D.&E. budget has, I believe, gone up half a billion dollars but very little of it has gone into that end of the spectrum which I believe is the important end in terms of insuring ourselves against surprises. So I am concerned, as I was when I was in the Government, and I do not think my views are very different in this regard.

I am perhaps more sensitive now than I was then, to what I regret to say I think is a change in the climate in this country, and about credibility in government, than I was at that time. I do not believe that we had this credibility problem when I was on the White House staff during the Eisenhower administration or during the Kennedy years or even during the early Johnson years. But I believe it is a very serious problem at this time.

Senator McINTYRE. From your presence here and your testimony, it indicates the confidence that you have in the position that you are taking this morning and in your overall criticism of Dr. Foster's statement to the full committee which indicates that a comparison of the budgets had shown him that the Soviet Union was probably spending $3 billion annually more than we were in the field of R. & D. and space, and military work, and yet you do not have access to classified information that Dr. Foster has.

Dr. RATHJENS. I think I do have access to most of it, perhaps not all of it, and I do frequently see information on what the Soviet Union is believed to be doing, at least by our intelligence community. He has, I am sure, some intelligence clearances that I probably no longer have. I do not know what that situation is. But I think I see most of it, or can see most of it, so I do not think there is a great difficulty there.

That reminds me a bit of the observation that President Kennedy is said to have made when two people came back and reported from Vietnam—"Have you fellows been in the same country?" When I read Dr. Foster's statement and think of what I have seen in terms of our planning factors, and our intelligence estimate, I wonder if we are reading the same documents.

Extent of Soviet expenditures

Dr. STONE. May I quote from Dr. Foster on this same subject because Dr. Foster is making two charges. One is that the Soviets are spending $3 billion more in equivalent effort. But he is also charging the Soviets are gaining technological superiority. It is not necessary to have any access to classified information whatsoever to know that there is a gross jump in logic between the spending of the R. & D. fund and concomitant technological advance.

When Dr. Foster was questioned on this same point some years ago he gave the answer we are now giving; he said, this was in 1968, only 1 year before these charges began:

"* * * as we indicated earlier, the Soviets are devoting about twice as much effort as the United States for research and development when considered on a gross national product basis. I suppose they could put three times as much. Does that mean, therefore, that we should plan on the basis that they will put three times as much and gear ourselves accordingly?

"It is not clear to me, however, that it would be the right thing to do. The Soviets, it seems to me, make a large number of models of different kinds of aircraft and missiles, only a few of which are actually put into the inventory. We tend to do less of that than they, relying more heavily on our confidence that these things are possible and that they do not all have to be demonstrated, relying more on our judgment of what should be the best characteristics of the thing we want, and then going out and getting it."

Senator McINTYRE. Supposing you had been in Dr. Foster's position during the last 2 years or so. I think it was in fiscal year 1970, the request for R. & D. was $8,222 million and last year $7.4 billion. It was finally approved at $7.3 billion for fiscal 1970 and $7.0 billion for fiscal year 1971. And just as a matter of commonsense would it not be to come forward aggressively and perhaps state your position in order to bring to the attention of the men like Senator Goldwater and myself how deeply you felt we were slipping under these cuts that you had been subjected to?

Dr. RATHJENS. Senator, I don't believe one should overstate one's position before a congressional committee. I think you people deserve the most straightforward answers that you can get out of an administration witness, and that he should tell you what he really believes and not exaggerate things in any way.

I recognize the fact, having been in various administrations, that an administration witness has to defend the administration position. But I do not believe that what I would regard as misrepresentation—I think this is probably the right word—or exaggeration is an appropriate tactic to use with a congressional committee. I think you people deserve better than that.

I don't envy you trying to make up your mind about how much should be spent in this area when on the one hand the administration comes in and does not ask for vast increases in expenditures and on the other hand tells you as they did a year ago that within 2 years the Russians are going to gain technological superiority, or as they now seem to be saying that it could happen within 5 years or so.

If I were in your shoes, these kinds of inconsistencies would confuse me greatly. You deserve better answers than that. I think that the main point of our discussion here is that the country and the Senate deserve better. One simply deserves to be told what the facts are. Any charges that are made should be documented more fully than they have been in some of these cases discusesd here.

To charge that we are going to lose superiority within 2 years I think is a very serious charge and it ought not to be made lightly without pretty adequate documentation.

Senator McINTYRE. Well, Dr. Foster's statement can be taken in the context of Secretary Laird's statement which simply says to us on this committee that this as a bare-bones budget and we have pared it down. This year Secretary Laird gave us a comparison in real dollars and indicated the levels as between 1964 and 1972.

They come in and say: "Look, we are giving you the figure that we should have," and their attitude sometimes to me is that this figure, you should approve it, and if you don't think we are doing a good job then you should fire us.

Dr. RATHJENS. My view is that if you read some of these statements that Dr. Foster and Dr. Rechtin have made—if you take them literally—I would think your response should be, "Bare bones or not you have cut too far" and you ought to ask for a good deal more.

If I really believed some of the statements that have been made—for example, the one last year which I think was the most troublesome—my reaction would be this country should be spending more. They are irresponsible, not to ask for more if they believe we are going to lose our lead in 2 years.

Senator McINTYRE. This assertion of Dr. Foster's—even though we have been trying to supervise this thing and been as critical of the requests as we can within our capabilities—has led to the question to all of the R. & D. people: "Why, if this is so, are you not asking for more than you have been asking?"

Dr. RATHJENS. I think this is a very fair question and they should be encouraged as vigorously as you can to respond adequately to that.

Senator McINTYRE. Senator Goldwater.

Senator GOLDWATER. No questions.

Senator McINTYRE. I would be interested in having, and I am sure Senator Goldwater would be, your assessment of the technology gap which separates the Soviets and the United States today.

TECHNOLOGY GAP

Dr. RATHJENS. Well, I cannot comment with expertise in every area but I did not mention some of the areas in my prepared

statement relating to military hardware where I asserted, for example, that I believe the missile accuracies that we were now achieving were probably better than theirs. I believe that the performance of our submarines is significantly better in terms of the noise levels they produce. Let me go beyond that and get a little bit more into some of the more basic areas of science and technology and comment briefly.

I would judge in some areas they are doing quite well. In mathematics and in certain areas of physics—for example, plasma physics and hydrodynamics—some of these areas I would think the Soviets were doing some of the best work in the world. I wouldn't say that they had a lead over us in these areas but in many respects I believe they are doing comparable work.

In the computer sciences they are dismally behind us, so far behind us I think, that there is a great inhibition on what they can do in terms not only of science and engineering, but also in management and that is a very severe limitation on them.

I think they are substantially behind us, particularly in biological areas. I had a conversation yesterday with a very distinguished colleague from Cambridge who said—discussing the hearing we were to have today—that our problem in biochemical science is we cannot bring the Soviets up to the level where they can help solve some of the world's problems because they are so far behind. So that is an area where they are indeed very far behind.

I am reminded here of another observation I would like to make in connection with the business of supporting research and development. At the engineering development end of the spectrum I think we can waste enormous resources as I indicated in my statement, and as Herb York did in his statement, by carrying programs too far that should be terminated. But at the reesearch end one can also make great mistakes by supporting the wrong kinds of people. The Soviets are notorious for that, and have been particularly so in the biological sciences. If you pour tens of millions of dollars, and that is a lot in the basic research area, into people like Lysenko, as the Russians did, it is money down a rathole. You do not advance the state of the art. You do nothing useful at all. When you make that kind of bad judgment you are not getting anywhere. It is another reason why I believe using budget levels is not necessarily a very good index of what you are getting out of your money.

In general I would judge that the Soviets are on a par with us in some basic areas and in some others rather substantially behind. In terms of military hardware development, there may be a few areas where they are ahead. But in most of the important areas, at least those with which I am familiar, the gap is rather significantly in our favor, varying from a couple of years to perhaps five or even more years in some areas.

Senator McINTYRE. What would be your view in the field of electronics?

Russian electronics development

Dr. RATHJENS. I would think that we would have a substantial lead there. I believe we do better work than they do in solid-state physics and probably do substantially better than they do in the communications field.

Senator GOLDWATER. Mr. Chairman, I might point out here that in testimony given before this subcommittee by the Navy they were extremely surprised with the excellence of Russian communications, radio communications, which they observed in the Russian maneuvers off our coast and in the Caribbean.

Dr. RATHJENS. I am surprised by that, too, Senator.

Dr. STONE. I wonder if I could read into the record a statement by the famous Soviet scientist Sakharov who made this famous message?

Senator McINTYRE. How long is the statement?

Dr. STONE. One paragraph.

Senator McINTYRE. All right.

Dr. STONE. It is directly on this point. [Reads:]

"When we compare our economy with that of the United States we see that ours is lagging behind, not only quantitatively, but—and this is the saddest part—also qualitatively. The more novel and revolutionary the aspect of the economy, the wider becomes the gap . . . We are ahead of the United States in the production of oil, gas, and electric power, ten times behind in chemistry, and immeasurably behind in computer technology. The latter is especially essential, for the introduction of electronic computers into the national economy is of decisive importance and could radically change the face of the system of production and culture in general. This phenomenon has rightly been called the 'second industrial revolution'. Meanwhile, the total capacity of our pool of computers is hundreds of times less than in the U.S.A., and as for the use of electronic computers in the national economy, here the difference is so enormous that it is impossible to measure. We are simply living in a different era . . ."

Dr. RATHJENS. I think most Americans who are knowledgeable in the computer science areas would agree with Sakharov.

Senator McINTYRE. You have stated that you would welcome any effort by the committee to secure answers to your questions. It would interest you to know that the committee now is looking into those and other questions relating to this subject with the cooperation of the General Accounting Office.

Dr. RATHJENS. That is a very constructive approach.

Senator McINTYRE. I have been informed this morning it has been snagged a little bit because of the item of secrecy. Remind me to speak to you about that.

Senator GOLDWATER. Yes.

Senator McINTYRE. You have stated that you support a vigorous program of military research and development fully adequate to our needs. Will you be more explicit and elaborate on that statement?

Research on aircraft engines

Dr. RATHJENS. I can comment on a few areas. I am reminded by Senator Goldwater of the question of airplane engines. That is the kind of thing that we just have to have. In my prepared statement I indicated that, with respect to tactical kind of equipment, I think you have to carry it clear through their R.D.T. & E. process. If we are not doing adequate work on airplane engines, more money probably has to be spent, and not only for the basic research but for exploratory development and to carry the development through the whole cycle.

I was very pleased to note that, after what I regard as an unfortunate delay, the Navy has finally gotten around to putting some substantial effort into developing surface effects kind of vehicles. In this year's budget I understand there is a significant amount of money in that.

I think we are doing a number of things that we should be doing and doing them well.

I am very upset as I indicated earlier about the situation as regards the basic research and university education. We are in a situation where the Defense Department is now spending, I believe, something like $200 million in that area for all of the universities in the country. This is an amount which just about equals what we will have spent on the one nuclear test and its predecessor calibration shot in the Aleutians which I regard of marginal utility. In the educational institutions—here I probably would be accused of special pleading since I am now on a university faculty—we see in the physical sciences what I regard as a rather serious situation from the long-term point of view. We are unable to support as many physics Ph. D. students as they were able to support last year. These Ph. D. students are coming through the process this year without useful opportunities to use their talents. In those areas I am concerned. I think the country would be well advised to spend more in those areas.

Now, much of that, of course, is beyond the purview of this committee and, I suppose, to some degree beyond Dr. Foster's influence particularly in the light of the amendment that requires that much of this kind of research be supported by an agency such as the National Science Foundation.

I think when one considers basic research one has to look across the whole spectrum of what is being done in this country. I would hope that in basic research and exploratory development the country as a whole, not necessarily the Department of Defense, could have a more vigorous effort than we now have.

We all have to recognize that the rate of expansion obtained during the late 1950's, and in the 1960's, where we were expanding our base in this area by roughly 15 percent a year, could not go on indefinitely. On the other hand, I think the dramatic cutbacks of the last 2 or 3 years have gone too far.

Financial Cutbacks

We are not going to comment on whether the R. & D. money levels we now have are exactly right. I don't know. But I would think that there are a number of programs that are in engineering developments that involve large amounts of money that could be cut back without great loss. We would be well advised to do so and spend more money on the more basic things.

Let me give you two examples. I believe that the ULMS technology is an interesting one, something we should be looking into with some fairly intensive effort, but I really question whether we can spend $110 million constructively at this time. Budget expenditures at that level would imply to me freezing of the design, and going further into the engineering development than is warranted by the situation we are in.

In a similar sense I think we will be spending more money than we should on the B–1 bomber. I do not see that there is any great need for that decision at this time, and I regret we are spending that kind of money.

I think that reducing the expenditures on MOL was a very wise thing that saved a lot of money. It should have been cut back much earlier.

Mr. FINE. With respect to the B–1 program, without having specific knowledge of the details of the contract, or of the technical aspects of the program that is planned for fiscal 1972, do you feel that you are able without that knowledge to make the comment you did with respect to the dollar levels that have been requested?

Dr. RATHJENS. Well, I may be in error here but it seems to me that the dollar level implies a degree of definition in commitment that is premature. I do not see why at this point in time we should be going that far toward the development and procurement of a new bomber.

To some degree I am inclined to believe that the intercontinental bomber is an obsolete kind of technology. We do live in the missile age, like it or not, and I question whether we really need a replacement at all for the B–52.

Now, there are some kinds of technology that would be relevant to both the B–1 bomber and to other bombers. Engine work, as Senator Goldwater mentioned, may be one, and some work in avionics would be important, but to commit oneself to the degree we have to a program to build prototypes in the expectation that we will then buy these bombers at some point in time seems to me to be premature.

Senator GOLDWATER. This is interesting that you would say that. We have been talking about technology here. Technology is important. Research and development is very important. I think the results are just as important, if not more so, and you want to remove emphasis on an intercontinental bomber but the Soviets are now building a large intercontinental bomber, but pretty much along the lines of our B–1. It will be at least as fast. So they are recognizing a need.

Now, the only military area that we can say we are still ahead of the Soviets is in the heavy bomber. This will not be true as the B–52's phase out and by the time we get to the 1980's it is my feeling, and I am trying to put figures to go to prove this, that the 52's we have left will have more money put in them than the new B–1's would cost. So I don't agree with you that we are in a new period where we have to disregard the heavy bomber. The Soviet recognizes the need and are developing this.

Dr. RATHJENS. Senator, I do not believe we should necessarily emulate them. Further, I do believe that in all of the other areas of strategic weaponry, as well as in the heavy bombers, we are ahead of them. I agree the B–52 is a better weapon than the nearest Soviet counterpart, but I believe in all of the other areas of strategic weaponry we have superiority. They have more ICBM's than we do, and they carry larger payloads than ours, but in terms of guidance accuracy I believe we are way ahead. In terms of the character of our reentry vehicles we are way ahead. In terms of multiwarhead technology we are way ahead. In the performance of missile-launching submarines we are well ahead. We are now on our fourth generation of submarine-launched ballistic missiles and I guess they are probably now testing their second generation or something like that. So I think in all of these areas we are significantly ahead.

As I mentioned earlier, I believe that in the strategic area we are in a situation of some stability. Major changes, major breakthroughs on one side or the other, would be necessary to change that balance. The important thing for us to do in the strategic area—in some contrast to the tactical area—is really to have a program that will be optimized, if you like, to insure that we will not be surprised by really dramatic breakthroughs. To me, this means sound work in physics and exploratory development in those areas. In the tactical area, I would argue, it is a somewhat different situation.

Senator GOLDWATER. Mr. Chairman, this, of course, is an unusual hearing. This is the only hearing I recall being open and the others have been closed because we have been dealing with the facts, the hard facts, and they are not good.

It is almost impossible for me to refrain from using some of the things we have learned, but when you assume that we are ahead of them in strategic weapons, this just isn't so. I have been begging the President—I hope he will do it—to go before the American people to point out just where we stand vis-a-vis the Soviets.

ICBM accuracy

You talk about the accuracy of our weapons, of our ICBM. I can't recall our having fired one with an active warhead to see what the warhead was going to do. I was very critical of this program during the early 1960's when we were developing them because we refused to test. They tested. We don't know what they know. But we don't know.

I have a feeling that our guidance system is probably as good as theirs. I have a feeling that our warhead will stay together in flight. But I don't know of any way of backing that up with facts.

Dr. RATHJENS. Senator, in that connection I do not know how we can back it up with facts either. But I would suggest to the committee that the nearest approach you can get to that would be to look into our SIOP and see what planning factors we use for the reliability and accuracy of our ICBM's and then look into the national intelligence estimates for the same period to see what we assume are their capabilities. It is obviously important if you are looking into SIOP of May 1971 to compare the factors there with those the intelligence estimates are ascribing to the Soviets for the same point in time. My guess is you will find that we look rather better than they do. When you do that I think you will have to recognize there will have been conservative factors ground into both estimates. We tend, as I think military planners wisely do, to be conservative in our estimates. We will have underestimated the performance of our own systems and overstated the performances of theirs. Even having done that, I think the data will probably be in our favor.

Senator GOLDWATER. I can remember when we did all kinds of juggling to try to get it in our favor and I can't recall any SIOP's based upon any testing that we have done that could put us factually ahead of the Soviets in this particular field.

I sat through these things year after year and I have been very concerned about our lack of knowledge of just what our weapons will do in this particular field because of the fear on the part of our various administrations of what the world might think if we tested one just to make sure it would go where we wanted it. We haven't done it but they do it, and they have done it and we haven't.

Dr. RATHJENS. There is much in what you say. It is one of the reasons why I have always been partial to the sea-based systems as contrasted with our ICBM's. In our POLARIS force we can test with a much more satisfactory simulation than we can our ICBM's. We do launch missiles from the POLARIS submarines on a variety of trajectories and under a variety of circumstances. This provides, I think, a fairly good simulation. As I understand it, we even had one case before the Nuclear Test Ban Treaty where we launched a missile from one submarine with an active warhead and had the warhead detonate. Realism in testing is less impossible with the MINUTEMAN program and is a reason why I have always been, and continue to be, somewhat more skeptical about the reliability of MINUTEMAN than I am about the POLARIS–POSEIDON force.

Senator GOLDWATER. I won't continue. Just to finish that up, even assuming that our CEP is better than theirs with the megatonnage we employ on the MINUTEMAN, their CEP could be twice ours and still be more effective.

Dr. RATHJENS. I agree with that.

Senator GOLDWATER. It is like comparing the accuracy of a .22 with a 12-gage shotgun. I would rather have a man take a shot at me 50 yards away with a .22 than a 12-gage shotgun.

Dr. RATHJENS. I understand that. In terms of technological sophistication I think we have here an argument that the United States is superior in two respects. We do have, I think, higher accuracy and we have chosen to go to smaller warheads because we can do things with a greater degree of miniaturization and sophistication than they do. They do things more in a brute force way.

Now it may be, and I think this is true in many areas and probably particularly true in some of the tactical areas, that we goldplate our weapons systems. We built into them a degree of sophistication that is unwise and unwarranted. We would be better off in some instances if we would make simpler systems that would promise less in the way of performance but actually deliver more—systems that could be better maintained and operate with higher reliability. But we are such a technologically oriented society, and have been so far ahead in these areas, I sometimes think we let technology run away with us.

People who are involved in our laboratories always want to incorporate the latest gimmick in what they are building. There is an old saying that the best is the enemy of the good. I think we let this go too far.

This is one of the few areas where the Russians may have an advantage over us. They may have been more successful, that is, in preventing that kind of thing from happening.

In terms of the absolute level of their technology, and in terms of their general problems of management—which I think are just as important as technological capability—I would say they are way behind us.

Senator GOLDWATER. Again whether they are or not is not of too much interest to me. The fact that they are producing weapons that are as good as ours and in many cases better than ours, and more than ours is the thing that disturbs me.

I will agree with your last statement that we tend to use gold-plated material when we shouldn't and it is interesting to observe that before the Tactical Air Subcommittee, of which I am a member, the young pilots that we are talking to, back from the various flying services, are asking for optical sites for cannons and to get away from the black boxes and the sophisticated rockets.

I agree with you there; we have always tended to overload everything from the infantryman to the most sophisticated weapon with avionics, with electronics, and with gadgetry, and I would hope that we can prevail in this and it will save us more money than anything we have come up with.

Thank you.

Senator MCINTYRE. Mr. Fine.

Discussion of lead-time

Mr. FINE. I think one other point should be clarified. You made reference to the ULMS program and you indicate that the dollars that were being requested in fiscal 1972 were to be used to freeze design and possibly initiate engineering development. Here again without knowing whether you have specific information as to what is planned to be done in fiscal 1972, I wonder, particularly with your background, recognizing that a ULMS type of system has a lead-time which exceeds that of practically every other weapon system we have in the inventory, whether you are giving adequate consideration to that lead-time in making a judgment that we are proceeding too rapidly?

Dr. RATHJENS. Well, let me just make a very brief comment in this regard and then I cannot go as far as I would like because we are in open session.

The lead-time problem is a very severe one with ULMS. I agree with you entirely that it probably has a longer lead-time than any weapon system we can consider. But one of the problems with ULMS that I see is that one is really concerned about two different threats to it. One is the possibility of some kind of breakthrough in Soviet anti-submarine-warfare capability. We do not know what that could be.

I think Dr. Foster and every other responsible scientist would concede at present that the submarine systems are relatively invulnerable. It is only a sort of vague fear that we have that somehow this situation could change. How it would change is very ill defined. It could be that there could be a breakthrough in trailing. It could be a breakthrough in development of some kind of mines. It could be a breakthrough in sonar, improved localization using large arrays or something like that. Depending on what kind of breakthrough the Soviet Union might achieve you might want to design a rather

different kind of submarine. Beyond that, another breakthrough you worry about against which ULMS might be a hedge would be a massive deployment by the Soviet Union of an ABM system. If that were to happen it would become important that ULMS be able to deliver large amounts of payloads so you could deliver many penetration aids, many warheads.

Projection of Submarine Warfare

If I can generalize—and I hesitate to do so, but I will at some risk—if the Soviet threat should develop along the antisubmarine warhead line I would think we would not want ULMS. We would want to build relatively large numbers of relatively small submarines as the best hedge. We would probably want to pay a very high premium to minimize the sub noise levels. Some of these would have to be considered in a trade-off of calculation.

On the other hand, if the threat should be a massive Soviet ABM system, we would probably want to build very large submarines simply because we could then carry large amounts of ordnance for a given expenditure of money. It is because of these great uncertainties in the potential threat to ULMS that I think one ought to try to put off any decision as long as one can. We may not want to build any. There may be no breakthrough in antisubmarine warfare, or in ABM on the Soviet side, in which case we would want to avoid any expenditure. So the important thing in this particular case would be to hedge as best you can against all of these possibilities. That probably means avoiding freezing the design at this time.

Now one postscript to all of this. I would emphasize that I'm focusing on the strategic area. Although the lead-time for ULMS is going to be long, the lead-time for the development of any Soviet capability that can seriously erode our overall strategic retaliatory capability will also be very long. The development of a massive Soviet antisubmarine warfare capability—one that would be 10 or 20 times or 100 times as effective as we have, and I think it would take that—would take an enormously long time.

So again in this overall area I think the important thing would be a very significant program that would permit us to identify as best we could, as early as we can, real breakthroughs, the real kind of breakthrough we cannot now foresee. The only way that I can imagine doing that is through work at the early part of the R.D.T. & E. cycle research and exploratory.

Senator MCINTYRE. Would a request for $109 million indicate to you a freezing in design?

Dr. RATHJENS. Not necessarily; but it does mean to me more of a move toward development, as distinct from research and studies, than I think is probably warranted.

Senator MCINTYRE. The footnote on page 22 of your report indicates, in part, that the Senate Armed Services Committee had requested unclassified material during the fiscal 1970 hearings to support Dr. Foster's charge that the Soviets were catching up technologically, that the material submitted was classified, and that the Federation was advised on May 3, 1971, that material could not be declassified. After further negotiating with Defense, the committee has succeeded in obtaining an unclassified version which will be made available to you shortly. It also will be made a part of the record of this hearing.

On page 20 of your report you state:

"Every weapon idea we develop is one that we develop also for the Soviets. A more restrained hand on the throttle is required to manage, contain, limit, and end the arms race."

That statement implies that the Soviets are not capable of major technological surprise, and only copy from us. Isn't that rather dangerous and misleading, since they can come up with new system, such as Sputnik?

Dr. RATHJENS. I do not think they are incapable of surprising us, and I suspect they will surprise us in some areas, I hope not too unpleasantly. But I do think that in the past most of the major areas of concern have been ones where we have broken the trail. The example I believe we cite in our report, and I think it is a terribly unfortunate example, is in MIRV technology. In that area we went ahead with development and deployment. It is not at all clear to me that the Soviet Union would have done so had we not pioneered. They may still not, but my guess is they will. They will be led into it perhaps as a result of our having done it, and the net result will be probably greatly to the disadvantage of both nations.

Senator MCINTYRE. On page 16 of your report, in speaking of building too many prototypes, you quote Dr. York as saying that, when he was the first Director of Defense Research and Engineering, the biggest mistakes he made were "those involving the initiation and carrying along to a considerable degree of completion of programs which turned out we did not need." We have come the full circle since then, having gone to the concept formulation, contract definition, engineering development approach and now back to the fly-before-buy prototype development philosophy. What are your views on this today?

Dr. RATHJENS. I think I largely share the views of Dr. York. I again think maybe I would want to distinguish a little bit between the tactical and strategic areas.

Some missile prototypes

I think that as regards strategic systems, particularly, we have carried too many of them too far, and probably could have, and should have, terminated some of them earlier. SKYBOLT was an example we probably should have cut off earlier. SNARK was another. NAVAJO was another and I can name others.

The Soviet Union has done even worse in this regard as both Dr. York and I have indicated.

In some areas I do think we should fly before we buy. I think that would be particularly so with respect to the tactical systems. I think, as I said in my statement, one probably has to carry such systems through a fairly orderly total R.D.T. & E. kind of a process.

I would be very reluctant, for example, to see the U.S. Navy now go ahead with a commitment to a large program of operational surface effect ships having gone only as far as it has in the R.D.T. & E. cycle. They have to go further before they would rely on those kinds of systems.

I guess I cannot comment very much further on that.

Senator MCINTYRE. First of all, let me say that Secretary Laird's decision to go to a fly-before-buy meets with a sort of approval as far as I am concerned when I think of some of the trouble we have gotten into.

The other day, very interestingly, Assistant Secretary deRosa told me that fly-before-buy might sound very well but that it had inherent weaknesses. I got the impression that it closed off at certain times the lack of going ahead and improving or changing direction.

Fly-before-buy concept

Would you care to comment on that? In other words, fly-before-buy sounds very good to me and I am glad to go back and tell my constituents that is what we are doing and that we are not going to make mistakes. Mr. deRosa said this isn't the happy result of all of our experience. This is dangerous, too. His implication was that we might actually suffer, in certain instances we could fail to get all we should get.

Dr. RATHJENS. Well, I have not really thought about this problem very much but I do not see, I guess, the kind of pitfalls that he may have in mind. There may be some that I do not see.

It seems to me, unless you have to move very urgently, there is substantial advantage in doing it this way rather than trying to commit yourself to what we used to call concurrency. In the case of concurrency, you make the decision to deploy the system and for example, in the missile business, you begin to dig holes in the ground before you develop the propellant. That sort of concurrency proved to be very expensive. I think it should be avoided.

It may be that there are pitfalls in a fly-before-buy. I don't see them offhand.

Aborting a program

Dr. STONE. There is an added complication which ties these two statements together. If the weapon is something secret that you are not sure you are going to buy, then I think it is important not to build the prototype. In the MIRV case Secretary McNamara spent a lot of effort trying to keep MIRV completely secret because he knew if the idea got out it would be inevitable that the Soviets would build it; when he went to the MIRV prototype testing stage, then, of course, it was clear the Russians would see what we were doing. Then it became clear that this arms race "success" of ours would be a "success" of theirs. So although FAS may support developing these new ideas in a research and technology phase, if the idea is really good and if it is a good idea to try to keep them secret, this may require not building the prototype.

Dr. RATHJENS. There is also another problem. This is the argument that once you have flown something it is hard to make the decision not to go ahead. It becomes hard to turn programs off. We have seen that with all sorts of our own programs and I suspect the Russians do too.

I think the important thing—and this is again consistent with Dr. York's remarks—for officials of the Defense Department is to muster the courage and wisdom to turn things off even after they have gone fairly far. Weapons can look pretty good even if there is no real need for them. I think we have done fairly well at aborting programs but I think we can probably do better in that regard.

Senator MCINTYRE. I think you could answer this question, Dr. Stone.

Assuming that the combination of scientists and engineers for the purposes of measuring Soviet versus U.S. technical manpower output is not valid to the issue, is it not equally too broad to compare the numbers of scientists? Should we not have to compare scientists by specific discipline to determine in which critical areas we trail or are losing our lead?

Dr. STONE. I think the critical question for this particular investigation is how many of the able Soviet scientists and engineers do they have assigned to these priority sectors, atomic energy research, military research, and space research. I believe this is a question to which no very firm answer can be given.

Abundance of technical personnel

As to the general question of how the scientists are doing in both countries, it is my impression that both countries have an excess of scientists and engineers for the jobs being assigned to them. From a historic point of view, the two countries are producing scientists and engineers very much on a pattern that is shown all round the world; namely, in proportion to the gross national product of the country. This is why we are producing twice as many scientists, because we have twice the gross national product.

This rule for the scientist, if not for the engineer, seems to hold true in countries all around the world.

Dr. RATHJENS. It seems to me there have been distortions in our support of research that are relevant.

For example, there has been a feeling which I believe is not entirely justified that somehow high-energy physics was related very directly to nuclear weaponry. So it has been relatively easy for many years to get a very high level of support in the country for a lot of research in high-energy physics. We have had a very large expenditure in that area. It is great science, very interesting work, but in terms of direct payoff to either military technology, or to the civil economy, it is probably one of the areas where the work has a most remote payoff.

There are other areas where the payoff would be more direct, and has, in some instances, been somewhat slighted; for example, work in solid state physics. That has been less glamorous. In recent years, it has had better support than at an earlier time. When I was in the Defense Department, we recognized that more support for that kind of physics was required. Some money was made available. But the work in these fields is not interchangeable and it is useful in some of these kinds of comparisons to break things down into subfields.

Senator MCINTYRE. I would like to ask a rather generalized question. In examining the military obligational overall budget beginning in fiscal year 1960 to the present time, fiscal year 1972, and comparing the total amount of the request as compared to the overall budget between 1960 and 1965, this percentage comparison ran very close to an average of around 13 percent, a strong 13 percent.

Beginning in 1966, this dropped down to an average of 10.0 during the past 7 years and to a low of 9.18.

In the last 7 years, the percentage has been very, very close to 10 percent, the work done in R.D.T. & E., as compared to the whole.

Does that seem, first, that should not be taken, I would suspect, as an arbitrary figure for this committee to be considering at all times, and do you think that 10 percent represents any sort of a fair comparison or fair level of effort compared to the total?

Dr. RATHJENS. Well——

Senator MCINTYRE. I know there are a lot of generalities there.

Impact of overall budget

Dr. RATHJENS. There are many problems with this, and the figures, of course, have been distorted by the war. That had a significant impact on the overall defense budget, so that any examination of the time sequence here would have to take that into account.

I would be skeptical about making judgment about adequacy of R.D.T. & E., based on a percentage figure. I do not know whether the right number should be 5 percent, 10 percent, or 15 percent. I would hope we would not come to the point where the Congress would simply say we are going to make it 10 percent and leave it to the people in the Defense Department to decide how it is spent.

In the same sense, I would hope that the Congress would not set an arbitrary level in the budget and say "You fellows figure out how to spend it." I think you have greater responsibility than this. You really have to look at some of the specific programs and decide whether each of them, on its merits, makes sense.

Senator MCINTYRE. Let me read you the percentage request of R.D.T. & E. to the overall budget of the Defense Department in 1966, which takes into account the war years, 11.01 percent; 1967, 9.80; 1968, 9.18; 1969, 9.67; 1970, 10.18; 1971, 10.05; 1972, 10.09.

So it seems they have some sort of a measuring rule over there.

Dr. RATHJENS. It almost appears to be more stable than it ought to be.

Senator MCINTYRE. Well, thank you.

Dr. Stone, we have some prepared questions here. I think they were grounded pretty much on Dr. Nelson's economic background, and I thought unless there is some objection, we will submit them to you and you can forward them to Dr. Nelson for his answer and we would like to have them for the record.

PREPARED QUESTIONS FROM SENATOR MCINTYRE

A. OVERALL SPENDING COMPARISONS

Question. As I remarked in my opening statement, I question not only the accuracy, but also the relevance, of the Defense Department's comparisons of U.S.-Soviet military and military-related R. & D. expenditure levels. I tend to share your own view that it is spending on one's technological base which actually determines one's protection from technological surprise, not one's spending on big weapons development programs. But since the Defense Department persists in defining the issue in terms of overall R. & D. expenditures, let me ask you a few questions in this regard.

(1) You suggest on page 10 of your back-up document that the Defense Department may be understanding our own military R. & D. expenditures. You refer to "relatively arbitrary accounting decisions that assign some R. & D.-related DOD expenditures to other accounts." I, too, am troubled by this and am aware of some R. & D. expenditures not included in the R.D.T. & E. budget. Two that come to mind immediately are the approximately $700 million a year expenditures on Independent Research and Development and the salaries of military personnel assigned to R. & D. work. I also notice that funding for the Air Force's Eastern Test Range has been transferred just this year from the R.D.T. & E. to the O. & M. budget. I wonder whether you could explain further any other "relatively arbitrary accounting decisions" of which you may be aware.

Answer. In addition to the types of expenditures identified in the question, and civilian research efforts of the type referred to on page 10 of our back-up document, probably the most significant additional areas of expenditures on R. & D. directly relevant to military purposes outside the DOD budget are in the budgets of NASA, the AEC, and the CIA (a large fraction of the latter budget being in turn buried in the DOD budget).

Question. Dr. Nelson, you are an economist. Perhaps you could explain to me some of the problems involved in translating Soviet and U.S. expenditure levels—assuming these are known in the first place in terms of the two individual economies—into comparable terms. I have four specific questions.

(a) Much is made in Defense Department statements about the role of inflation in eroding the purchasing power of the defense dollar. Does inflation have any impact at all in the Soviet Union and is there any way we can estimate that impact? If not, how great a problem does this constitute for attempts at comparing relative expenditure levels?

(b) What are the problems involved in converting ruble expenditures into dollar terms? In answering, please explain the differences, if any, which exist at present between the official ruble-dollar exchange rate, the exchange rate which actually seems to prevail in international transactions between the Soviet Union and Western countries, and the exchange rate used by the Defense Department to translate Soviet defense expenditures into dollar terms, and how confident do you feel about the accuracy of your suggested rate?

(c) The Defense Department has indicated that it tries to confirm the accuracy of its budgetary-economic analysis (using exchange rates, etc.) by output analysis, where it looks at what the Soviets are producing and asks how much it would cost to do similar work here. I wonder how accurate comparisons of this kind can be. What they seem to involve is the CIA and other agencies getting intelligence data on Soviet developments, giving these data to American manufacturers, and asking them how much the items would cost in the United States. What troubles me, I guess, is this. These same manufacturers, given detailed specifications and manufacturing requirements, are unable to predict what our own weapons will cost without cost overruns of 50 to 100 percent on average. How can they hope to estimate accurately what Soviet weapons will cost with the help of nothing more than vague intelligence data? And if accurate estimating with this data is impossible, how can estimates based on it reliably "confirm" anything? Would you comment?

(d) What other problems, in addition to those we have just been discussing, making it difficult to compare Soviet and U.S. expenditures? In light of all these problems, do you feel it makes sense to even attempt such a comparison?

Answer. The questions about how to compare U.S. and U.S.S.R. R. & D. spending are good ones. It would be useful to know the quantities and qualities of resources directly to military R. & D. by the two countries but it is not easy to estimate these magnitudes. Comparing our dollar figures with their ruble figures deflated by the official exchange rate provides a cut at the answer, but a very rough cut.

In the first place even for comparison of market economies the official exchange rate is directly applicable only to tradeable goods that are exported and imported, and not to goods and services that do not cross international boundaries (like most services). While to a first approximation traded goods ought to be priced the same in the exporting and importing countries (after prices are made comparable by the exchange rate) even for tradeable goods, different markups for export and home sales, tariffs, quantitative restrictions, and internal taxes mean that deflation of prices by the exchange rate will not make the domestic prices equal. Where trade is contracted by the state as it is in the Soviet Union the meaning of the official exchange rate is particularly obscure even for traded goods. It clearly is an inappropriate specification of the trading strategies of the Soviet Union to say that they purchase imports where goods are cheap, sell exported goods where the prices are highest, and sell imported goods at the price at which they were bought. Clearly political motives influence powerfully the trade pattern of the Soviet Union and domestic pricing policies are very complex.

Second, once one recognizes the vast number of non-traded goods, the official ruble-dollar exchange is, at best, a sort of average of the relative prices of Soviet goods measured in rubles and U.S. goods measured in dollars. At the official exchange rate, some Russian goods will be more costly and others less costly relative to their U.S. counterparts. Thus for non-traded goods it is necessary somehow to estimate their relative expensiveness or cheapness to get a proper ruble-dollar exchange rate for those goods. In general this will not be the "official" exchange rate. Clearly R. & D. inputs are not directly traded. A key question is whether the input of military R. & D. is in the category of items that are more, or less, expensive relative to the costs in the United States than the exchange rate indicates. I am not an expert on the Soviet Union. I do not know the answer to this question.

Of course another way of getting at the R. & D. input problem would be simply to count the quantity of different resources rather than getting at this indirectly by obtaining the money figure and dividing an average price. If there were only one major input to R. & D. say scientific and engineering

manpower, simply measuring this would be the easiest way to get a measure of relative inputs. Under the assumption that salaries comprise the lion's share of R. & D. expenditure, the ratio of manpower inputs would give the same answer as the ratio of money expenditures on R. & D. multiplied by the ratio of average salaries (in the Soviet in rubles, in the U.S. in dollars) in the two countries. However if one cannot identify a particular dominant input then of course one has to "add up" different inputs. The natural way to do this involves prices and we are back on the exchange rates problem again.

Let me respond then to questions 2a and 2b. If there is inflation in the Soviet Union and this affects R. & D. inputs, this will erode the real input of a given ruble expenditure just as in the United States. Regarding how to estimate relative inputs my feeling is that the better way to make Soviet-U.S. R. & D. input comparisons is somehow to count up scientists and engineers, and somehow develop a quality adjustor, rather than trying to deflate money cost estimates by some measure of relative unit costs. My belief is that scientists and engineers are the dominant input into research and development.

Of course we are more interested in output than in input. Certainly it is rash to assume that just because lots of resources are going in, major advances in military capability are coming out. The remarks in the question about the difficulty of estimating R. & D. cost (or the output for a given level or R. & D. expenditure) in the United States are on the point. It strikes me as rash to check the accuracy of input measures by output estimates and asking what it would cost to do the same job in the United States. It might have cost much more or much less. But in any case the more important question is what are the Russians getting from their R. & D. rather than what are they putting in.

But the basic question goes beyond the "output" issue. We really want to know the consequences for the U.S. and the appropriate U.S. response, if any. More attention needs to be given than seems to have thus far to the question of what really is the threat to the United States of a significant expansion in Soviet military R. & D. not reflected directly in observed procurement of new hardware.

Military capabilities involved forces in hand, not forces in the bush. Presumably when it is said that one has a technological capability it is meant that one can move relatively speedily to operational capability of relevant magnitude. The key question, however, is how fast one can move and, in particular, the speed with which one can get a capability in hand (rather than in the bush) compared to the lead time that the intelligence committee provides in identification of threats. Only after one has got a rough answer to this question can one take an attitude toward the value of technological superiority or parity. What really counts is capability in hand plus ability to generate new capabilities fast enough to coerce or deter. Technological capability only has relevance as it bears on these capabilities.

There is a complicated chain of analysis and fact between a statement that the Soviets are spending more on military R. & D. than the U.S., and any serious national security threat to the United States. Even if the premise were true, the conclusion does not follow automatically. If there is a threat, it is not clear what we should do to counter it. It is possible the appropriate response lies outside the R. & D. arena, for example, better hardening and better intelligence. If the appropriate response is R. & D., the kind of R. & D. needs careful specification.

These are serious questions. Some hard and thoughtful work needs to be done to get answers. Allegations of a surge of military R. & D. spending in the Soviet Union, based on shaky data, are nowhere near sufficient to guide U.S. policy. If there is a real security problem the recent allegations may interfere with our dealing with it effectively. I do recall the story of the boy who called wolf.

B. PROBLEMS OF MILITARY R. & D. POLICY

Question. You indicate that one of the main causes of Soviet weapons development is the fact that we have developed the same weapons first. I appreciate the significance of this action-reaction phenomenon, but I am also concerned about the long lead-time inherent in actually developing new systems and the danger this can pose in terms of technological surprise. Let me ask you some questions in this regard.

(1) Do you disagree with the idea that we should carefully pursue all promising new areas of military technology at least through the advanced development phase, stopping short of engineering development and production? If you do believe that restraints are necessary in this early research and development phase, just what restraints do you favor?

(2) Since knowledge of our early research efforts is likely to spur the Soviets into conducting similar efforts of their own, do you believe that secrecy is needed regarding the new areas of research we are exploring, at levels short of engineering development? What is your attitude generally toward our classification policies as regards research projects we and the Soviets are conducting?

(3) The previous questions have addressed for the most part our attitude to new military technology short of the engineering development phase. Yet engineering development itself can take from 2 to 10 years, depending on the system in question. Don't you feel that this long lead time requires us occasionally to undertake major development efforts notwithstanding the possibility of an action-reaction phenomenon, and that this phenomenon can best be protected against by greater restraint in deploying new systems and by willingness to at times actually abandon new systems short of deployment when the threat which first occasioned them seems diminished? In conjunction with your answer to this question, please comment, with the benefit of hindsight, as to just where we went wrong, in your opinion, with the MIRV program?

Answer. The problem with the question is how one construes the word "promising." Certainly we should not pursue all of those possibilities that are technically interesting. Some can be expected to lead, if anywhere, to systems that will be predictably unnecessary or undesirable and obviously putting money in those would be a mistake. BW, CW and very high yield nuclear weapons technology are examples that come to mind immediately. There will be some areas of potential interest for which there simply are not adequate resources, etc. in terms of budget or in terms of manpower of adequate quality.

In certain projects, secrecy should surely be maintained. And it must be assumed that anything which we discover that is not kept secret will be duplicated by the Soviets, and may be used against us. One advantage of classification is that it keeps discussion down on projects, the public knowledge of which would almost impel an adverse reaction. On the other hand, secrecy inhibits the effective operation of research and it inhibits criticism of projects that may be unnecessary or undesirable. No firm rule exists.

I think the answer to the first question here should probably be a qualified "yes." What we must do on a case by case basis is attempt to evaluate whether or not to proceed, trying to anticipate as best we can the Soviet reaction. As I indicated in my testimony it seems to me the case for carrying programs through engineering development will often be stronger as regards tactical weapons systems than it will be in the case of strategic weapons. In connection with the second question I believe that the major errors were in the decisions to actually carry out deployment of MINUTEMAN III particularly, and to a lesser degree, POSEIDON. In the light of the studies that were undertaken during the mid-60's I suppose that some preliminary work on MIRVs was justified, but I do not see any case for the actual deployment decisions and believe that these programs should have been put on ice at a fairly early stage in the R&D cycle.

PREPARED QUESTIONS FROM SENATOR DOMINICK

Senator MCINTYRE. Senator Dominick has some questions here that we will submit to you for an answer for the record.

Question. Regarding the Defense R. & D. program and intelligence matters, aren't some of the members of your group cleared for these matters? Did they ask for and receive a classified explanation of the studies the Foster statement is based on?

Answer. Many FAS spokesmen, including Goldberger and Rathjens, are cleared for this information. We did not ask for a classified explanation of Dr. Foster's statements.

Question. How can you expect to be accurate in your critique or helpful to the Congress if you do not go to the factual basis for the Foster statement?

Answer. Many of the Foster statements are so obviously inconsistent with public information, and indeed internally inconsistent, that access to detailed classified knowledge is not necessary as a basis for criticism of them. Many statements are criticized on a conceptual basis. Beyond that, we have been exposed to a good deal of information regarding the capabilities of military systems that the United States now has and is introducing into its inventory and to the intelligence projections regarding corresponding Soviet capability.

Because the Federation was studying the public record with a view to ascertaining whether or not the public was being alarmed unjustifiably, there was special relevance in a careful study of the same public record. And because the Federation was interested in making its findings public, it did not wish to base its initial comments on classified information. We believe that, in matters of this kind, the public should receive sufficient information to justify the statements with which it is being alarmed and see no reason why this cannot be done. In this connection, as we point out in our report, we are in agreement with Senator John C. Stennis and Senator Peter H. Dominick.

Question. In what way are you a qualified expert on Soviet military and space systems? Are they not, over-all, first-class systems by any standards?

Answer. The credentials of the Committee approving the document "Is There an R&D Gap" are contained in that report immediately following the table of contents page. See also the answers to questions 1 and 2.

Question. Without detailed knowledge of the secret Soviet R. & D. programs, don't you agree that the new products of Soviet R. & D. are overall first-class systems and products of their own technology? (Examples are Foxbat, high yield nuclear weapons, FOBS concept, heavy lift helicopters.)

Answer. Answer to part I, "to some degree." Answer to part II, "the same extent."

The Soviets are capable of building first-class military systems.

Question. Do you believe that technological improvements are at some sort of dead-end so that the Soviets cannot move on from this first-class base?

Answer. Technological improvements are not at a dead-end and the Soviets can be expected to make further progress in technology. It may, however, be increasingly difficult for technological advances to destabilize an increasingly stable situation.

Question. Do you believe that it is impossible technologically for the Soviets to develop counters in the future to any important U.S. defenses—strategic, tactical?—for

big wars, little wars, crises, blackmail situations? against the U.S. interests? against our allies' interests?

Answer. "Impossible" is too strong a word and the word "defenses" is ambiguous. We do believe that the Soviets will find counters to any U.S. strategic defensive systems—as we will find counters to theirs. In this connection, the President has publicly acknowledged that there is "no way" to protect the country effectively against the effects of nuclear war.

Question. Can we rest on our past and present efforts in technology if the Soviets try increasingly harder to move ahead?

Answer. As our report shows, the answer turns on what the Soviets are doing when they "try increasingly harder" to move ahead. If they waste their resources, for example, on unnecessary engineering development and unnecessary prototypes, we need not match their efforts.

Question. If the Soviet effort in defense-related technology is not as great and as effective as ours today, how can the Soviets develop superior quality weapons like Foxbat, MIRVed SS–9, quiet submarines, heavy-lift helicopters and so forth?

Answer. As we pointed out in our report, success in military weaponry depends on the mobilization of R&D resources rather than upon the gross level of resources applied to all military R&D. (The Soviets have not yet deployed a MIRVed SS–9 and probably have not yet tested one. The MIRVed SS–9 under consideration is not superior in quality to our own, nor is the Soviet submarine.)

Question. Were any of those outstanding weapons systems copied from the United States?

Answer. The Soviet POLARIS-type submarine is, in many respects a copy of even to the number of missiles. Soviet MIRV almost surely was an attempt to match the U.S. in having a MIRV.

Question. If you think so, is it possible you could provide some proof of this? Weren't they in fact developed independently of the United States, based on first-class Soviet technology?

Answer. Since the Soviets read our public literature, which contains much classified information, since they employ spies, and since much of our technology is worth studying, if not copying, it is hard to talk of completely "independent" development of Soviet weapons.

Question. If the Soviets have made the immense effort to catch up to the United States in defense technology, do you believe that they will not continue the effort to move ahead? What is the evidence that they lack the resources or will to move ahead?

Answer. We must assume that the Soviets will make continuing efforts to improve their military technology although, in fact, they may be more willing to place resources into non-military R&D in such proportion as they consider their military improved. Obviously the Soviet Government contains persons with two distinct interests. Some would like to surpass the United States in military technology. Others would like simply to have sufficient military needs to defend the Soviet Union. As the Soviet Union achieves military parity, the latter group will begin to vote for domestic emphasis. Whether or not the former group has the power to continue to insist on high rates of military expenditures remains to be seen. We should keep our eyes open.

Question. Would we let them move ahead? Do you believe that we can be more secure if we let them move ahead—let the Soviets explore defense technology areas more intensively than we explore them or let them learn through prototypes while we learn through paper studies? For example, should we let them put a "Manhattan District" effort onto lasers or submarine tracking while we do business as usual?

Answer. We cannot stop them from "moving ahead." Matching the Soviets, prototype for prototype, could slow the rate at which U.S. military technology moved ahead by wasting valuable resources. Whether we match alleged Soviet efforts in a particular field should depend on the field and the likely consequences of failing to do so.

Question. In short, please explain how it is impossible for future technology to eat into the U.S. margin of security. If it is not impossible, why should the United States not take out "R&D insurance" against the very impressive gains we are seeking in Soviet defense technology?

Answer. The U.S. should take out "R&D" insurance but not simply act as if "the more spent on R&D, the more insurance bought."

Question. The combined DOD, NASA, and military R.D.T. & E. expenditure of the United States is about $8 billion. As a student on Soviet expenditures, what are your estimates for the Soviet total R.D.T. & E. expenditures, both civil and military?

Answer. The Federation does not have an independent estimate of Soviet R&D expenditures, both civil and military.

Question. Why do you think the Soviets classify their military R.D.T. & E. to such an extent that they don't even publish a total budget for it? Does that give you any confidence that they are spending less than we or are not expanding?

Answer. Both before and after the Soviet revolution, Russia has been a most secretive and xenophobic nation. Even much less important details such as street maps are secret in the Soviet Union. The secrecy applied to military activities is not a basis for concluding that the Soviet Union is spending more than the United States. Quite the contrary, one important traditional reason for Russian military secrecy has been the fear that Russian military inferiority would become known.

RESUMPTION OF HEARING

Senator MCINTYRE. I yield now to Senator Goldwater.

Senator GOLDWATER. I have some questions too that I will submit to them instead of asking. A lot of these have been answered already.

Just a matter of general information from either of you. When was the Federation of American Scientists founded?

Dr. STONE. Founded in 1946, in February.

Senator GOLDWATER. You are located, I see, here in Washington?

Dr. STONE. Yes, sir; that is right.

Senator GOLDWATER. It is obvious that you are not advocating any cut in the research and defense funds and it is also rather obvious that you would like to see more spent but more wisely spent; is that correct?

Wise spending urged

Dr. RATHJENS. I am not sure I would like to see more spent. I would like to see it more wisely spent.

There are two messages I would like to get across. We would like to see funds spent more wisely. And we would like to see the Congress being well informed and not misled regarding the threat or the rationalization for the expenditures. Those are the two main points that I would like to get across, that is all.

Senator GOLDWATER. You realize that up until the establishment of the subcommittee, to my knowledge, there was no subcommittee specifically assigned the task of reviewing R. & D., and I think there has been great progress made. I think we have great progress to make so don't expect miracles overnight.

Relative to what we can spend, you know this is controlled by ceilings which have been placed by the Pentagon on these amounts, also ceilings that have been placed by the different branches of the military. We can suggest higher or lower amounts but basically these amounts come over to us from the Pentagon and we have to then decide the wisdom.

Soviet moneys consolidated

Also I am sure you know of this, that in the Soviet budget they include space budget and military budget but they are all controlled by the same group, where our NASA money is controlled by one organization not related directly to the military; they can use the funds any way they want to.

I remember when I was here before the great surprise it was to find the amount of money that was assigned to their space which you could trace directly to military. I think you are aware of that, aren't you?

Dr. RATHJENS. I would not be at all surprised if large amounts of it were being used for military purposes. Their whole budget, I must say, is a mystery to me, and it is too bad Professor Nelson isn't here to comment on that.

Senator GOLDWATER. It is a mystery even to Dr. Nutter who I think knows as much about the Russian economics probably as the Russians do themselves.

Senator MCINTYRE. Without objection the complete statement of Dr. Stone will be made part of the record.

Dr. STONE. Thank you.

Senator MCINTYRE. Also unless there are objections the statement of the Federation of American Scientists, "Is There an R. & D. Gap?" report of the Ad Hoc Committee on Military R. & D., will be included in the report.

(The information follows:)

[F.A.S. report printed in *Congressional Record* May 10, 1971, pp. 14094–14101.]

FEDERATION OF AMERICAN SCIENTISTS STATEMENT IN TESTIMONY BEFORE AD HOC SUBCOMMITTEE ON RESEARCH AND DEVELOPMENT, SENATE ARMED SERVICES COMMITTEE—MAY 19, 1971

As you know, the Office of DDR&E in particular, and the Defense Department in general, have filled the hearing record of four Committees of Congress with a great deal of material suggesting that the Soviets will shortly achieve technological superiority. A great many officials' speeches have suggested the same thing. The Federation of American Scientists has produced a fifty page document analyzing these charges—which to the best of our knowledge no other nongovernmental group has seen fit to investigate. In fairness, we would like the RECORD to contain the results of our unique investigation.

At the same time, we would like to be sure that the questions which we pose are put sharply so that there will be no mistake about them. Therefore, we are enumerating them here. We would welcome any effort by the Committee to secure answers to these questions.

Before listing these questions, however, we want to emphasize one thing. We are not calling for cuts in the R&D budget. We support a vigorous program of military research and development fully adequate to our needs. And at some future time, the Federation hopes to prepare a detailed study of R&D expenditures. But this is not such a study. Instead, it is an investigation of charges made by the Defense Department that are alarming the American public. We do not believe that these charges have sufficient foundation to justify that alarm. And, as is evident from the types of questions we are raising, no amount of classified information could add sufficient substance to make them so.

The Chairman of the full Committee (Senator John C. Stennis) and a member of the subcommittee (Senator Peter H. Dominick) were correct when they formally asked Dr. John S. Foster, as early as 1969, to document his charges in unclassified material. The record shows that he did not

comply with that request (p. 22, footnote).[1] We do not believe that he can. And we believe that this Committee should ask other agencies of the Government concerned with classified and unclassified estimates of this kind for their opinion: Bureau of the Budget, the Office of Science and Technology, the Central Intelligence Agency (CIA), the Defense Intelligence Agency (DIA), the National Science Foundation (NSF), and so on. All of these agencies have been supplied with copies of our analysis

QUESTIONABLE ASSUMPTIONS AND EXAGGERATEDLY PRECISE ESTIMATES

1. In the first place, we question whether accurate estimates can be made of the ruble value of the resources put into *militarily related* R&D (i.e., Defense, Space and Atomic Energy R&D combined), as shown by DDR&E (pp. 5A, 5B).

2. In the second place, we question whether a meaningful breakdown of Soviet militarily-related R&D can be made to show *military* R&D. Dr. John S. Foster agreed with us in early 1970 (pp. 3–4) but now admittedly assumes (p. 5) that the *rate of growth* of *militarily-related* R&D is assigned to *military* R&D, producing an extraordinary 15% rate of increase (p. 7).

3. The ruble-dollar ratio used to convert these estimates into dollars has itself varied in authoritative estimates by a factor of 40% (p. 9).

4. Since it is charged that the Soviets have surged ahead of us in R&D spending in the last two to three years, it is impossible to get independent observation of Soviet activity to confirm the estimates involved (p. 5A).

5. We conclude that it is absurd to argue that the graphs supplied by DDR&E (pp. 5A, 5B) are accurate to "within 10% or so" as the principal Deputy of DDR&E has announced (p. 9).

CHARGES USE MISLEADING LANGUAGE AND ALARMIST NON SEQUITUR CONCLUSIONS

1. The best documented—and most surprising—fact admitted by DDR&E is the conclusion (p. 21) that the Soviets did not gain relatively in military technology during the years 1960–1968 despite the fact that they could read our literature. Dr. Foster's charge that the Soviets "*now* seem to be gaining on the United States technologically" (italics added) one year in every three or four (p. 22) is evidently nothing more than a (highly misleading) restatement of his charge that the Soviets are now spending ¾ as much on gross R&D. Obviously, the statement cannot be confirmed by observing Soviet technology of the last two years since the weapons in which the technology is to be embodied are not yet evident.

2. Even if the Soviets were catching up technologically—as there is admittedly no direct evidence but as one might expect since the Soviet Union has more advanced nations to copy—it does not imply that the Soviets will "assume technological superiority" as repeatedly suggested by Dr. Foster (p. 1, footnote 3, 1st, 3rd, 4th and 5th paragraphs). Certainly we cannot conclude that it will happen in "two years" as he told the House Armed Services Committee last year!

SELECTIVE DISCLOSURE INDICATED

1. From evidence provided the House Armed Services Committee in early 1970 (footnote 1, Appendix A1) it is possible to deduce the fact admitted in late 1970 that the United States was spending more on military R&D than the Soviet Union. Why did DDR&E not advise the Armed Services Committee of this fact? Instead it denied to this Committee (p. 3) that such comparisons were possible. Why?

2. Why did Dr. Foster misquote a speech of Leonid Brezhnev's so as to make it seem that Soviet interest in R&D for peaceful purposes was really R&D for military purposes (p. 6).

DATA ARE OFTEN LARGELY OR COMPLETELY IRRELEVANT

1. We question whether gross levels of R&D funding are relevant to the problem of protecting against "Technological Surprise" as implicitly assumed in DDR&E comparisons. Substantial fractions of R&D expenditures are associated with systems which we have already decided to deploy because we consider those Soviet weapons to which they are a counter *inevitable*. Only about 25% of the R&D budget is associated with "technology base" expenditures, and increases, in this account are limited by ideas rather than by funding, as Dr. Foster has noted (p. 14). Matching the Soviets in prototype expenditures is not necessarily a good idea as Dr. Foster has also noted (p. 15), and can lead to great waste (p. 16).

2. We certainly question the relevance of the charge that the Soviets are producing more "scientists and engineers" than we are (p. 30) when in fact we produce twice as many scientists, when Soviet engineers are often poorly trained, and when the relative numbers of these categories are much less relevant than the tasks to which they are assigned, and the efficiency with which they are organized and equipped to do them. (p. 29–33).

RESUMPTION OF HEARING

Dr. STONE. Thank you, Mr. Chairman.

Senator GOLDWATER. I have read the report that has just been put in the record and I have listened to your testimony with great interest.

It seems to me that you have engaged somewhat in the same violations that you accused Dr. Foster of, speaking in generalities. I refer for example to your statement on page 4 relative to sonar development, that we also probably have a significant lead.

If you consider ABM defense, I believe you will find as effective as SAFEGUARD is likely to be, those are two I recall very general statements. Inasmuch as I happen to disagree with you relative to the SAFEGUARD, it is working out in the Pacific, we are hitting targets, so I wouldn't agree with that, I think if you can't say that we have a significant lead or we don't have a significant lead I think you are better off not saying anything.

Safeguard Efficiency

Dr. RATHJENS. Well to comment very briefly, I thought the SAFEGUARD program was for a variety of reasons a mistake and is ill designed for the purpose for which it is being used, but nevertheless I simply argue here that it does evidence a higher level of technology in the ABM area than anything that I think we are seeing in the Soviet Union.

Senator GOLDWATER. Looking at your National Council Members Board of Sponsors I cannot find anybody on there that would disagree with you. I am thinking of Jerome Wiesner, Morgenthau, Kistiakowsky, Galbraith, a great scientist. They all are opposed to the ABM.

Dr. RATHJENS. I believe that is probably true. I don't know of any that are favorably disposed toward it.

Senator GOLDWATER. I think they would also oppose the B–1 bombers.

Dr. RATHJENS. My guess is that all of those whose views I know would be rather similar to my own in this regard.

Senator GOLDWATER. One other comment. On the same page you say the subcommittees should find out what the situation is by careful examination, calling on not only the Department of Defense but on the CIA and other relevant Government agencies for hard comparative data. We have done that. In fact we do that with great repetition. Also we have DIA. It would seem to me that your organization, if you have not already done so, I know some of your members are cleared for this level of classification. I would suggest that you have as many of those people who are cleared for that as possible take in the SAC briefing, COA briefing, DIA briefing. I think it would open your eyes and I don't agree with people who say on the floor of the Senate or House floor that people like myself are using these figures or using the innuendo because it is classified merely to frighten people. I used to be of that mind. I am not any more. I think we are in a real serious situation relative to the Soviet. I don't necessarily see that it means we are going to go to war but I do think it is much worse than the general public knows and, as I said, I hope the President before long, before we get into the summer-long debate on what we buy and don't buy, will let the American people know.

I have no other questions. I do have something I want to talk to you both about.

That is all.

Summary

Senator MCINTYRE. Well, Dr. Rathjens and Dr. Stone, I want to thank you for your views you haxe expressed here this morning. This subcommittee deals in a very difficult and complicated area as we try to extend some sort of congressional supervision, some sort of congressional questioning to these very huge sums that are requested for the military in the very important area of research and development. We do our best to note duplication, what we think is duplication. We certainly see indications from time to time of what I would call inter-service rivalries and we try to ask hard questions which such staff as we have at our disposal. Mr. Fine has been doing an excellent job, but I find myself so many times coming to that area where I don't think I should exercise what would be a New England Yankee intuition when I am dealing with a subject so important to our security. I do think Dr. Foster has firmly impressed me with the importance of the technological base you referred to in the items we classify as 6.1, 6.2, and a substantial portion of 6.3.

So I was taken back by Dr. Foster's statement when he initially made it and tried to interrogate him at that time—whether he had taken into account independently R. & D., is it not true that certain sections of our budget are not really technological base, get into engineering development, and ask questions about our industry, where a great deal of the expertise really lies. It isn't in house at all, it is out there in the defense industries with these tremendously competent people that work for them. So the testimony this morning further complicates the issue, but I think it is well we have it on the record, so I do appreciate your coming here this morning, and I am sorry that Dr. Nelson's plane was delayed.

Dr. STONE. Speaking for the Federation, I want to thank you for this opportunity. We watch with great interest and high regard the work of this subcommittee on many issues of concern to us. We are delighted that the subcommittee exists and very satisfied with the fact that it is making serious inquiries into these questions.

We are very happy to have had the opportunity to put our views on the record. With the specific comments which you just made about technology base, as you know, we are in agreement. So, on those points, I hope we have not complicated the situation.

Commenting now on your earlier reference to a conversation in which Dr. Foster suggested leaving his budget alone or firing him, it is impossible for you to fire an executive branch employee as the answer to too great a budget request.

Dr. Foster is an employee of the executive branch, not of the legislative branch. So it does fall to you—if you are going to oversee

[1] Page numbers refer to pages of our basic document, "Is There an R&D Gap?"

these expenditures—to make some decision one way or the other about these matters. According to the Constitution, it has been left up to you to monitor the proposals of the executive branch. In these matters, a certain amount of intuition is necessary. Those who have been through the defense analysis system much more thoroughly than I have, can testify that—after all of the expertise has been heard—one has to apply some rule of thumb or intuition. I hope the subcommittee will not be leery of applying these kinds of criterion when the time comes, because there is no other way.

Senator MCINTYRE. On May 18, 1971, a letter was written to the Secretary of Defense requesting an evaluation of and specific comments on the Federation of American Scientists' report dated May 6, 1971, entitled, "Is There an R. & D. Gap?" which has been included earlier in these hearings. A copy of the aforementioned letter and of the reply, dated May 25, 1971, are reproduced below as well as an unclassified version, dated May 29, 1971, of the attachment to the Department of Defense reply.

MAY 18, 1971.

Hon. MELVIN LAIRD,
Secretary of Defense, the Pentagon, Washington, D.C.

DEAR MEL: In recent appearances before the Senate Armed Services Committee, and the Subcommittee for Research and Development, principal witnesses of the Department of Defense have testified about the Soviet vs. U.S. technology gap.

The Federation of American Scientists have examined this problem and published a report on May 6, 1971 entitled "is there an R. & D. Gap? In this report numerous questions are raised and assertions made challenging the Department of Defense statements.

To permit a full appreciation of the facts in the case, and to provide a more meaningful basis for consideration of the fiscal 1972 R.D.T. & E. authorization request, I would appreciate your detail evaluation and specific comments on each of the allegations and questions in the report and in the statement made by the Federation before the subcommittee on May 19, 1971. Copies of these documents are attached.

Request this information be submited to me by June 1, 1971.

Sincerely,

THOMAS J. MCINTYRE,
U.S. Senator.

DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING,
Washington, D.C., May 25, 1971.

Hon. THOMAS J. MCINTYRE,
Chairman, Subcommittee on Research and Development, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you requested in your letter of May 18, 1971, we have reviewed the report "Is There an R&D Gap?" issued by the Federation of American Scientists on May 6, 1971, and the Statements by Dr. G. W. Rathjens and Dr. Jeremy J. Stone on May 19, 1971.

A response to these documents can be made in three parts:

The first part has to do with the substantive issues raised. The substantive issues have been covered in the form of replies to a series of questions. These questions and their replies are attached for your information.

The second part has to do with statements made by me during the period of 1968 to 1970. The contention is that intentional inconsistencies have been made in order to suppress data and information. The facts are that our understanding of what the Soviets are doing in R&D, and our ability to assess their resources and results have been developing during the last two years. We now have a better understanding of the Soviet technological effort and have refined our estimates.

The third part of the response would be a reply to the personal attacks made. I do not believe that it is necessary or appropriate to make such a response.

As I have indicated to you before, I consider this potentially to be one of the most important and serious matters which could affect our national security in the years to come. I am grateful for this opportunity to clarify the information we have available.

Sincerely,

JOHN S. FOSTER, Jr.

QUESTIONS AND ANSWERS RELATED TO THE ASSESSMENT OF U.S./U.S.S.R. TECHNOLOGICAL EFFORTS

(Congressman Harrington's questions.)

[Not printed in *Congressional Record*]

COMMENTS ON THE STATEMENTS OF DR. JEREMY J. STONE AND DR. GEORGE W. RATHJENS OF THE FEDERATION OF AMERICAN SCIENTISTS BEFORE THE SUBCOMMITTEE ON RESEARCH AND DEVELOPMENT OF THE ARMED SERVICES COMMITTEE OF THE U.S. SENATE

INTRODUCTION

In commenting on the statements of Dr. Jeremy J. Stone and Dr. George W. Rathjens given before this Subcommittee on 19 May 1971, I first would like to refer you to my previous statements to this Committee as well as to a series of questions that we have answered for Congressman Michael Harrington (see p. 3416).

As you know, Drs. Stone and Rathjens have never discussed with me the charges made by them before the Subcommittee. Furthermore, prior to their testimony no attempt was made to seek clarification of our methodology, data and conclusions. Thus it is not surprising that they disagree about the conclusions. But there is a much more important point. Our country is not properly served when highly complex matters are discussed in a manner which does not reflect an in-depth study of all the facts and which creates an unnecessary and unwarranted polarization.

I have urged Dr. Marvin Goldberger, the Chairman of the FAS ad hoc committee on Military R&D, and Dr. Rathjens to meet with us in the near future to discuss Soviet/US R&D comparisons in detail. In this meeting we should be able to discuss any differences in a constructive way and hopefully resolve them.

Dr. Stone, in his May 19th statement before the Subcommittee, referred you to the FAS study entitled "Is There an R&D Gap?" for complete information on the FAS position. In addition, he made specific charges which he categorized as follows:

Questionable Assumptions and Exaggeratedly Precise Estimates.

Misleading Language and Alarmist Non-Sequitur Conclusions.

Selective Disclosure of Information is Indicated.

Largely or Completely Irrelevant Data.

It may be helpful to reiterate the specifics in each of these categories in formulating our response.

I. QUESTIONABLE ASSUMPTIONS AND EXAGGERATEDLY PRECISE ESTIMATES

1. In the first place, we question whether accurate estimates can be made of the ruble value of the resources put into militarily related R&D (i.e., Defense Space and Atomic Energy R&D combined), as shown by DDR&E (p. 5A, 5B).

2. In the second place, we question whether a meaningful breakdown of Soviet militarily-related R&D can be made to show military R&D. Dr. John S. Foster agreed with us in early 1970 (pp. 3–4) but now admittedly assumes (p. 5) that the rate of growth of militarily-related R&D is assigned to military R&D, producing an extraordinary 15% rate of increase (p. 7).

3. The ruble-dollar ratio used to convert these estimates into dollars has itself varied in authoritative estimates by a factor of 40%. (p. 9).

4. Since it is charged that the Soviets have surged ahead of us in R&D spending in the last two to three years, it is impossible to get independent observation of Soviet activity to confirm the estimates involved. (p. 5A).

5. We conclude that it is absurd to argue that the graphs supplied by DDR&E (p. 5A, 5B) are accurate to "within 10% or so" as the Principal Deputy of DDR&E has announced (p. 9)."

I. RESPONSE

The analysis of the Soviet Union's military R&D involves several independent and quantitative cross-checks which, taken together, support the credibility of the analysis. The work was performed by the intelligence community, the Services, and the Office of DDR &E. The analysis starts with the All Union Science Budget. This budget is divided into a classified portion and an unclassified portion. We consider the classified portion to be the military and space RDT&E and this has been checked for consistency by a careful study of outputs over a period of years.

The space RDT&E is then separated by noting the output of the Soviet space program and calculating the cost in U.S. dollars for the U.S. to achieve the same output. This is then converted to rubles permitting a determination of the military part of the Soviet RDT&E.

The dollar-ruble conversion ratio used in the analysis is not the official ratio of 1.11:1. Economists find that the correct ratio depends on the sector of the economy involved—a result of differing efficiencies of effort in different fields of endeavor. The correct ratio also depends on the budgetary model used. The several models considered yielded a nominal value of $2 per ruble for RDT&E. It is interesting that the Swedish International Peace Research Institute (SIPRI) Yearbook 1969/70 finds that for military expenditures as a whole the ratio is between 2:1 and 2.5:1; and that for defense armaments it is about 2.25:1. It is reasonable that for RDT&E the ratio should be near the lower end of the range.

Having derived a value for military RDT&E, the result is checked by means of a lead/lag analysis. Many weapon systems—ballistic missiles, fighter aircraft, anti-tank weapons, and others—involving hundreds of weapons have been evaluated to determine the relative lead or lag between the United States and the Soviet Union and how it has changed with time. These judgments are made by people knowledgeable in the subjects involved.

The lead/lag analysis showed that to an accuracy of about one year in eight, or 12%, neither side gained on the other during the period 1960–1968. Consequently one concludes that the equivalent effort in the two countries averaged over this period was about equal.

The growth of Soviet military RDT&E since 1968 is consistent with the continuous rise of the All Union Science Budget and the leveling off of the Soviet space program. If this sizeable increased effort (an increase of $1–1½B each year) were in some other sector of the economy, the "open sector", then it should have produced observable outputs. No such results have been seen. Therefore we conclude that this increased effort is devoted to military RDT&E. Thus this is a matter of great concern.

Other estimates of the Soviet emphasis on engineering facilities and on scientists and engineers are consistent with the trends that our analysis has shown.

It should be apparent that our analysis has involved a great deal of detailed study. Because this is a very serious matter, we

welcome questions and suggestions for improving the analysis. However, we have seen no comparable effort by those who would refute our conclusions and believe that the present challenges of our results are not well founded.

II. "CHARGES USE MISLEADING LANGUAGE AND ALARMIST NON-SEQUITUR CONCLUSIONS"

1. The best documented—and most surprising—fact admitted by DDR&E is the conclusion (p. 21) that the Soviets did not gain relatively in military technology during the years 1960–1968 despite the fact that they could read our literature. Dr. Foster's charge that the Soviets "now seem to be gaining on the United States technologically" (italics added) one year in every three or four (p. 22) is evidently nothing more than a (highly misleading) restatement of his charge that the Soviets are now spending ¾ as much as on R&D. Obviously, the statement cannot be confirmed by observing Soviet technology of the last two years since the weapons in which the technology is to be embodied are not yet evident.

2. Even if the Soviets were catching up technologically—as there is admittedly no direct evidence but as one might expect since the Soviet Union has more advanced nations to copy—it does not imply that the Soviets will "assume technological superiority" as repeatedly suggested by Dr. Foster (p. 1, footnote 3, 1st, 3rd, 4th and 5th paragraphs). Certainly we cannot conclude that it will happen in "two years" as he told the House Armed Service Committee last year!"

II. RESPONSE

It is correct to infer that our statement, that the S.U. is gaining technologically on us at a rate of one year in every three or four years, is based on the fact that they are outspending us for military RDT&E. This is one of the conclusions derived from our analysis of Soviet military RDT&E efforts. It follows from the continued rise of the All Union Science Budget and the levelling off of their space effort. The military RDT&E is the only sector of the Soviet economy that could absorb such increases without some near-term effects that would be visible to us by now. We expect this increased military RDT&E funding may result in a number of military surprises within several years.

Although the Soviets have access to our open literature, they do not have access to the details of our military technological developments. It should be noted that merly reading our open scientific literature is not likely to enable the Soviets to directly copy our sophisticated military systems. Furthermore, the Soviets have shown considerable initiative on their own. Thus, the U.S. is not the only source of weapons concepts which threaten us. Soviet initiatives include: High yield warheads; SS–9; FOBS; HLH; cruise missiles; Helo carriers. It is also true that:

Soviets do frequently take quite different approaches.

Soviet advances could change the balance of power.

The march of technology cannot be halted if we quit the race.

The FAS representatives treat the case where the countries have the same talent, efficiency, size and level of effort, and conclude that they will tend to remain equal. We are calling attention to the case where one side disrupts the equality by devoting more effort, and the Soviets have secrecy on their side. The analysis shows that where they have exerted greater effort they pulled ahead of us—e.g., fighter aircraft, cruise missiles, and naval propulsion. It also shows that where we have exerted greater effort we went ahead—as in ICBMs, SLBMs, and space.

It is a logical conclusion that if present trends continue—the U.S. military RDT&E effort levelling off while the Soviet effort is increasing—the Soviet will eventually assume technological superiority. That this could happen after 1975 is based on the estimate that we had a two- to three-year lead in 1968 and they are now outspending us by 40–50 percent. The quotation that this could happen in "two years" was an unfortunate error in the text that we failed to correct in proofreading. Details are explained in the attached letter. (See p. 3438.)

III. "SELECTIVE DISCLOSURE INDICATED

1. From evidence provided the House Armed Services Committee in early 1970 (Footnote 1, Appendix A1), it is possible to deduce the fact admitted in late 1970 that the United States was spending more on military R&D than the Soviet Union. Why did DDR&E not advise the Armed Services Committee of this fact? Instead it denied to this Committee (p. 3) that such comparisons were possible. Why?

2. Why did Dr. Foster misquote a speech of Leonid Brezhnev's so as to make it seem that Soviet interest in R&D for peaceful purposes was really R&D for military purposes. (P. 6)"

III. RESPONSE

The FAS assertion that in 1970 the United States was spending more on military R&D than the Soviet Union is in error. The table cited represents not military R&D but total national R&D for the two countries. The table showed for 1970 an estimated total national R&D for the U.S. of $24.6B and for the Soviet Union of $21.3B. At that time (February 1970) it was not possible to identify separately the Soviet military R&D. It was not until the fall of 1970 that the analysis by the intelligence community had progressed far enough to make this possible. However, we stated in early 1970, as we do now, that the Soviet Union spent a larger portion of its total R&D effort on the military than did the United States.

The best data available in the fall of 1970 is provided by the set of curves released on October 6, 1970 and appearing on page 5A of the FAS report. These curves show that in 1970 we believed the Soviet Union to be outspending us by about $3.0B (1968 dollars).

With reference to the second question, the quotation in question was taken from the New York Times. The speech was by a very prominent Soviet official and was given wide distribution in the Soviet press. Although the speech was given at a tractor factory it did mention Defense and was not limited to tractors or agriculture. It appeared to address the whole range of technology in connection with competition between capitalism and communism.

IV. "DATA IS OFTEN LARGELY OR COMPLETELY IRRELEVANT

1. We question whether gross levels of R&D funding are relevant to the problem of protecting against "Technological Surprise" as implicitly assumed in DDR&E comparisons. Substantial fractions of R&D expenditures are associated with systems which we have already decided to deploy because we consider those Soviet weapons to which they are a counter inevitable. Only about 25% of the R&D budget is associated with "technology base" expenditures, and increases in this account are limited by ideas rather than by funding, as Dr. Foster has noted (p. 14). Matching the Soviets in prototype expenditures is not necessarily a good idea as Dr. Foster has also noted (p. 15), and can lead to great waste (p. 16).

2. We certainly question the relevance of the charge that the Soviets are producing more "scientists and engineers" than we are (p. 30) when in fact we produce twice as many scientists, when Soviet engineers are often poorly trained, and when the relative numbers of these categories are much less relevant than the tasks to which they are assigned, and the efficiency with which they are organized and equipped to do them. (P. 29–33)."

IV. RESPONSE

A difference of R&D funding levels between two countries over a period of time is extremely relevant. A nation that continues to outspend another in R&D funding will eventually be assured of technological superiority assuming that reasonable and efficient use is made of the resources available. The extra funds can be used to support a wide range of R&D activities from basic research to engineering and prototype development. This means that an open society such as the United States should maintain a technological lead over a closed society such as the Soviet Union if it is to avoid technological surprises in the form of advanced weapons systems which could shift the balance of power. We are addressing the questions of technological surprise as opposed to the apparent emphasis of the FAS on scientific surprise. A breakthrough in the theory of the atom is an example of a scientific surprise while the development of an atomic bomb is an example of a technological surprise. The former does not shift the balance of power; the latter obviously does.

Prevention of "surprise" is only one reason for doing defense R&D. Others include:

Creation of technology from pure science

Development of specific systems to meet the needs of our forces.

Provision of options for our decision makers in terms of technical approaches to meet the needs of our forces. The performance of R&D does not necessarily imply a decision to procure a system once it is developed. This is a separate decision for which the performance of R&D has only provided the option.

Evaluation of what a secretive society may be doing based on fragmentary intelligence data. This is only possible if one fully understands all of the technical implications and it is a prime reason why an open society must maintain technological superiority.

Provision for an orderly response to surprise. If one has a firm understanding of technology based on his own experience, response to the deployment of a new system by an enemy can be rational and efficient. It must be emphasized that the understanding of pure science is not enough.

Provision for a rapid response to unforeseen operational needs.

Discovery of new defense-related technologies.

Lowering of costs, and improvement in reliability and maintainability.

In both the U.S. and the Soviet Union the terms "scientist" and "engineer" are used imprecisely. In each country, scientists may work as engineers or engineers as scientists. People educated as scientists and engineers may work completely outside the fields of technology or research; and people may be classified as engineers who should not be if a rigid criterion were enforced. The important point is that it doesn't matter whether someone is called an engineer of a scientist. It is the results of his work that count. It would be complacent and dangerous to denigrate the capability of Soviet engineers. They have produced some excellent results by any standards.

Our discussion of the production of scientists and engineers in the U.S. and the Soviet Union was not intended to establish any absolute level of such employment. Rather it was meant to show the emphasis and commitment by the Soviet Union on such training. The data clearly shows that the Soviet Union is increasing its scientific and engineering manpower at a much faster rate than the United States.

This is evidence of a determined, long-term commitment of people and rubles to the goal of improving their technology.

CONCLUSION

In addition to the specifics addressed in the comments, there is a general issue worthy

of special note. In Dr. Stone's testimony on page 3, paragraph 2, under "Charges Use Misleading Language and Alarmist Non-sequitur Conclusions" and on page V of the Summary and Introduction, and on pages 18 through 20 of the FAS 6 May 1971 document, "Is There an R&D Gap?" there appears a view of the Soviet Union and the nature of the interaction between the Soviet Union and the United States on National security issues that I find particularly disturbing.

The simplistic view of the nature of the arms race expressed by the FAS concerns me. It is represented as a simple action and reaction process. No recognition is given of the influences of history, ideology, and the nation's geo-political orientation in the development of military weapons systems to be used to insure its national security and to supplement its foreign policy objectives. Of course both the Soviet Union and the United States pay attention to other's weapons systems development and deployments, but these considerations are only a portion of the fundamental motivations in the development of any one or a group of military weapons systems.

Of equal concern to me is the apparent lack of recognition by the FAS of the innovative and creative talents of Soviet scientists and engineers and their design institutions. The Soviet Union is a proud country with many fine academic engineering institutions and these organizations have developed some truly impressive space and military systems.

To the best of my knowledge, Soviet military and space science and technology is innovative and creative and not "relatively backward and inefficient". If this judgment of mine is not correct, I would be pleased to see any analysis that would convince me otherwise.

VIETNAM ELECTION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. WOLFF. Mr. Speaker, on several occasions recently I have called to my colleagues' attention the inexcusable delay in the Office of Management and Budget in commenting on a resolution which I authored and which more than 40 Members of the House sponsored to send a high level U.S. observer team to the South Vietnamese presidential election in October.

Once again I am compelled to remind my colleagues that the Office of Management and Budget is blocking this resolution without reason and in doing so is denying the Congress an opportunity to move ahead in this important area.

Every day that goes by makes it less and less likely that the South Vietnamese will be able to have free elections. Were the United States committed to sending observers to the election it might serve as a deterrent to any effort to subvert the will of people. The Office of Management and Budget may well be running out of time as regards this matter and if they do then time will also be running out for democracy in South Vietnam.

In this regard, under leave to extend my remarks, I include in the RECORD an editorial from today's New York Times and a news article from that same newspaper.

VIETNAM ELECTION

Failure to replace promptly the resigning chief negotiator in Paris with his designated successor, Ambassador Porter, suggests that Washington may be deliberately delaying a serious reply to the new peace proposals submitted by the Communists one month ago. One apparent reason would be an Administration hope that the forthcoming presidential election in South Vietnam, scheduled for Oct. 3, will somehow strengthen the allied position for a negotiated settlement, or even for a satisfactory resolution of the conflict without negotiations. The way the election campaign is shaping up today, there is little evidence to sustain that hope.

Unless there are drastic changes in the policies of Saigon and Washington, the prospects are that President Thieu will win easily in October in an election that will be widely regarded in Vietnam and elsewhere as fundamentally fraudulent.

The Thieu regime is stacking the deck against its opposition in many ways. The government-controlled radio and television have given extensive coverage to the President's activities but little or none to those of his challengers. Newspapers opposed to the regime have been harassed and censored. Thousands of political prisoners languish in jails, including the peace candidate who ran a strong second to Mr. Thieu in the last election.

More than 100 anti-Thieu candidates were initially blocked from running in the forthcoming election for the lower house under a restrictive electoral law. Although the Central Election Council has reinstated 65 of these candidates, the law remains to discredit the claim that the South Vietnamese people will really be given a wholly free choice in the coming elections.

Last June, President Thieu forced through a compliant National Assembly a new law that required presidential candidates to secure the endorsement of either 100 of 550 members of provincial and city councils or 40 of the 193 legislators. This insidious measure so far has blocked the candidacy of Vice President Ky, who would be expected to draw votes from Thieu supporters and thus strengthen the prospects of the peace candidate, General Duong Van "Big" Minh.

The United States Embassy has declared a "hands off" policy in the election campaign and has sent out word to its advisers in the field to observe strict neutrality. But as General Minh has repeatedly pointed out, such negative neutrality is not neutral at all in its ultimate consequences. If Americans stand idly by while the regime uses the vast resources the United States has placed in its hands to intimidate and overwhelm its non-Communist opposition, the United States in effect becomes a silent partner to fraud. As long as this country remains the chief supporter of the South Vietnamese Government, it has a right and duty to insist on fair play.

FOURTH CANDIDATE ENTERS RACE IN SAIGON

(By Iver Peterson)

SAIGON, SOUTH VIETNAM, Aug. 2.—A fourth candidate for South Vietnam's presidential elections has appeared without fanfare here, and some political sources speculate that he is a token rival promoted and helped by President Nguyen Van Thieu.

The candidate, virtually unknown in politics until now, is Dr. Tran Tam, a 54-year-old professor of Roman Catholic theology. In two weeks, he has surreptitiously collected about 30 of the 40 endorsements of National Assembly senators and deputies needed to get on the ballot. He has not yet publicly announced his candidacy.

The United States Embassy here was surprised by Dr. Tam's sudden appearance on the political scene, and is reliably reported to be conducting discreet inquiries into his background and the nature of his support. It is known that he was a director of press affairs in the Government of the late President Ngo Dinh Diem.

THIEU'S APPROVAL INDICATED

Given President Thieu's influence in the National Assembly, except with the opposition legislators who have already thrown their support to Gen. Duong Van Minh, some politicians consider it unlikely that Dr. Tam could have obtained the signatures he has without President Thieu's approval.

Dr. Tam denies that he has President Thieu's backing. He said in an interview today that he was critical of certain aspects of the President's administration that caused the people "not to cooperate with the present government." He added that if he were part of a puppet ticket, "I would not dare criticize the Government so strongly, and would not dare to present a political platform so superior to President Thieu's."

Dr. Tam's platform, he said, is based on "a philosophy that will solve the basic problems of humanity simultaneously with the basic problems of war and peace." He declined to give specific examples, noting that the official beginning of the campaign is not until Sept. 2.

Dr. Tam was born in what is now North Vietnam. He said that as a Northerner, he could expect the support of the 600,000 refugees from the north. He added that as the only civilian candidate—President Thieu and Vice President Ky retain their military ranks—he could count on civilian support.

NEW MEDICAL FACILITY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HANNA. Mr. Speaker, I am pleased to bring to the attention of my colleagues in the House the plans for what may prove to be one of the most imaginative and technologically advanced community medical centers in the nation. The elaborate facility to be built in Orange County, Calif., will be adjacent to the new University of California campus at Irvine and will cover 300 acres. The plan, devised by practicing physicians, is for a medical center that will be able to incorporate the latest medical techniques as they become available in the future.

The planned facility promises to combine traditional hospital care with a center for research in medical science and a school for medical training. In a time such as now, when the delivery cost of medical services deprives many Americans of the opportunity to enjoy a full and productive life, an effort such as this project appears to be highly commended.

I am greatly encouraged by the possibilities of what can be accomplished in this effort in the way of a partnership of private enterprise and public concern joined in an effort to lower the cost of medical service delivery while maintaining and increasing standards of excellence.

I am including for the benefit of my colleagues in the House, a copy of a recent Los Angeles Times article concerning the proposed medical facility.

[From the Los Angeles Times, Apr. 18, 1971]

FULL SERVICE MEDICAL CENTER ENVISIONED FOR IRVINE

(By Dick Turpin)

A medical center of unprecedented use and flexibility is envisioned in newly revealed plans of the Orange County Medical Foundation.

The more than 100 members of the foundation, physicians whose practice is in the area, foresee a center to serve the future city of Irvine and act in consort with the medical college of UC Irvine. It would cover 300 acres and could cost $400 million.

They want the center to be equal or superior to any existing medical facility anywhere. They also want all of the service facilities within the complex to be fluid and flexible to assure that the center will not become obsolete within a short span as science and technology continue to change man's knowledge of medicine.

The foundation's "seed" effort, to launch the project, will be a private, non-profit 200-bed hospital adjacent to the UCI medical campus. It is expected to cost $10.5 million. Working plans are now being readied and completion of the structure is set for 1974.

The site for the initial structure is near University Drive and MacArthur Blvd. (the proposed Corona del Mar Freeway) on part of 150 acres allocated to the foundation by the Irvine Co. This property adjoins the 150-acre medical campus of the university.

The UCI medical campus plan is expected to contain health sciences departments, its college of medicine and a research and teaching hospital.

Since university spending is now restricted by state budgetary limitations, the foundation-sponsored hospital will become the first segment of the total complex.

If UC regents approve of what are expected to be recommendations of the Irvine administration and faculty supporting the foundation's general plan, the entire 300 acres would comprise the extensive medical complex.

Ultimately, the non-profit hospital would have 500 beds. Its first phase will consist of a tower, octagonal in shape, and two wings containing 200 to 250 beds. Height of the project has not yet been determined. Addition of two other wings would result in an eventual cross-shaped building and provide another 200 or more beds.

Additionally, a plan is being developed for a medically-related commercial and industrial base to support the non-profit hospital. Private enterprise thus would become a "partner" by providing a financial base for the center.

The concept for the center had its beginnings seven years ago, according to Don Burns, foundation chairman.

"A group of doctors had discussed what was good, what was deficient and what ought to be done to provide superior medical care for the people in this fastest growing section of Orange County," he said.

"The doctors decided to organize and formed an association in 1965 . . . Then in April, 1968, they incorporated as a non-profit corporation. For an atttorney, they picked Dennis E. Carpenter, now state senator for the 34th District.

"Originally, they were thinking in terms of a single hospital but as they continued to study—and to dream—they saw a great opportunity. Then, when the Irvine Co. offered them a option on the 150 acres, they dared to begin to think big.

PHYSICIANS COMMITTED

"The group has now grown to more than 100 of the leading physicians within the area. These physicians committed themselves professionally, and also financially, to stimulate the founding of facilities dedicated to getting more people well, faster and less expensively and to helping more people to keep well.

"As they continued to refine the plans, it became apparent that the key to the realization of the big plan was to assure sound financing of the first unit of the community hospital. They invited some lay people to join them and this is the result."

Burns became interested in the plan through some of the doctors and Carpenter. Burns is chairman of the board of directors of Newport National Bank, and a Garden Grove Volkswagen dealer.

NEW HOME

Other board members are Carpenter, board president; Walter Burroughs, vice president and founder and former publisher of the Orange Coast Daily Pilot, Dr. Gerald B. Sinykin, vice president, director of the Student Health Service at UCI and a practicing physician in Newport Beach.

Treasurer is George W. Brown, dean of the Graduate School of Administration at UCI.

Other board members are Arnold O. Beckman, founder and chairman of the board, Beckman Instruments, Inc.; Mrs. Donald S. Burns; Robert W. Crecca and James W. Kidd, Newport Beach physicians; Harry Rinker, of Rinker Development Corp.; Richard Steele, businessman, and Mrs. Charles S. Thomas, wife of the former secretary of the Navy.

At a meeting of the board Friday, the board may add to its membership and may rename the proposed first hospital, currently labeled Newport Community Hospital.

The name for the entire medical complex, when chosen, is expected to reflect the broad scope of its purposes and its relation in the future medical realm of the nation and the world.

Burns, trustee of a charitable Orange County foundation, persuaded it to underwrite enough of the cost of the first-phase hospital.

This act insured start of planning, to be followed as soon as plans are completed, with procedures toward actual start of construction. Burns and Carpenter also secured commitments for additional funds to complete the 200-bed first unit with ancillary facilities.

The anonymous foundation has also pledged to devote a large portion of its annual income to future support of the hospital, Burns added.

Burns, citing the potential of the center, said sufficient undeveloped land has been committed to the project for both present and future needs.

He said the center will represent "the first time in history a complete medical center will be master planned from the ground up."

"Such planning will combine all elements that make up comprehensive medical care for an entire community, that is, preventative medicine, diagnosis, treatment, continued treatment, research and education."

Burns said the city of Irvine is expected to have a population of 500,000 by 1980 while UCI's medical college is also in its growth and development phase. The latter will become part of the orderly development of the entire area, he said.

IDEAL CLIMATE

"Everything else being equal, the location, with its ideal climate and proximity to the ocean, mountains and desert, will attract outstanding individuals eager to participate.

"The surrounding community is already rich in material wealth, technical and professional manpower and spiritually committed individuals. Planning and initial construction funds have been committed to the project.

"In addition, a plan is being adopted to develop a medically related commercial and industrial base which will support the non-profit hospital within the center. Thus, private enterprise will become a partner in health care delivery and provide a new source for funding skyrocketing medical costs."

To provide perspective for the board and its envisioned plan, Bill Rishebarger, aerospace firm illustrator, was prevailed upon to make drawings of various segments of the proposed hosptial, center and complex facilities. Three of his drawings illustrate this article.

A surgicenter and clinic would augment the hospital, parking and traffic would be underground, leaving the surface free for landscaping and pedestrian use. An auditorium and meeting facilities for medical conventions is planned; extensive use of closed circuit television for nurses' stations and surgery-viewing by student doctors is foreseen.

Movement of patients on gurneys, from one wing to another or from one facility to another would be accomplished by connecting tunnels, brightly lighted.

An emergency entrance would be available for patients brought in by helicopters and imaginative use of equipment for youngsters, such as a "train engine" wheelchair, would be provided.

All this will come about, the foundation's members insist. The seed is planted and "there will be such a place . . ."

THE POETIC VIEW

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. CRANE. Mr. Speaker, occasionally, a writer in a popular journal will wax so eloquently on a given subject, that it would be redundant and unnecessary for anyone to preface those remarks with an introduction.

Suffice it to say that the following paragraphs are the lead in the "Up and Down Wall Street" column in Barron's for August 2, 1971. The author is Alan Abelson, and I commend his astute remarks to all of my distinguished colleagues:

THE POETIC VIEW

The late Adlai Stevenson, in his rhetorical ramblings on the hustings, sounded the theme about the need to talk sense to the American people. Happily, the notion never caught on. Just imagine how dull life would be if it had. Besides, the shock might be more than anyone over 30 could stand. For a politician to talk sense, or so the handbook on "How to Enjoy a Lifetime at the Public Trough" insists, is equivalent to his developing a taste for strychnine. Some captious souls may argue that this is all pure conjecture, since it's never been tried. Nor is it apt to be.

If anything, the trend is all the other way. Take the concept of the full-employment budget, as embraced by that eminent economic theorist, John B. Connally. In the grubby old way of figuring things, the U.S. ran in the red to the tune of $23.4 billion in the fiscal year ended June 30. However, in a delightful exercise of high-level fantasy, based on substituting what might have been for what actually was, Mr. Connally comes up with a surplus of $2.5 billion. Far from us to question this rather poetic view of income and expenditure. After all, in this vale of tears, there ought to be a little something for Aunt Pollyanna, too. We just wonder if the Treasury will go whole hog on the "full-employment" concept and decide that it really doesn't need to come to the capital markets for $20 billion in the second half of '71.

Actually, we think the "full-employment" idea has great possibilities if applied generally. Corporations, for example, could begin to report two ways: in the old fuddy-duddy manner, relating how the period actually made out, and, also, what would have hap-

pened if all their facilities were operating at maximum capacity and all goods were sold at optimum prices. Mutual funds, we're sure, overnight could reverse the redemption flow by reporting performance on what it might have been had stocks gone up the limit for any comparable stretch and, all the rest of us could order yachts by merely demonstrating to the fellow in the showroom how much our net worth would have appreciated in a raging bull market.

INFLATION CONTROL BY VOLUNTARY WAGE DEESCALATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. RARICK. Mr. Speaker, all of the Members of this House realize that inflation has become a primary cause of strikes, unrest, and turmoil that threaten our country. It is a key domestic issue that must be met and solved if this country is to continue to progress.

Yet what Member would dare propose a deescalation salary bill that would cut Federal, civilian and military salaries 5 to 10 per cent—thus taking the role of leadership in setting an example for this country?

I have said many times before—there are no problems that confront this country that cannot be settled by leadership. But this country lacks leaders with the courage to pay the price by setting an example for our people to follow. It has become too easy to follow the crusades of minorities and pressure groups.

Legislation continues to be introduced and approved by Congress to increase the salary and benefits of its members and virtually every branch of the Government. Just the other day, the House approved an increased pay schedule for Government blue collar workers. Congress has become more interested in "yes" politics than the overall welfare of our people.

Such actions cannot continue to go on if this country is to prosper. This House, not the President, the Federal judges, nor the bureaucrats, is responsible for the purse; we must take the lead and show the country the way to curb inflation. It can be done by voluntarily cutting unnecessary Federal spending—by saying "no" on a few votes to eliminate some of the exotic Federal programs.

I ask that a related news article and my bill H.R. 409, "to rescind the pay increases for Members of Congress and other Federal officials pursuant to Presidential recommendation to Congress in the budget for the 1970 fiscal year," be inserted in the RECORD at this point.

[From the Washington Evening Star, July 28, 1971]

MAGAZINE PROPOSES CIVILIAN, MILITARY PAY CUTS

(By Joseph Young)

The Armed Forces Journal is proposing that federal civilian and military salaries be cut by 5 to 10 percent to set an example for the country of how to contain inflation.

The Journal also said pay cuts would save thousands of Defense civilian and military positions that would otherwise be abolished because of reductions in military spending.

The 108-year-old Journal is a privately owned publication, but it has always had extremely close ties with the Pentagon's top brass. It bills itself as "The Defense Spokesman since 1863."

James D. Hessman, the magazine's senior editor, who wrote the editorial, said it was the publication's own idea and should not be tied in any way to official Pentagon or administration policy. However, in view of its close ties with the military, the fact that the Journal advocates such a salary slash is stirring lots of comment around town.

In the editorial, Hessman acknowledged that federal pay cuts would be "grossly unfair."

But he wrote that the alternative would be sharp cutbacks in civilian and military personnel in defense agencies because of anticipated cutbacks in military spending, as well as continued inflation.

The editorials said that if federal salaries are cut, "the administration and Congress should at the same time institute wage and price freezes to halt inflation while government and industry work together on a wide-sweeping reform of the entire economy—and that's what really is needed."

The Journal pointed out that there is a precedent for cutting federal pay—government salaries were slashed by 15 percent in 1932 during the Great Depression.

Government employe union leaders were quick to react to the pay-cutting proposal.

They said that federal salaries need to be increased in order to achieve and retain pay comparability with industry.

A reduction in federal pay would defeat the purposes of the federal pay comparability act and set government salaries back a decade to the point where it would again be difficult to retain and attract the best possible people, they said.

In its editorial the Journal said the only exceptions it would make to its pay cut proposal were the salaries of those on military and civilian retired rolls, junior officers and lower-grade enlisted personnel. No federal civilian employe, no matter how low the grade, would be exempt from pay cuts under the proposal.

H.R. 409

A bill to rescind the pay increases for Members of Congress and other Federal officials pursuant to Presidential recommendation to Congress in the budget for the 1970 fiscal year, to abolish the quadrennial Commission on Executive, Legislative, and Judicial Salaries, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the increases in rates of pay of offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 225(f) of the Federal Salary Act of 1967 (81 Stat. 643; Public Law 90–206) recommended by the President to the Congress in the budget for the fiscal year ending June 30, 1970, are rescinded.

SEC. 2. (a) Section 225 of the Federal Salary Act of 1967 (81 Stat. 642; Public Law 90–206), which established the Commission on Executive, Legislative, and Judicial Salaries, is hereby repealed.

(b) Section 216 of such Act (81 Stat. 638; Public Law 90–206) is amended by striking out "and subject to the operation of section 225 of this title,".

(c) Section 220(a)(1) of such Act (81 Stat. 639; Public Law 90–206) is amended by striking out "224 (a) and (b), and 225" and inserting in lieu thereof "and 224 (a) and (b)".

(d) Section 220(b)(1) of such Act (81 Stat. 639; Public Law 90–206) is amended by striking out "219, and 225" and inserting in lieu thereof "and 219".

OUTRAGEOUS CONDUCT OF THE GOVERNOR OF AMERICAN SAMOA

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BURTON. Mr. Speaker, I would like to call to the attention of the House of Representatives the outrageous conduct of the Governor of American Samoa which has been concurred in by the Department of the Interior.

First, Governor John M. Haydon has been systematically deporting the staff of the Samoa News, which has been critical of him. The case of the managing editor, Mr. J. P. King, an American citizen, is now before the High Court of American Samoa.

Second. The Department of the Interior has transferred from office, and demoted to a position in the Department in Washington, the Associate Justice of the High Court who stayed the attempt of the Governor to seize Mr. King and remove him from the island without due process of law.

Thus in a few months the present administration has demonstrated to the people of American Samoa that:

First. The government appears to be willing to use almost any means possible to suppress freedom of the press.

Second. The government will dismiss any judge who upholds the right of a citizen and defends the independence of the judiciary.

I would point out, Mr. Speaker, that the Legislature of American Samoa has, by concurrent resolution, protested the removal of Judge Goss. This petition by the elected representatives of the people has been ignored.

This was not surprising to those of us who have watched the callous indifference of the Governor to the customs, traditions and wishes of the people over whom he was assigned to govern.

Previously, Mr. Speaker, we had a fine Governor in the person of Mr. Owen Aspinall, who was removed for petty political reasons.

We have in his place, Mr. Speaker, a man who has felt free to violate the principles of our Constitution, confident that the Congress will not learn of his actions on that distant island.

Therefore, I am presenting to the House today for inclusion in the record the following information:

House Concurrent Resolution No. 17 of the Twelfth Legislature of American Samoa protesting the removal of Associate Justice Joseph Goss.

Memorandum from Chief Justice Crothers of the High Court protesting executive intimidation of the court.

Letter of protest from the paramount chiefs of American Samoa demanding a public apology for insults by the Governor, including dumping garbage on a lesser chief's desk.

Articles from the Samoa News, the San Jose Mercury, and the Ridder News Service describing the conduct of the Governor.

Mr. Speaker, our territories should not be dumping grounds for political follow-

ers who the administration is afraid to reward with positions at home. I intend to recommend to the Subcommittee on Territories, of which I am chairman, that we take a thorough look at the conduct of the government of American Samoa, with particular attention to the protection of individual liberties, and particularly the protection of right to fair and impartial trial and of freedom of the press.

HOUSE CONCURRENT RESOLUTION

Whereas, the Legislature of American Samoa has learned that Associate Justice Joseph Goss has been appointed to the post of Attorney Advisor to the Office of Hearings and Appeals, Washington, D.C.; and

Whereas, Associate Justice Goss has spent a number of years in the Pacific and is familiar with Samoan customs; and

Whereas, Associate Justice Goss is a very able, honest, and industrious judge; and

Whereas, he has the confidence of the Samoan people and is held in high esteem by them; and

Whereas, it would be a great loss to the Samoan people if he were to be transferred to duty in Washington; Now, therefore

Be it resolved by the House of Representatives and the Senate of the Legislature of American Samoa, that the Secretary of the Interior be urged, and he is hereby urged not to transfer Associate Justice Goss to duty in Washington but to leave him in American Samoa where he is greatly needed by the Samoan people; and

Be it further resolved, that certified copies of this Resolution shall be sent to the President of the United States, the Secretary of the Interior and Mr. Hughes on the Staff of the Secretary of the Interior.

ASSOCIATE SOLICITOR BREWSTER CHAPMAN, JR. AGENDA ITEM NO. 5—EXECUTIVE-JUDICIAL MATTERS

A conscientious and patient approach must be made by the Court with respect to the Executive Branch of the Government of American Samoa.

EXAMPLE 1

Attached herewith find a copy of a letter dated February 11, 1970, wherein the Governor of American Samoa, deleted from the Local Judiciary account the sum of $4,000. This money had been duly appropriated to the Judiciary by the Fone. There is no way possible, under the circumstances present, that this money can be legally taken from the appropriated Judiciary Budget for the FY '70 period and placed to the general disposal of the Executive Branch.

EXAMPLE 2

From correspondence received it appears the Governor of American Samoa is intent on deposing Associate Justice Joseph W. Goss from the High Court of American Samoa.

Previous correspondence to you dated April 22, 1970 and May 27, 1970, fully illustrates how far this matter has gone.

It is universally acknowledged and personally admitted that the Governor was responsible for removal of former Chief Justice N. Edward Hyden. This of course cannot help but leave the inference, or cloud, that the Court is advised to make their findings in accordance with the wishes of the Executive or face further removal of its Judges.

CONCLUSION

It is mandatory that the universally acknowledged and the fundamentally accepted division between the Legislative, Judiciary and Executive Branch be thoroughly understood and respected by all parties concerned.

[From the Samoa News, July 20, 1971]

GOV. JOHN M. HAYDON,
Government of American Samoa
Pago Pago, American Samoa

Your Announcement in the Daily Bulletin that Palauni Tuiasosopo is now head of the Local Government is an insult, a direct challenge to the intelligence of the people of American Samoa, an intentional attempt to publicly damage the image of the Samoan Leaders who are the highly respected chiefs of the community. This action is bitterly resented and, unless, withdrawal of this announcement is published, cooperation and support from us will no longer be made available to you and your staff.

We are definitely proud of a son of Samoa holding a good position in your office but let it go as far as that. As long as he is restricted to being an emissary between the Executive Branch and our Offices, there will be no objection from us. As it is, we will not entertain the concept of being under the leadership of a lesser matai not overlooking a non-matai, the category "Brownie" is in.

Chief Seigafo Leonard Yandall's reluctance in acting against his better judgement concerning the placement of the Government Building night guards to performing duties contrary to their classifications, is very commendable. There should be more Samoans like him, a chief or otherwise, in the government employment. A non or lesser matai is entitled to every protection from his High Chiefs, the Samoan Leaders.

Your attitude towards Chief Seigafo was indeed un-called for and therefore, intolerable. A public apology from you is demanded. What you did was no worse than spitting at all the chief's faces.

Careful consideration of the contents of this petition is substantially advised. Because, non-compliance may very well result to the possibility of a second Petition circulation demanding your removal from office here in Samoa. And, please bear in mind, this time, we shall be the instigators and will most certainly be the initial endorsements.

High Chief Tuitele,
Governor, Western District.
High Chief Misaalefua,
Governor, Manu'a District.
Paramount Chief Mauga I.
Taufa'asau II,
Governor, Eastern District.

[From the Samoa News, June 15, 1971]

(THE UNTIDY LOOK)

This is Pago Park area. It was intended for multi-purpose usage at the time it was built. In most part, it was finished in basic construction by the past administration. A change of personnel and policy changed the entire concept of the idea and the whole project collapsed.

The Pago Park had potentials of providing recreation and relaxation areas for all age groups and it was intended for those exact purposes. The final construction and the upkeep of that for which it was intended never materialized because of the change in the administration and the calibre of its leaders. The Chief Executive didn't like it. In fact, his most punctual statements on the day following the inauguration were calling the Park all sorts of names, such as, "what's it," and "whatever you call it." Be it as it was, the Park was potentially meant to be a recreational area. It has now been turned into a jungleland of broken glass, garbage disposals and declared a "disaster area." Some parts of it has been turned back to an underbrush jungle.

The park collapsed. Why? The tennis courts were wrecked and destroyed. The picnic tables have been crushed and demolished. The odors from pollution in the Pago Bay area are obnoxious. The waterfront area is lined with oil-soaked rags and debris that has floated ashore. Summing it up correctly, the Park is shambles for the lack of interest and care to maintain a recreational area for the island dwellers.

The Pago Park area could have been a beautiful area had it been kept in step with the amount of usages for which it was intended. It wasn't. It was neglected. It was abandoned by the maintenance crews. School children from the Pago School turned out during the "Earth Week" and spent numerous hours of cleaning up the area. It was to no avail. The government could have cared less about the beauty of the Park. The grandstand area is molding and has become a catch-all for party-makers who help to litter the park. The Chief Executive didn't like it and that area never received any attention or ever put on a priority list.

Like so many other areas throughout Tutuila, the park has become "One massive garbage dump." Since the present administration has taken over, garbage and rubbish become the major distraction from the beauty of American Samoa. The problems are becoming increasingly worse. Nobody seems to care from a standpoint of maintaining and keeping the areas cleared of unsightly garbage. The excuses are plentiful, no men, no budget, no trucks, and in that order. Much to the credit of former Governor Owen Aspinall, he did maintain a constant vigilance on the garbage problem and did something about it. With the lesser budget and that means $4-million less. Aspinall managed to have men and trucks. He worked with flatbeds and any other vehicles that would haul an amount of garbage. He had men working constantly on the unsightly items that distract from the beauty of the island. He never complained about the lack of money. The job needed done and he got it done.

[From the Samoa News, June 15, 1971]

HAYDON INSULTS SAMOAN HIGH CHIEF—DUMPS GARBAGE ON DESK

Governor John M. Haydon extremely concerned about the image of his Administrative Building to the general public, took immediate action in apparently what he considered appropriate at the time to rid the area of the collected litter.

He took it upon himself, with the aid of two enlisted policemen, to collect the garbage and debris in a large cardboard box container. After cleaning the area, he ordered the policemen to enter the Administration Building and in front of a High Chief's (name withheld by request) subordinates, dumped the contents of the collected wet garbage on the chief's desk.

The Chief explained when he entered his office that he noticed an unsightly pile of litter on his desk. On inquiry he learned that it was deposited there on the orders from the Governor. He said he had never been so insulted before and was at a complete loss to understand why such an action was taken toward him when he had nothing to do in maintaining the area of the Administration Building.

In an interview with the Samoa News he said, "I have never been so insulted in my life." He said, "For 27 years I have been a government employee and have held a high position, both in the U.S. Navy and in the government and I have never seen an act of this nature pulled and to suffer the humiliations inflicted upon a high chief by this kind of work from the Chief Executive is an insult beyond description by words." He stated that he was at a complete loss to understand why he was so chosen to be the recipient of such disrespect from our Chief Executive.

The Chief explained that in the Samoan customs that this type of action is intoler-

able and puts a High Chief in such shame that it's a shock to his staff as well as himself.

The Chief wrote the Governor a letter expressing his displeasure in the embarrassment.

[From the Samoa News, June 22, 1967]

TO THE POINT—SPEAKING OUT ON THE ISSUES

Most Administrations like to identify themselves with some outstanding accomplishments during their days in office. By the same token, some Administrations would like to disassociate themselves with things that have or have not happened during their term. A case in point.

As if only yesterday, the present Governor came ashore and after a short interlude while being sworn in on the Malae, his voice echoing up and down the shoreline of Pago Harbor like an endless oscillation, denounced the past administrations for not doing anything. Immediately, we could envision the International Airport, the new structured buildings, the new television studios and the ultra-new Tropical New Center being obsolete overnight. This man had come here to outdo any Governor of the past. People were delighted that at last American Samoa had received a governor who was determined to do something about an outmoded, antiquated system.

People waited through the first six months of soap-boxing speeches of denounciation of past governors and their "do-nothing" policies toward improving such necessaries as water supplies, roads, housing and health problems in general. Nothing was about to happen in the first six months. So the people waited through the next six months for some signs of improvements. More denounciations of past administrations were needed before anything could be done constructively. The next six months passed rapidly with a continued deterioration of the water system, power system and utilities in general. Now theories were about to run out. Denounciations had been accomplished and it was time to do something meaningful or declare it a "disaster area." The next six months went by with further digression. Power outages were more frequent than ever before, the telephone system won't work and the water rationing is on between down-pours of showers. The roads became pot-holes and the airport grew back into a jungle. And the final six months of a two year stretch has come and gone. Absolutely nothing to point at and say, "this was done during my term." The utilities are in the worse shape ever. Three major fire disasters and the water system is still hopeless.

In resume, that just about sums up the total gains or total losses, depending on which way you wish to classify it, the administration has accomplished. Discounting the turmoil, discontent and the continual breakdown of the Samoan customs that have been attempted either by accident or on purpose has put scars in American Samoa that will no doubt take endless ages to heal, if ever.

However, we have been bombarded with a cadre of experts, super-sperts, and consultants and in which haven't been too undesirable. Actually many of these classified "super-dupers" have actually opened the eyes of the American Samoans. They (the Samoans) know that this is exactly what they don't want. So, it's been actually education in the reverse. They may not know what they want but they certainly know what they don't want.

Governor Haydon's surrounding himself with good friends and friends of their friends has given the people of the territory enough insight to know that the "buddy system" may work in some ways but it certainly hasn't enriched American Samoa with either productivity or "know-how" techniques.

The people have learned a good lesson but have learned it the hard way. If anything one thing could be attached to the present administration for outstanding or the lack of outstanding accomplishments it would be the garbage problem. The past administrations with little or no money could keep the streets, alleys and roadways cleared of garbage. With a fleet of trucks and vehicles like no other small metropolis in the world could afford, American Samoa can't even keep the main thoroughfare presentable. The village roads are a sea of garbage and rubbish waiting to be hauled away. If the hundreds of the "fleet of vehicles" would stand still from their daily pleasure cruises and load garbage disposal in the vehicle and dump it while they are on their pleasure cruise, American Samoa could be clean for "One Day." Leaders of the Community are encouraged to demand Haydon to give attention to a "dirty Government." It can be cleaned and it must be, for the people.

[From the Samoa News, July 20, 1971]

LETTER TO EDITOR

DEAR SIR: In reference to facts and opinions so courageously set forth by Representative Ligoligo Eseroma appearing in the July 16th issue of the Samoa News. I would like to state most emphatically that I agree 100 percent with Representative Eseroma.

For the past 30 years I have observed every Government Administration imposed upon the people of American Samoa but never have I experienced or witnessed an Administration as mentally retarded and morally illiterate as the present one created by Governor Haydon. With the exception of "A Bird Watchers Society" Haydon has incorporated into his administration just about every Office, Agency, Committee and Department known to man. Government departments have been permitted to become an empire within an empire. To observe the large number and qualifications of some stateside contract employees attached to some government departments resembles a swarm of flies around a dung heap.

To know the facts concerning the abandonment of our secondary roads, the ignorance and apathy of our water problems and the mal-administration in other subjects would require an investigation; therefore graft, corruption and mal-administration is free to run rampant.

I have great faith that the members of our present Legislature has the intelligence, courage, and power, as elected representatives of the people to establish a more competent and democratic form of government than that which now exists. This was proven on the Island of Guam and must be made a reality in American Samoa.

The last time I wrote a "Letter to the Editor" pointing out some of the defects in this administration which was published in the Samoa News I promptly received a personal letter (written on government stationery) from Governor Haydon calling me a "Jackass" and questioning my reputation. If this letter is published then I will stand by for someone to call at my home with a pair of handcuffs and a deportation order.

May the Samoa News continue to serve the interests of the people in the future as it has done in the past.—D. C. SPENCER.

[From the San Jose Mercury, July 20, 1971]

POLLUTION WAR IN PARADISE

(By Gil Bailey of Ridder News Service)

WASHINGTON.—The governor of American Samoa is seeking to expel an American reporter who has criticized the U.S. government for contributing to "pollution in paradise" in the remote South Pacific islands.

John King, managing editor of the Samoan-owned Samoa News, is appealing an expulsion order first to the high court of American Samoa and possibly to the U.S. District Court in Hawaii.

King, a former employee of the U.S. Department of Education on the island, has remained there even though his contract ended more than a year ago.

Rep. Wayne Aspinall (D-Colo.), chairman of the House Interior Committee, has written Interior Secretary Rogers Morton expressing concern over the case "because of the constitutional question involved in the deportation of an American citizen from an American territory by the territorial government."

King came to the islands with a 24-month contract which was later extended for three additional months. When he completed his contract and it was not extended, he began work on the Samoan newspaper, writing numerous articles critical of the administration and of Gov. John Haydon, a Seattle publisher.

His charges of "pollution in paradise" have been confirmed by reports from the Department of Botany of the Smithsonian Institution and from the governor's office itself.

In the June 15 issue of the Samoa News, the paper reported Haydon, a former member of the Seattle Port Commission Board, dumped garbage on the desk of a high Samoan chief, because of anger over the failure to collect trash.

In the June 22 issue, the paper editorialized, "For the governor to bring his wrath down upon an innocent Samoan chief is the most insulting act that could be attributed to any indivdual."

In the July 15 edition the governor was criticized for the garbage found in the Pago Park with the comment, "Since the present administration has taken over, garbage and rubbish become the major distractions from the beauty of American Samoa. The problems are becoming increasingly worse."

Rep. Phillip Burton (D-Calif.), head of the trust territories subcommittee of the House Interior Committee, already has scheduled a tour of American Samoa after hearing reports of increasing pollution in the islands which were acquired by the United States in the late 1800s in a competition with England and Germany.

The pollution problems were outlined recently by Arthur Lyon Dahl of the Smithsonian when he wrote:

"Population growth and economic development on Tutuila have now reached the point where major degradation of the environment is occurring . . . the reefs in Pago Pago Harbor have already been seriously affected when they are not already destroyed . . .

"The lack of proper sewage collection and treatment is evident in many places (including Pago Pago Harbor)."

The Dahl report, although praising the governor for his help in preparing the study, also said, "the present government structure is not ecologically sensitive."

A report from the governor pointed out, "reefs in at least 19 places were breached by blasting in order to obtain fill for road work or long boat access with no thought given to destruction of fisheries resources . . ."

The Dahl report added, "the private roads constructed with government equipment south of Pago Pago were both particularly poorly conceived and executed, and serious erosion can be expected in both areas."

In addition, the islands face a serious water shortage with some villages without a source of water available.

On July 6 water rationing was instituted from 10 p.m. to 5 a.m. "until rain replenishes the dwindling supply," the report stated.

A population explosion—which has seen the native population grow from 5,000 in 1900 to 50,000 today with some 20,000 American Samoans emigrating to Hawaii and the mainland—further complicates the islands' problems.

The governor's report noted many of those who have left the islands are now on welfare, particularly in California.

The islands have a complex family-legal system with much of the land held in common. In addition, the culture of the islands calls for each man to father as many children as he can in order to prove his masculinity.

The islands are ruled by a governor appointed by the President of the United States, but a Samoan legislative and judicial system has been set up. The governor and islands immigration service limit the number of Americans and other nationalities allowed on the islands in an attempt to project the native society.

Most employees of the U.S. government must leave the islands within 3 days of the conclusion of their contracts, but King—who has been leading the fight against Haydon—has remained more than a year.

TROUBLES IN SAMOAN ADMINISTRATION

(By Gil Bailey of Ridder News Service)

WASHINGTON, D.C.—The judge who blocked the expulsion of an American reporter from American Samoa has been ordered back to the United States and demoted, despite the protests of Samoan Legislature.

Joseph W. Goss, associate justice of the High Court of American Samoa, has been ordered back to Washington, D.C. as of Aug. 1 by Secretary of the Interior Rogers Morton to become attorney advisor to the Office of Hearings and Appeals of the Interior Department.

Judge Goss had issued a temporary injunction which blocked the expulsion of J. P. King, managing editor of the Samoa News, from American Samoa. King had criticized Gov. John Haydon, a Seattle publisher, for pollution of these South Pacific islands.

Judge Goss in a letter to Rep. Patsy T. Mink, D–Hawaii, charged his demotion was a direct result of his action in the King case.

"Let me emphasize that the problem here is not personal but involves a direct attempt of the Governor's office to control the Samoan judiciary. The heart of the matter is an outstanding preliminary injunction which it was necessary that I issue to prevent the Governor from proceeding with his admitted plan to illegally deport an American citizen by force without following Immigration Board procedures and without a determination of whether any deportation of a U.S. taxpayer is constitutional," Judge Goss wrote.

Judge Goss added, "The case is still before the court along with that of a Western Samoan who works on the newspaper and who was also ordered deported. Another employe of the newspaper, a U.S. citizen and Vietnam war veteran, was deported after declining to appeal his case to the present chief justice.

"With some 8,000 aliens in Samoa, scores of them being government employes, deportation efforts have been especially concentrated against the Samoan News (Cap N)."

Judge Goss was appointed in 1967 under a democratic administration. Gov. Haydon was appointed by President Nixon.

The judge's desire to stay in Samoa has been supported by resolutions from both houses of the Samoan legislature.

A resolution from the lower house, signed by Fainuulelei S. Utu, Speaker, noted the judge was familiar with Samoan customs and tribal law, and urged his retention in American Samoa "where he is greatly needed by the Samoan people."

King, a former Department of Education employe, stayed in American Samoa, after his contract was not renewed, as managing editor of the Samoan News, a Samoan owned weekly newspaper.

The newspaper has been strongly critical of Gov. Haydon, claiming he dumped garbage and trash on the desk of a Samoan chief, because of the Governor's anger over poor trash pickup.

Reports from both the Smithsonian Institution and from the Governor's office have confirmed serious pollution problems on the islands.

A report on King's deportation has been asked by Rep. Wayne Aspinall, D–Colo., who noted "constitutional questions involved in the deportation of an American citizen from an American territory by the territorial government."

In addition Rep. Phillip Burton, D-San Francisco, is planning an investigative trip to the islands with his subcommittee which is in charge of trust territories.

Besides pollution problems and the deportation of King, concern has been expressed over the territorial budget.

The present territorial budget exceeds $21 million for the 26,000 residents of American Samoa.

CALENDAR OF THE SMITHSONIAN INSTITUTION, AUGUST 1971

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to rise to introduce into the CONGRESSIONAL RECORD the fine calendar of events and displays of the Smithsonian Institution for the month of August 1971. Included in the excellent displays at the Smithsonian, one now finds the command module Columbia from the historic flight of Apollo 11.

The calendar follows:

AUGUST AT THE SMITHSONIAN

AUGUST 4

Informal Concert: Music from the Nellie Custis Library at Woodlawn, under the direction of *John Fesperman*. Hall of Musical Instruments, Museum of History and Technology. 1:30 p.m.; free admission.

AUGUST 5

Creative Screen: *Jasper Johns*—Third in the "Artists: USA" series. Filmed interviews with pop artist Johns in his South Carolina studio and New York lithographic workshop. *Romare Bearden: The Prevalence of Ritual*—being shown in connection with the NCFA exhibition on works by Bearden. The two-film program will be shown at 11 a.m., noon, 1 and 2 p.m. National Collection of Fine Arts. Free admission.

AUGUST 7

Creative Screen: *Jasper Johns*. Repeat. See August 5 for details.

AUGUST 14

Illustrated Lecture: *A Look at Contemporary Black Art*. Dr. Regenia Perry, Danforth Fellow at Yale University, will lecture at 3 p.m. in the Lecture Hall, National Collection of Fine Arts. Free Admission.

AUGUST 18

Informal Concert: Music of Boismortier and Beethoven. *Jacqueline Anderson*, violinist; *Helen Hollis*, harpsichordist and pianist; and *Lane Anderson*, cellist. Hall of Musical Instruments, Museum of History and Technology. 1:30 p.m., free admission.

AUGUST 19

The Wright Brothers. A special presentation of lecture, films and slides in commemoration of the 100th birthday of Orville Wright, presented by Paul E. Garber, Historian Emeritus, National Air and Space Museum. Sponsored by the Smithsonian Associates and open to the public. 8:30 p.m., Arts and Industries Building. Free admission.

Creative Screen: *Frank Stella and Larry Poons*. Fourth in "Artists: USA" series. These two artists are shown in their studios, painting and discussing their work. Stella combines painting and sculpture; Poons' work is a counterpoint of dots on canvas. *Romare Bearden: The Prevalence of Ritual*—being shown in connection with the NCFA exhibition on works by Bearden. The two-film program will be shown at 11 a.m., noon, 1 and 2 p.m. National Collection of Fine Arts. Free.

AUGUST 21

Creative Screen: *Frank Stella and Larry Poons*. Repeat. See August 19 for details.

CLASSES AND WORKSHOPS

(Sponsored by the Smithsonian Associates, by Subscription Only—Call 381–6159.)

Summer classes run from August 9 through September 2.

Adults: City Building and Gaming Simulation; Common Sense Science; Design and Function; Identifying Cultivated Plants; Stitchery.

Children, ages 8–12: City Building; Dimensions in Art; Visualized Geometry.

Children, ages 6–12: Film Making.

Children, ages 4–7: Color, Form and Texture; Living History.

Crafts Workshops

Adults and Teenagers: Mondays, 7 to 10 p.m., or Wednesdays, 1 to 4 p.m.: Stained Glass, Aug. 9 or 11; Mobiles, Aug. 16 or 18; Papier Mache, Aug. 23 or 25.

Children, ages 7–12: Macrame, Aug. 6; Papier Mache, Aug. 13; Mobiles, Aug. 20.

MUSEUM TOURS

Walk-In Tours are available in the Museum of History and Technology, Museum of Natural History, and the Arts and Industries Building (including the Air and Space Museum), Mondays through Fridays through Aug. 20 every half-hour from 10 a.m.-12 noon and from 2–4 p.m. (Meet at Info. '71 desk, mall entrance.) A Walk-In Tour is also available in the National Collection of Fine Arts Thursdays, beginning at 11:30 a.m. in the Granite Gallery.

Pre-Scheduled Group Tours for the above museums may be arranged by calling Cindy Howar, 381–6471; 5304.

For the Freer Gallery of Art, 381–5344;
National Collection of Fine Arts, 381–6305;
National Portrait Gallery, 381–6347;
National Zoological Park, 332–9322.

DOMESTIC TOURS

(Sponsored by the Smithsonian Associates)

The following tours in 1971 are available dealing with various natural sciences, history and notable areas of wildlife habitats in North America. By subscription only. For further information, phone Mrs. Kilkenny, 381–5159.

Nature and the Photographer: Sept. 7–12. Members of this trip will have the opportunity to work along with a Smithsonian team in the preparation of a new exhibit that will feature American Wildlife. Filming will be in a little known portion of "way down East"—Moosehorn Wildlife Refuge in Calais, Maine.

Hudson River Restorations and West Point: Oct. 15–18. Visits to mansions, museums, a military establishment, and a restored Dutch-American trading center will offer a sampling of the past.

Everglades National Park: Nov. 9–14. Study of the geology and ecology of the fabled "tip of Florida." One day will be spent at the Pennekamp Coral Reef State Park, and the National Park will be explored by foot and boat.

SMITHSONIAN PUPPET THEATER

The Waywardly Wandering Wagonful of Banjo and Jack, created and presented by Allan Stevens and Company. Based on the old traveling wagon show popular in the latter half of the 19th century, the show includes a collection of folk songs and Kentucky tales of the clever and mischievous

Jack and his constant adversary, the King. Performances are staged in the History and Technology Building auditorium, Wednesdays through Sundays, 11 a.m., 1 and 3 p.m. through Labor Day. Admission is $1 for children, $1.50 for adults, 75 cents per person group rate for 20 or more. Tickets may be purchased in advance at the box office or by calling 381–5395.

DEMONSTRATIONS: MUSEUM OF HISTORY AND TECHNOLOGY

Musical Instruments, from the Smithsonian's collection. Monday, Wednesday, Friday, 3 p.m., Hall of Musical Instruments, 3rd floor.

Music Machines—American Style—mechanical and electronic music machines. Daily except Wednesday and Saturday, 1:30 p.m., 2nd floor.

Spinning and Weaving. 10:30–12:30, Monday through Friday; 1:30–2:30, Monday, Wednesday, Friday. Textile Hall, 1st floor.

SUMMER HOURS

The Museum of History and Technology, Museum of Natural History, the Arts & Industries Building, and the Air and Space Museum are now open from 10 a.m.–9 p.m. seven days a week. The extended hours will continue through Labor Day. In the History and Technology Building the cafeteria hours are from 11 a.m.–8:30 p.m.; the snack bar hours, 10 a.m.–4 p.m.

The Freer Gallery of Art, the National Collection of Fine Arts, and the National Portrait Gallery maintain the regular hours of 10 am.–5:30 p.m. daily.

National Zoo buildings are open from 9 a.m.–6 p.m. daily.

Anacostia Neighborhood Museum hours are from 10 a.m.–6 p.m. weekdays; 1–6 p.m. weekends.

Dial-A-Museum—737–8811 for daily announcements on new exhibits and special events.

Dial-A-Phenomenon—737–8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

FOREIGN STUDY TOURS

The Smithsonian has organized several special tours concerned with archaeology, the arts, museums, private collections, and natural history, for members of the National and Local Associates. All 1971 tours are full. For further details on the 1972 tours, listed below, please write to Miss Kennedy, Smithsonian Institution, Washington, D.C. 20560.

Mexico and Guatemala: Jan. 3–22. Dr. R. H. Howland will accompany the group through the historic sites of Yucatan, Oaxaca, Mexico City, Tikal, Antigua, etc.

St. Croix and Puerto Rico: Feb. 1–14. Enjoying the sun, studying early Danish and Spanish architectural heritages, and visiting historic preservation projects.

Australia and New Zealand: Late March–April. This unusual tour will go out via Fiji and return via Tahiti, and will include visits to Canberra, the Australian Outback, and Christchurch with its areas of historic interest.

No-Tour Tour: Dulles-Paris-Dulles. May 29–June 19. Air France Excursion. Members make their own arrangements for travel in Europe.

Greece and Yugoslavia: June 15–July 8. The classical tour of Greek archaeological sites plus Yugoslavia's Adriatic Coast and inland sites. There is a possibility of including Romanian churches and other locations as well.

No-Tour Tour: New York-Frankfurt-New York. July 3–24. Qantas Excursion. Members make their own arrangements for travel in Europe.

King Arthur's England: July 12–Aug. 2. This archaeological, architectural and literary adventure will be directed by Mrs. Francis Pickens Miller, author of Realms of Arthur.

The Pilgrimage Road: Sept. 11–Oct. 9, traversing Burgundy, southwestern France and northern Spain, the route of the medieval pilgrims to Santiago da Campostela. Emphasis on architectural history, food, and viticulture.

No-Tour Tour: Dulles-London-Dulles. Sept. 11–Oct. 2. BOAC Excursion. Members make their own arrangements for travel in the British Isles.

Pakistan and Afghanistan: Oct. 10–Nov. 15. Overnight stops en route in London and Paris; motoring through the provinces of Pakistan; Dr. R. H. Howland and John J. Slocum will lead the tour and will be joined by local scholars at the sites.

CONTINUING EXHIBITIONS

Anacostia Neighborhood Museum

(2405 King Avenue, S.E.)

Science: Man's Greatest Adventure. Black scientists are honored with this exhibit, which covers achievements from the earliest times to the present and projects future roles. Through Nov. 7.

Arts and Industries Building

(900 Jefferson Drive, S.W., Air and Space Museum)

Space and Artists. **Realistic illustration,** impressionistic and abstract paintings and sculpture inspired by the space program.

Freer Gallery of Art

(12th and Jefferson Drive, S.W.)

Chinese Album Leaves and Lacquer Ware. Twenty-four painted album leaves dating from the Sung through the Ch'ing dynasty, and five examples of Chinese lacquer ware that represent the change in style from 1280 A.D. through the late 15th century. Through September.

Japanese Screen Paintings. Bird and flower screens from the Freer collection ranging in date from the late 15th century to the 18th century. Through Sept.

Museum of History and Technology

(14th and Constitution Ave., N.W.)

Slovenes in America: An Instance of Cultural Impact. The sustained cultural dientity of emigrants from the Eastern European region of Slovenia and their descendants depicted by examples of Slovenian life in America. Through August 31.

The Campbell Museum Collection. Antique silver and porcelain soup tureens, bowls and ladles from around the world dating as far back as 1735. Second floor, through Labor Day.

Do It the Hard Way: Rube Goldberg and Modern Times. **Featuring cartoons, writings,** sculptures and cartoon "inventions." On display through Labor Day.

Museum of Natural History

(10th and Constitution Ave., N.W.)

Society of Animal Artists. 23 paintings and sculptures of wildlife from around the world. Through Labor Day.

Insect Zoo. Live insects including a bee hive, termites, cockroaches, mosquitoes and dragonfly nymphs. Also included are tarantulas and spiders spinning webs. Through Labor Day—10 a.m.–4 p.m.

National Collection of Fine Arts

(8th and G Streets, N.W.)

American Master Prints from the Smithsonian Collections. A survey of three centuries of graphic art in the United States. Through September 12.

Romare Bearden: Prevalence of Ritual. Fifty-six works by contemporary black artist Bearden, including an 18-foot collage-mural entitled "The Block," which mirrors life on a Harlem street. Through September 26.

Photographic Competition. Entries of D.C. youth aged 10–18 in a competition sponsored by the Black Women's League of Washington and the NCFA. Through August 31.

Hidden Aspects of the National Collection of Fine Arts. Objects representing the entire range of collections held by the NCFA, particularly objects not previously exhibited. Through October.

National Portrait Gallery

(8th and F Streets, N.W.)

Mary McLeod Bethune. The late Mrs. Bethune, noted black educator and adviser to U.S. Presidents from Coolidge through Truman, is honored by this commemorative exhibition. Through August 31.

"A Glimmer of Their Own Beauty": Black Sounds of the Twenties. Educational exhibit focusing on the jazz of Louis Armstrong, the blues of Bessie Smith and "Ma" Rainey, and the poetry of Langston Hughes and Claude McKay as an expression of black life in the period of the Harlem Renaissance. Through October 15.

RADIO SMITHSONIAN

Radio Smithsonian is broadcast every Sunday night on WGMS–AM (570) and FM (103.5) from 9–9:30 p.m. The program schedule for July:

1st—*Sing for Your Votes.* A short history of political campaign songs from 1800–1968, with Herbert Collins, curator of Political History, National Museum of History and Technology.

8th—*A Zoo for Insects,* with Dr. Ronald Goor, National Museum of Natural History; *How Do You Serve Your Soup?* A look at soup tureens through history with William Parker of the Campbell Museum in Camden, New Jersey.

15th—*Folk Concert.* West Virginian Franklin George and some of his friends play tunes on the dulcimer, the fiddle and the banjo at the Smithsonian.

22nd—*Prints as Art.* A conversation with Jacob Kainen, artist, author, and consultant to the National Collection of Fine Arts; *The Prevalence of Ritual.* An interview with artist Romare Bearden on black life as reflected in his work.

29th—*Concert.* Catharina Meints, James Caldwell, violists da gamba and James Weaver, harpsichordist, playing works of Saint-Colombe and Marais.

In the Washington area, the program is also heard on WAMU–FM (88.5) Tuesdays at 1:30 p.m.; WETA–FM (90.9), Mondays at 9:30 p.m.; and in New York City on WNYC–AM Sundays at 10 p.m., and FM Mondays at 9 p.m.

APOLLO 11 CAPSULE—NEW DISPLAY SHOWS LUNAR VEHICLES, SUPPORT SYSTEMS

The National Air and Space Museum has placed on exhibit in the Arts and Industries Building one of the key artifacts of the historic Apollo 11 mission—the command module Columbia.

It was the mother ship Columbia that stayed aloft in orbit when the descent to the moon's surface was made for the first time in the lunar module (LM). Later the Columbia brought the Apollo crew safely back to earth. Columbia was designed with a compact blunt shape to withstand the fiery temperatures generated when it re-entered the earth's atmosphere at 24,000 miles an hour. Char marks on the craft's surface can still be seen.

The Columbia's lunar module companion ship, Eagle, was not designed to return to earth, but the NASM currently has on view an identical LM recently presented to it by the National Aeronautics and Space Administration. The two-story high (23 feet) two-stage craft, built by Grumman Aerospace, is in the rotunda of the Arts and Industries Building, a few feet away from the Columbia.

Around the Columbia and the LM are exhibit cases containing other unique artifacts associated with the historic Apollo 11 flight. Many of them are on public display for the first time, including the space suit worn by Apollo 11 astronauts, Neil Armstrong, Michael Collins and Edwin E. Aldrin,

Jr.; lunar sample collection tools employed on the mission or in training, including scoops, tongs, core sample tubes, and a box that held the lunar rocks; and a selection of guidance and navigation equipment—computer, star charts, etc.

Also on view is a display of health and hygenic materials used on the voyage—a medical kit, human waste disposal systems, shaving gear and toothbrushes; and a selection of the freeze dried and canned foods and drinks that were part of the Apollo life support system. Replicas of the American flag planted on the moon during the Apollo 11 mission and the plaques left on the moon by the Apollo 11, 12 and 14 crews are on display, as well as a photographic exhibit that allows the viewer to see close-up stereo photos of the moon's surface.

THE SECRECY OF CIA OVERSIGHT IN THE HOUSE OF REPRESENTATIVES

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HARRINGTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

Mr. Speaker, recent reports of a CIA training program for Cambodian soldiers in Laos should serve to focus public attention on the weakness of legislative oversight of the CIA, and the secrecy that pervades such oversight in the House of Representatives.

The House Government Operations Committee which has jurisdiction over all Government agencies, in reality has very little oversight of the CIA. As one staff member of this committee stated:

> The C.I.A. is very selective on who they will talk to and on what subject.

On the House Armed Services Committee of which I am a member, the committee chairman, Representative HÉBERT, and the ranking minority member, Representative ARENDS, are the only two committee members who have any real knowledge of CIA activities and appropriation requests. This information is usually denied to other members of the committee on the ground that it is classified.

The secrecy surrounding CIA oversight in the House of Representatives is enormous. The House Appropriations Committee, by authority of its chairman, will not even divulge which one of its subcommittees handles CIA appropriations. Any substantive information about CIA activities is automatically deleted from printed hearings. There is no real judgment classification by those involved to determine whether public disclosure of such information would actually be prejudicial to our national security. CIA funding is often hidden in parts of different bills and thus escapes the scrutiny of Members of the House.

Although the CIA has been a very reliable and dependable source of intelligence in recent years, I believe that there is definitely something wrong with the present system when Members of Congress have to rely on newspapers to furnish them with information on CIA activities.

I would like to insert into the RECORD an article from the Evening Star of July 29, 1971, which describes the CIA training program for Cambodians in Laos. The article follows:

CAMBODIAN LOSSES SPIKE CIA PROJECT

(By Robbin Mannock)

PHNOM PENH, CAMBODIA.—More than 40 Cambodian soldiers have died fighting in Laos as the result of a bizarre three-cornered deal involving the U.S. Central Intelligence Agency, Cambodia's premier Lon Nol and Prince Boun Oum, onetime right-wing premier of Laos.

The Cambodian soldiers were part of a contingent sent to a secret camp to be trained by the CIA, reliable sources say. Instead of returning to Cambodia they were thrown into the recent battle for the Bolovens Plateau and engaged in some of the heaviest fighting.

Besides the 40 or more killed an unspecified number were wounded, the sources say. These losses, together with disagreements and wrangling on both sides, have ended the CIA training program for Cambodians, at least temporarily.

Official circles here are reluctant to discuss Cambodia's involvement in Laos. Such use of Cambodian troops challenges the much-violated 1962 Geneva agreements on neutrality for Laos. And hard pressed Cambodia is not anxious to give an impression of having spare soldiers.

Despite official silence, the following story has been pieced together:

The Cambodians taken in hand by the CIA were originally trained to serve as members of spy teams to infiltrate into Cambodian provinces that are held by the North Vietnamese and Viet Cong forces.

Use of Laos for training presumably enabled CIA operatives to circumvent the Cooper-Church amendment banning U.S. military advisers, training teams or combat soldiers from Cambodian soil.

In addition, the CIA had a ready-made training center at Nakorn Sin camp, about 25 miles north of Pakse. This was used as a jumping-off point for raids into Cambodia by Khmer Serei rebels during the reign of the former head of state, Prince Norodom Sihanouk.

Any deal involving southern Laos is impossible without the approval of Prince Boum Oum. The former Laotian premier is known to have flown to Phnom Penh last year when the training program was being established. Most of the dickering with Boun Oum was conducted by Cambo-teen-agers whose reliability was questionable. A number of 12-year-olds are serving in the Lao ranks.

Lao soldiers are also trained at Nakorn Sin, but 350 trained alongside the last batch of 450 Cambodians included some that had been given the hardest fighting to do because they were thought to be better soldiers than the Lao. This action soured the Cambodians on the CIA program, informants say.

The U.S. training team was also reported to have been angered by lack of cooperation from the Cambodian coordinating officer, Lt. Col. You Kim Heng.

The Americans were further annoyed that Cambodian trainees did not receive the monthly $13 allowance earmarked for them. Soon after incurring American displeasure, Heng was arrested on a charge of smuggling opium. He is reliably reported to be awaiting trial.

NIXON FOREIGN POLICY—A LESSON IN INCONSISTENCY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. RARICK. Mr. Speaker, the one thing evident to the casual observer of the foreign policy of the Nixon administration is its inconsistency. Nowhere is this more evident than in the comparison between the warmth and friendliness being shown to our avowed enemies in Communist China, their supporters in Marxist Chile, our trade in sophisticated machinery, computers and now a truck factory in Russia and the insults being hurled at our friends. I would assume that people who have fought beside the Americans in war to keep the world free are friends, *i.e.*, Rhodesia, South Africa, Greece, and Pakistan. The President's argument for the support of membership of Red China in the U.N. is that "we must deal realistically with governments . . . as they are." Yet, the administration does not seem to follow its own guidelines.

Marxist Chile has taken over the American-owned copper mines and now threatens to refuse to indemnify the American owners for their losses. Red China has insisted as grounds for any constructive dialog with the President, the immediate withdrawal of U.S. support from all of Southeast Asia. This forces the administration to consider abandoning our allies for our sworn enemies. If the Nixon administration applied its guidelines and accepted governments "as they are," our President would never have considered an official visit to a country with which we are still at war—Red China—nor would he stand idly by while Marxist Chile nationalizes U.S. copper interests and then refuses to indemnify our people for their losses—nor would he authorize trade with Soviet Russia in strategic material and goods which possess military potential.

If those entrusted with the control of our country practiced what they preached, the President would not call for the continuation of illegal U.N. sanctions against Rhodesia, under the myth and superstition of the worn out cliche that Rhodesia is a threat to world peace.

I insert the press briefing containing Secretary Rogers' statement advancing "reasons" for the United States decision to support the seating of Communist China in the U.N., my remarks on the Chilean situation from the CONGRESSIONAL RECORD of July 6 and 8, and related news clippings at this point:

DEPARTMENT OF STATE

STATEMENT BY THE HONORABLE WILLIAM P. ROGERS

The world is approaching the midpoint between the end of World War II and the end of the 20th century. The United Nations, founded in the aftermath of the war, has passed its 25th anniversary.

President Nixon has been adapting American foreign policy with these facts in mind—forging policies directed to the future while taking fully into account the legacies of the past.

From its inception the United Nations was designed above all else to keep the peace shattered by two world wars within a generation. The first words of the United Nations Charter, adopted at San Francisco in 1945, express a common determination to "save succeeding generations from the scourge of war."

In October 1969, President Nixon said with regard to Latin America that "we must deal realistically with governments . . . as they are." Both in Asia and elsewhere in the world we are seeking to accommodate our role to the realities of the world today. Our objec-

tive is to contribute, in practical terms, to the building of a framework for a stable peace.

No question of Asian policy has so perplexed the world in the last 20 years as the China question—and the related question of representation in the United Nations. Basic to that question is the fact that each of two governments claims to be the sole government of China and representative of all of the people of China.

Representation in an international organization need not prejudice the claims or views of either government. Participation of both in the United Nations need not require that result.

Rather it would provide governments with increased opportunities for contact and communication. It would also help promote cooperation on common problems which affect all of the member nations regardless of political differences.

The United States accordingly will support action at the General Assembly this fall calling for seating the People's Republic of China. At the same time the United States will oppose any action to expel the Republic of China or otherwise deprive it of representation in the United Nations.

Our consultations which began several months ago have indicated that the question of China's seat in the Security Council is a matter which many nations will wish to address. In the final analysis, of course, under the Charter provision, the Security Council will make this decision. We, for our part, are prepared to have this question resolved on the basis of a decision of members of the United Nations.

Our consultations have also shown that any action to deprive the Republic of China of its representation would meet with strong opposition in the General Assembly. Certainly as I have said, the United States will oppose it.

The Republic of China has played a loyal and conscientious role in the UN since the organization was founded. It has lived up to all of its Charter obligations. Having made remarkable progress in developing its own economy, it has cooperated internationally by providing valuable technical assistance to a number of less developed countries particularly in Africa.

The position of the United States is that if the United Nations is to succeed in its peacekeeping role, it must deal with the realities of the world in which we live. Thus, the United States will cooperate with those who, whatever their views on the status of the relationship of the two governments, wish to continue to have the Republic of China represented in the United Nations.

The outcome, of course, will be decided by 127 members of the United Nations. For our part we believe that the decision we have taken is fully in accord with President Nixon's desire to normalize relations with the People's Republic of China in the interests of world peace and in accord with our conviction that the continued representation in the United Nations of the Republic of China will contribute to peace and stability in the world.

I will take a few questions.

Q. Mr. Secretary, have you received any indication from either China that they would be prepared to sit with one another in the United Nations?

Secretary ROGERS: No.

Q. Mr. Secretary, in your statement, you say that we are prepared to have the question of the seat on the Security Council decided by the UN members. In the previous paragraph you say that the United States will oppose any effort to deprive Nationalist China of representation in the United Nations. What position will we take, or are we taking, on the assumption of the Nationalist seat on the Security Council by the People's Republic of China?

Secretary ROGERS. Well, at this time I have nothing to add to the statement. As I have said, this matter may arise in the discussion in the General Assembly, and if it does, we will be prepared to certainly abide by the wishes of the majority of members of the United Nations.

Q. Mr. Secretary, from the wording of this statement, it would appear that the United States would be also in favor of the seating of both Viet-Nams, both Koreas, and both Germanies. Is that a correct assumption?

Secretary ROGERS. No, I don't think that is a correct assumption. We are dealing now with a problem of representation in the United Nations of a country that has been represented in the United Nations since its beginning. That is not true in the case of the other divided countries. So the statement does not direct itself to that point.

Q. Mr. Secretary, under your formulation here, would the present occupant of the Chinese seat in the Security Council have the power to veto any change in the membership in that seat?

Secretary ROGERS. Well, that is a matter of tactics which I don't want to address today. I think there will be many questions raised in the General Assembly this fall on matters of this kind. The purpose of this statement is to announce the policy of the United States. We will be discussing our tactics with other governments as we approach the General Assembly.

Q. Mr. Secretary, does this mean that we are going to drop the claim that this is an important question?

Secretary ROGERS. Well, there again it is a matter of tactics. But insofar as the Peoples Republic of China is concerned, I think that in view of this announcement by the United States, the important question, insofar as it relates the PRC's admission, is academic. Certainly as far as the Republic of China is concerned, we think that the expulsion obviously is an important question. The Charter so provides. And we will do all we can to support that position: that the expulsion of the Republic of China is an important question.

Q. Sir, I am not clear at one point whether or not the General Assembly would decide whether the Republic of China would retain the Security Council seat.

Secretary ROGERS. Well, I have nothing, as I say, to add to this statement. I think the statement speaks for itself. Under the Charter, the final decision rests with the Security Council. But, as you say, from this statement, we have said that we would abide by the views of the majority of nations.

Q. Mr. Secretary—"would abide by the majority" of the General Assembly votes on the Security Council question?

Secretary ROGERS. Well, let's wait to see how it develops. But we have made it clear that as far as the United States is concerned, we would be willing to abide by the majority vote of the members of the United Nations.

Q. Sir, it was said that the Ambassadors with whom you had spoken all the way along, in this continuing series of talks, would be informed in advance of this decision of the policy of the United States. Have these Ambassadors been informed, and how would you assess the general reaction to this position?

Secretary ROGERS. Well, they have been informed. We have worked very closely with the nations primarily concerned and many others, for that matter, and we have informed them of this policy decision. I would not want to speak for them. I think it's up to them to speak for themselves.

Q. Mr. Secretary, the Charter provides that the expulsion of a member is an important question. But what about the expulsion of a delegation?

Secretary ROGERS. Well, there again, that is a matter of tactics. We believe that the expulsion question insofar as it relates to the Republic of China, is an important question. And that is going to be our position this fall.

Q. Mr. Secretary, getting back to the Security Council, are you implying, then, if a majority of members of the General Assembly vote to seat the Peoples Republic of China, that they should have the seat in the Security Council?

Secretary ROGERS. No, I haven't implied anything beyond the words of this statement. They are carefully drafted. I think it is clear that we have said we will abide by the views of the majority of the members of the United Nations.

Q. Can we assume, Mr. Secretary, that this Government will take a somewhat passive role on the Security Council question, or when the session arrives, will we openly advocate one position or the other?

Secretary ROGERS. We are not going to speculate at the moment about the tactics that we will use at the United Nations. I think it is important to focus our attention on the decision of this Government, which is to vote in favor of the admission of the Peoples Republic of China and to oppose the expulsion of the Republic of China. Now, the reasons I have set forth in this statement. We think the realities of the world require that both be represented. One represents 700 to 800 million people. In Taiwan, there are 14 million or more people. And we think both should be represented in the United Nations.

Q. Mr. Secretary, could you tell us whether your reference in your statement to the fact that it does not necessarily have to resolve the question of who is the government of all of China means that we have decided to—that rules out the question of our recognizing—

Secretary ROGERS. No, not at all, not at all. The only question I am addressing this morning is representation in the United Nations.

Q. Sir, President Nixon said in his first news conference in response to a question that the policy at this time will be to continue to oppose Communist China's admission to the United Nations, and he listed three reasons. One was that Communist China has not indicated any interest in becoming a member. Two, that it has not indicated any intent to abide by the principles of the Charter. And three, that it continues to call for expelling the Republic of China from the U.N.

What has changed since the President's initial news conference statement on this?

Secretary ROGERS. I think the first change of significance refers to Point No. 1. Until recently, the Peoples Republic of China has strongly opposed the United Nations, has been extremely critical of the United Nations, has proposed that the Charter of the United Nations had to be amended, etc.

Now, in the last nine months or a year, their attitude towards the United Nations has changed, and we think that they are now interested in becoming members of the United Nations.

Secondly, their attitude toward other governments has changed markedly. They have established diplomatic relations with several other governments. Certainly their relations with the United States have improved. And all of these things together lead us to the conclusion that it is wise in the United Nations to have them represented. After all, they represent about one-quarter of the people on the surface of the earth. And as I have said, if the United Nations is to perform its function of keeping the peace, it is important to have their voice heard in the United Nations.

Q. Mr. Secretary, does the United States have reason to believe that as far as the Republic of China is concerned, its delegation

will not make the whole question moot upon the announcement of this decision by departing on its own accord from the United Nations?

Secretary ROGERS. Well, I wouldn't want to make any comment about the position of the Republic of China. Any statement about their position or policy I think should come from them.

Q. Mr. Secretary, has the Peoples Republic of China been informed of this policy?

Secretary ROGERS. No, it has not—of this announcement or the policy that I am announcing this morning.

Q. Mr. Secretary, is the United States in favor of having the two governments of China negotiate the differences between them?

Secretary ROGERS. Well, I don't want to get involved in that this morning. We are talking about the representation question in the United Nations.

Q. Mr. Secretary, has the Peoples Republic of China been informed of our decision to support its bid for admission to the United Nations?

Secretary ROGERS. That was the question I just addressed. The answer is no.

Q. Mr. Secretary, I thought the question was about the Republic of China.

Secretary ROGERS. No, no, no. He asked the Peoples Republic of China.

Q. Has Taipei been informed of this?

Secretary ROGERS. Yes, of course.

Q. Thank you, sir.

Secretary ROGERS. All right. Thank you.

(Whereupon at 12:20 p.m the briefing was concluded.)

[From the CONGRESSIONAL RECORD, July 6, 1971]

FIVE MILLION IN U.S. SUPPORT FOR MARXIST CHILE

Mr. RARICK. Mr. Speaker, when Salvador Allende, a self-proclaimed Communist, assumed power in Chile, President Nixon's comments were as follows:

The new Government in Chile is a clear case in point. The 1970 election of a Socialist President may have profound implications not only for its people but for the inter-American system as well. The government's legitimacy is not in question, but its ideology is likely to influence its actions. Chile's decision to establish ties with Communist Cuba, contrary to the collective policy of the OAS, was a challenge to the inter-American system. We and our partners in the OAS will therefore observe closely the evolution of Chilean foreign policy.

Our bilateral policy is to keep open lines of communication. We will not be the ones to upset traditional relations. We assume that international rights and obligations will be observed. We also recognize that the Chilean Government's actions will be determined primarily by its own purposes, and that these will not be deflected simply by the tone of our policy. In short, we are prepared to have the kind of relationship with the Chilean Government that it is prepared to have with us.

Many Americans, even those who have been conditioned to believe we are helping so-called emerging nations, were flabbergasted when the Nixon administration announced the United States was extending to Chile $5 million in credits for the purchase of military equipment.

Since Dr. Allende's closest political ties are with Castro, many question the purpose as well as the need for our giving U.S. military assistance to Chile. Is this another balance-of-power formula designed by our State Department? Will the new U.S. arms be used in aggressive assaults against Chile's non-Communist neighbors? Does our State Department feel the military equipment is necessary to help Allende defend himself against his own people—to make sure that the Chilean people are overpowered and unable to regain control of their country.

While the Allende government has been in power for only 8 months, it has rapidly deteriorated into a first-class Castro-type socialist dictatorship. What excuses can be offered by the leaders of the U.S. Government for giving arms aid and World Bank financing except to bail out Allende's mistakes? And again we find U.S. taxpayers subsidizing a Communist regime.

I insert at this point an announcement of the U.S. arms credit to Chile, a report on unemployment and fiscal irresponsibility in Chile, and a letter from an American presently in Chile conveying his first-hand impressions.

[From the Washington Post, July 1, 1971]

U.S. GIVE $5 MILLION CREDIT TO CHILE

The State Department said yesterday the United States has agreed to extend to Chile $5 million in credits for the purchase of military equipment.

Department spokesman Charles W. Bray said the credits were extended in response to a request by the Chilean government and that the credit level is similar to that of recent years.

Bray said the funds would be used by Chile to buy a new C–130 transport aircraft and what he described as paratrooper equipment.

The decision to extend military credits to Chile was the first such gesture by the Nixon administration toward the eight-month-old Socialist government headed by President Salvador Allende.

Chile's request was seen as an indication of Allende's desire to maintain the traditionally friendly relations between the two countries.

[From the Manchester (N.H.) Union Leader, June 25, 1971]

NATION ALONG CASTRO CUBA'S PATH

Contractor Magazine, in its current issue, tells what happened to Nibco Inc., a company in Elkhart, Ind., that wanted to do business with an "underdeveloped" country. Nibco is a manufacturer of valves and fittings; through the good offices of the Alliance for Progress, it launched a joint venture with a Chilean firm to build an ultra-modern brass foundry in Santiago. With half a million Nibco dollars behind it, Nibsa, as the subsidiary was called, was an immediate success.

MARXIST REGIME LEADS CHILE TO BANKRUPTCY—PRESIDENT ALLENDE IS GUIDING

However, last fall, after the election of Dr. Salvador Allende Gossens as president of Chile, orders began to plunge. David Hyams, general manager, reported to the home office that within a month the firm would be insolvent. Told to salvage what he could, Mr. Hyams sought to lay off some of the plant's 270 workers, but was refused permission by the union. The sole alternative offered was a loan from Corfo, a government corporation, which would have led to control of the firm. Instead, Mr. Hyams shut down the plant. Ten days later, the government forcibly seized it, ousted Mr. Hyams and filed criminal charges against him.

Most companies with holdings in Chile—U.S. investment there totals $850 million—these days have little or nothing to say. Not so Lee Martin, president of Nibco, who has appealed to the State Department for help in protecting his interests and keeping Mr. Hyams out of jail. "It is our firm conviction," writes Mr. Martin, "that this is an outright expropriation of our investment by the Chilean Government."

What really galls Mr. Martin, though, is the sympathetic attitude of official Washington toward the new Chilean regime. Noting that the U.S. Export-Import Bank is considering a loan to Santiago for the purchase of railroad equipment, Mr. Martin declares: "I am unable to understand how the United States can justify a subsidy to a government which, by its political philosophies and actions, by seizing and dissipating the local assets of foreign-based businessmen . . . proves so obviously that it abhors democratic processes."

Allende apologists in this country, of course, tend to shrug off such criticism. This the ranking foreign correspondent of a New York newspaper (which helped convince the U.S. that Fidel Castro was just an agrarian reformer) recently wrote from Santiago: "Allende's contribution is the ballot-box revolution, which so far has worked with surprising success." Secretary of State Rogers is attending a meeting of the Organization of American States in Costa Rica, along with Chilean Foreign Minister Clodomiro Almeyda; much is heard from delegates of the Andean countries, who have set a 15-year deadline for the nationalization of all U.S. interests within their borders. Washington, meanwhile, still seems under the influence of a Chilean mission which came through a few weeks ago to argue that any aid cutoff would constitute U.S. economic aggression.

OTHER LOANS

Besides possible Eximbank credits, the World Bank currently has a loan mission in Chile, appraising an agricultural project. Loans by the World Bank are not directly under the control of the U.S., but much of its capital comes from the U.S. Treasury, and Washington surely could influence the decision.

In addition, the U.S. currently is giving Chile some $6–$7 million under the Food for Peace program, while the Pentagon is making the new Socialist regime an outright gift of $803,000 for training young officers. Chile still enjoys most-favored-nation treatment.

Finally, there is the Inter-American Development Bank, which, under its former president, Sr. Felipe Herrera, funneled a disproportionate share of loans into Chile. When Sr. Allende became president, Sr. Herrera resigned to return to his homeland.

[From the Francisville Democrat, St. Francisville, La., June 1, 1971]

HOOKS AND SHELLS

(By Ben Garris)

My son-in-law, ——— ———, and family are living in the South American country of Chile. He was hired by some Dutch firm to help get a paper mill into operation and to train Chilean workers to take over the operation. I think you might be interested in parts of his last letter.

". . . The mill is progressing slowly and it is still six weeks to start up. Everything stays tied up in politics and paper work. The employees would have to be called intelligent by academic standards. Almost all of them, from our trainee counterparts down to the lowest laborers, have been in one university or another. Many of them have six-year educations, equivalent to a Masters Degree in the States. Most of them have either chemical or mechanical engineers' degrees. But for all their education, they are basically worthless. Maybe one in fifty has any ambition or initiative. I can understand the country's condition after dealing with it first hand.

"The uneducated are even worse.

"The government here is weird. It is the union for the workers. All Chileano workers belong to the union, from the manager down. The labor laws are completely beyond comprehension. The local industrial relations people do not understand them thoroughly, so it is impossible for us to. But things stay interesting anyway, what with the assassinations and what-not.

"Last month we were threatened with a plant takeover by the construction workers. I understand this to be quite common in Chile. As their jobs begin to play out (the construction workers) they start to organize enough people to just walk in and take over. Nothing violent as long as there is no resistance. Whoever is the strongest owns the property. The government does nothing to discourage this sort of thing. If anything they encourage it.

"This has happened to several large companies down here causing them to lose thousands of dollars. The takeovers are not an attempt to actually own and operate the business, but . . . just to control long enough to force the owner to hire those who take over. In the meantime they destroy or sell a lot of the equipment. They took over one building here, but relinquished after a week. I believe that they will take over the entire mill upon completion.

"The plants that have been taken over in the past end up with six or seven hundred employees in an operation requiring one hundred, making it impossible to operate at a profit.

"The people are also extremely class conscious. There are two types of employees . . . the kind that work with their hands and the kind that work with their heads. The latter don't care how much they are paid as long as they have a good title. (Because of this) . . . they have now entitled my job as "shift superintendent" rather than "foreman", since they could not get trainee counterparts to come to work here for the title of "foreman".

"Something that take one day to do in the States sometimes takes a month here.

"The government (seems) to strive to keep them backward as hell anyway. It discourages transportation. Because of government-imposed costs a car smaller than a VW costs about $5,500. A VW would cost $10,000.

And so it goes in central Chile. I'll let you know later how he does on the trout, the patos and the ferdiz.

[From the Congressional Record, July 8, 1971]

Mr. RARICK. Mr. Chairman, I rise to ask several questions of the chairman of the committee. I was wondering if during the hearings, the committee took testimony on the extension of $5 million in Export-Import credits to the Government of Chile to buy U.S. military equipment. Was that matter brought up?

Mr. ASHLEY. No, it was not. I do not believe that that will be found in our hearings.

Mr. RARICK. I think that this committee is entitled to know of this transaction since it is pretty well-acknowledged that the Government of Allende in Chile is Marxist-oriented. It has been branded communistic of a breed similar to Castro's Cuba.

I would call the gentleman's attention to the transcript of the Department of State press briefing on June 30, 1971, just a little over a week ago. At that time it was announced that there had been extended to the Government of Chile $5 million in credits to buy U.S. military supplies, which were identified as one C–130 aircraft, paratroop equipment—without further explanation—and also the leasing of a seagoing vessel to the Chilean Navy which was identified as the *Arikara*.

I would like to read this transcript of the State Department press briefing on the extension of $5 million in Export-Import credits to the Government of Chile to buy U.S. military equipment. It is very short, but extremely important, because it indicates a deliberate act on the part of this Government to circumvent the provisions of the Export-Import Bank Act.

The transcript follows:

TRANSCRIPT OF DEPARTMENT OF STATE PRESS BRIEFING

JUNE 30, 1971.

Q. Charlie, can you confirm that the United States has granted Chile $5 million in credits for the purchase of military equipment?

A. My understanding is that in response to a Chilean request, we have agreed to extend up to $5 million in credit in this fiscal year (FY 1971) for the purchase of U.S. military equipment.

"Grant" has a special technical connotation in this context, which is why I said "extend credit."

This is within the range of amounts that we have extended to Chile in recent years; basically, the equipment contemplated is some paratrooper equipment and a—that is, one—C–130 aircraft.

Q. Can we put this in a bit of a time frame, Charles? The fiscal year ends at midnight tonight. When was this decision made, and when was this extension offered?

A. The decision was made fairly recently, Gary.

I'm not quite sure I understand what you mean by "extension."

Q. Well, you're offering them $5 million—up to $5 million credit for the purchase of military equipment—presumably there's a certain time period that these transactions would require.

A. No, I don't—

Q. The fiscal year ends in twelve hours.

A. Well no, in that respect, there is no extension required. The case is opened with this fiscal year's funds—they can be expended in subsequent year or years.

Q. Charles, I didn't hear what was included besides the C–130 aircraft.

A. Some paratroop equipment—on which I have no further details now.

Q. Charles, is extension of Export-Import Bank Loans to Chile to buy commercial aircraft in this country being held up pending a settlement of the copper dispute?

A. I am going to have to fall back, I think, on some reasonably delphic language, here John (or maybe it's unreasonably delphic language, depending on where you stand) and say that this question of the pending sale of commercial airliners is essentially a banking matter which will be decided on its merits.

Q. Well—any idea when, Charlie?

A. No, can't predict when it will be made.

Q. Would you say that the copper dispute has an input into the consideration?

A. No comment.

Q. Wasn't there an armed Navy ship also mentioned in the article we are all talking about, this morning?

A. No, I think it was a seagoing tug—the *Arikara*, which we are leasing to the Chilean Navy for a period of five years.

Q. That was just one C–130?

A. One—"a" C–130.

Q. Thank you.

[The briefing was terminated at 12:56 p.m.]

Mr. ASHLEY. I am a little surprised at the comments of the gentleman, because in 1969 amendments were adopted into the law stating that—

No funds or borrowing authority available to the Export-Import Bank of the United States shall be used by such bank to participate in any extension of credit in connection with any agreement to sell defense articles and defense services entered into with any economically-less-developed country after June 30, 1968.

Mr. RARICK. May I say to the chairman that the question was asked at the briefing as to whether this $5 million extension of credit of military equipment to Chile was for the fiscal year ending 1971 specifically? Whoever handled the interview asked if this would expire in 12 hours, when the fiscal year 1971 expired, and the answer was that no extension was necessary—that the funds could be expended in a subsequent year or years when the Chilean Government made the request. The interview posed unanswered questions only on the problems created by the Chilean Government nationalizing U.S. copper interests in that country.

Would the chairman agree that granting Export-Import Bank credits to the Marxist Government of Chile, which must be a decision made by the President of the United States, will be questioned by many Americans as not being in the best interests of the American people or of our many Latin American friends?

Mr. ASHLEY. Whatever kind of litmus paper test does the gentleman expect the Bank to perform in determining its known policies?

Mr. RARICK. I was only asking the gentleman if this was discussed in the hearing.

Mr. ASHLEY. I have responded in the negative to the gentleman.

Mr. RARICK. The American people have also heard in recent days about a $700 million Mack truck factory to be constructed in the Soviet Union. Is this also to be financed in whole or in part by the Export-Import Bank?

Mr. ASHLEY. My recollection, if the gentleman is talking about the Fiat transaction, is this.

Mr. RARICK. My question had to do with the Mack truck transaction.

Mr. REES. Mr. Chairman, will the gentleman yield?

Mr. RARICK. I yield to the gentleman from California.

Mr. REES. Mr. Chairman, the Mack truck transaction is an independent contract between the Mack truck business and the Soviet Union. To date, they have not applied for any credit, whether in Export-Import Bank credits or credits from private banks. This is a separate contract.

Now, vis-a-vis Chile, the president of Chile happens to be Marxist, but I tell the gentleman now the armed forces are not Marxist.

This was a loan application put in long before the Marxist government was elected by the people of Chile.

I think we have to get away from looking at these situations as black and white and look at them rather as grays.

Mr. RARICK. I think rather we have to look at them as red or shades of red.

Are we preparing to arm the President of Chile to attack his neighbors? Paratroopers are usually regarded as an offensive arm unless they are used domestically as shock troops to suppress popular uprisings.

Many Americans are quite conscious that U.S. vessels that were loaned to other Latin American countries have been used to capture our fishing boats. We have just within the week recovered U.S. fishermen from Marxist Allende's Communist comrade Castro in Cuba.

Mr. REES. If the gentleman wants them to become Communist and politically aimed with the Soviet Union, his policies might be the best thing.

Mr. RARICK. He may not be directly alined with Communist Russia, but he is in bed with Communist Cuba and its imperialistic dictator Castro.

[From the Manchester Union Leader, July 28, 1971]

CHILEANS SAY U.S. COPPER COMPANIES HAVE NO RIGHT TO INDEMNITY

SANTIAGO, CHILE.—Lawyers for nationalized American copper companies in Chile studied the text yesterday of a speech by a prominent government leader declaring that Anaconda and Kennecott have no right to be indemnified for their installations.

Sen. Carlos Altamirano, leader of President Salvador Allende's Socialist party, told a Cuban "solidarity" rally here Monday night

that Anaconda and Kennecott "have no right to any indemnization" for their nationalized properties.

"During years and years they extracted the riches of our homeland, they carried away millions and millions of dollars in profits under the guise of amortization, foreign expenses and other categories . . .

MILITANT OUTSPOKEN

"We militants of Chilean socialism . . . believe that neither Anaconda nor Kennecott deserves any indemnization because the profits they have taken out of our country are one thousand times superior to what they have invested," Altamirano said.

Altamirano, 49, is secretary general of the Socialist party, the largest in Allende's Socialist - Communist - radical government coalition.

Indemnization procedure was established by the nationalization law itself, but an "excessive profits" deduction clause which the president may invoke makes Marxist President Allende himself the final ruler on the government's eventual indemnization proposal.

Both the president and the American companies have the right to appeal the Indemnization procedure as established by the nationalization law which was promulgated July 16.

LAKE ERIE A NATIONAL CONCERN

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. KEMP. Mr. Speaker, the pollution of Lake Erie is not a matter of only local concern. This magnificent body of water is an unparalleled national resource of importance to all Americans. Numerous Great Lakes programs have been established, but the Great Lakes laboratory of the State University at Buffalo, N.Y., makes a unique contribution as the only fulltime, academically affiliated laboratory working on the many problems affecting Lake Erie.

Because its mission is applied rather than theoretical research, its programs are translated into direct and immediate benefits in the battle against pollution. The Great Lakes laboratory has helped make possible much of the progress which has been made toward our goal of a pollution-free Great Lakes.

In 1968, the Great Lakes laboratory's dockage facilities were damaged by a storm, hindering the use of its research vessels. Governor Rockefeller has considered my request for the matching State funds needed to obtain Federal money to effect the necessary repairs to the dock. I have been assured by the Governor that the State will assist in repairing the dock and seawall in cooperation with the Environmental Protection Agency. Rehabilitation of this waterfront could make the laboratory a pivotal point for the extensive environmental research which is so vital to our efforts to clean the Great Lakes.

The water of the Great Lakes is the primary physical fact in the lives of the 35-odd million people now living and working in the Great Lakes region in Canada and the United States and it is estimated that by the end of the century 70 million people will live adjoining the lakes.

Recently I had the honor of participating in the commissioning ceremony of the Great Lakes laboratory's research vessel, the *Charles A. Dambach*, which will enable Robert A. Sweeney, director of the laboratory, and his staff to achieve even greater accomplishments to the benefit of these people who look to the Great Lakes for swimming, fishing, and most importantly, drinking water.

At this ceremony, Dr. Clarence E. Taft of the botany department of Ohio State University gave an excellent speech outlining the accomplishments of Charles A. Dambach, one of the pioneers of environmental research. I comment this speech to the attention of my colleagues:

I have been accorded the honor by Dr. Sweeney, Director of this Great Lakes Laboratory, to speak of a man whom some of you here today knew as a husband or as a father, whom some knew personally, some to whom the name is familiar, and some to whom the name means little or nothing. To me Charles A. Dambach was a friend and colleague with whom I had the good fortune to be associated for nearly fifteen years.

I do not intend to eulogize Dr. Dambach, but in the few minutes I have, I hope to leave with you an insight into the thinking of a Natural Resources advocate who was one of the first to recognize certain of our environmental problems and the need to arouse the public to their solutions. His contention was sound in that the solutions of the problems meant little unless they became a part of public philosophy and understanding.

I have heard him say that, "I have no pretense of being an Aquatic Biologist." In one sense this was true. He did not sit at a microscope or in a laboratory poring over samples. One might say that he began where the Aquatic Biologists left off by taking their data and formulating these into valid conclusions. These became, or at least became a part of, the solutions of more extensive problems.

By our presence here today we assume a close association with the problems of the Lower Great Lakes, and in particular with those of Lake Erie. I will speak mainly of these and of Dr. Dambach's impact on these problems.

However, it is difficult to separate out these as one facet of his interests as they were only a part of his kaleidoscopic view of all Natural Resources and the attendant Conservation problems. They included strip mining, wildlife, stream pollution, recreational pursuits, and air pollution as well as others.

The various facets of the Great Lakes studies were prime projects during his later years. The problems that he recognized 30 years ago, or more, are those that we are now attempting to solve. Some have defied us as yet, but others have been solved through research by individuals, and of utmost importance, by the coordinated research conducted at Laboratories such as this one alone, and in conjunction with similar research units throughout the Great Lakes Area. Coordinated research of the latter type was one of the primary goals of Dr. Dambach.

I suppose the problem that was first, and possibly remained foremost in his thinking was the gradual decrease in desirable fish populations in Lake Erie which culminated in the disappearance of the Whitefish, the Herring or Cisco, the Blue Pike, and finally of the Walleye. Whitefish began to decrease as early as 1880 and the Herring by 1892. The great decrease of Walleye during the 1950's brought the problem to the attention of the sportsman and subsequently to the less sports minded. The hue and cry was that pollution was the causal factor. Dr. Dambach recognized this as a possibility, but he also realized that statements unaccompanied by documented evidence would never convince those who must be made aware of their polluting practices. Was pollution the culprit? Was man polluting Lake Erie during the late 1800's to such an extent that the aquatic environment was becoming hostile to the fisheries with the consequent decrease of Whitefish and Herring. This hardly seemed possible. If this was not the answer, then what was?

Travelers along the south shore of Lake Erie during the early 1800's spoke of the vast aquatic meadows of wild rice. Where are they now? Where are the extensive areas of submerged vegetation that extended into bays and river mouths from the shallows off the south and western shorelines? These were changes that required answers and Dr. Dambach began by subtly introducing these questions into discussions about the Lake in the hopes that some one would become interested enough to tackle the problems. Soon work was being done on a number of facets of this problem. We do not know the complete answer as yet, but we do know that turbidity has increased in recent times as silt erosion from the denuded lands around the Lake has increased. Dr. Thomas H. Langlois found he could predict good Smallmouth Bass fishing three years in the future by measuring the turbidity at the time of their spawning season. We also now know something about bottom muds and their consolidation, or the lack of it. As a consequence of increased turbidity we know that light penetration is less than it must have been in earlier days. In fact travelers records from 1838 support this when they speak of watching bass take the bait at a depth of 35 feet in the Islands Region of the western basin. This turbidity may well be a factor in the disappearance of the rooted aquatic vegetation.

Reports of pollution in Lake Erie became more and more numerous until there was a demand that something be done. No one knew better than Dr. Dambach that we had few quantitative measurements of biological and physical factors by which we could judge the present in the light of the past. It was necessary that we know the conditions at the present, if nothing more. He let it be known that projects were welcome and anything reasonable enough to provide answers to pollution problems would be funded as long as funds at his disposal were available. When these were exhausted he provided the impetus and the expertise in applying for grants from whatever source was available. His long association with the State of Ohio Government and his knowledge of the Bureaus of the Federal Government made him invaluable to those who needed funds to either begin or continue research connected with the adequate environment. Consequently much of the research upon which we now depend for background information concerning problems in Western Lake Erie can be traced to the fertile imagination and the will to succeed of this one man.

Oxygen deficiencies along the mud-water interface during certain periods of the year became another problem. As a consequence of this there came a drastic change in bottom fauna. Clouds of Mayflies which formerly piled around exposed lights and that greased highways when crushed under the wheels of vehicles have given way to Midges. We know these to be more pollution tolerant, so an inference is that pollution in the Lake is increasing. And yet, what is pollution? It means many different things to many different people. I have heard Dr. Dambach stop a student in the middle of a discourse and ask him to define the term in the sense in which he was using it. Even with that limita-

tion the definition sometimes became controversial. It is true that since the mid 1940's N and P, and now Hg., as well as numerous other pollutants have increased and their thresholds have passed the safe tolerance levels. These are the problems, as well as many more that were foreseen, and in many cases research was initiated and encouraged.

There is a tremendous gap between knowing the cause of a problem and in implementing the solution. This gap was of real concern to Dr. Dambach. This was where the public, represented by you and I, had to understand the need for a solution which would then lead to the providing of funds necessary for its attainment. He was not one to use subterfuge, but was honest when the economics of a situation had to be dealt with. Numerous times I have heard him astound his listeners by quoting the figure of 20 billion dollars as the clean-up price for Lake Erie. His rejoinder was, "If you want a clean environment you must pay for it."

Sometimes it is more difficult to make the public aware of the nature of the problems than it is to arrive at their solutions. He never turned down an opportunity to reach those who should be concerned, consequently his approaches were varied. He was often called as an expert witness for legislation; he spoke widely and often on Conservation and Natural Resources; he was a member of Nature Conservancy Commissions; of Great Lakes Fisheries Commissions; and of Science Advisory Boards. These contacts provided a means of reaching the persons whom he felt deserved and appreciated the best possible environment.

I may be prejudiced, but I cannot help but believe that possibly the greatest contribution made by Dr. Dambach to quality environment were the philosophies he instilled in his students in the Natural Resources Institute Seminar, which later became the School of Natural Resources Seminar at Ohio State University. This was an interdisciplinary, three quarter sequence with students from the Physical and Biological Sciences, from the Social Sciences, and from Engineering. Of a few it was required because they were enrolled in a Training Grant Program which he had instituted for the study of pollution problems. For the others it was an elective. He molded this heterogenous assemblage each year into a coherent unit in which each individual retained his identity with his particular discipline. Arguments often became heated and tempers sometimes flared, but from the discussions and the calm leadership there gradually evolved an understanding of the basics of pollution and their relationships to any discipline.

Those students are now the Teachers, the Researchers, and the Administrators who are carrying the ball for Charles. They personify the philosophy of the man more accurately than can mere words.

In closing I will say what I believe he would have said if he had been here today, and I would quote, "I have no regrets about the ball handler at this Laboratory; he learned his lessons well."

YOUTH FARES A BIG SUCCESS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. GOLDWATER. Mr. Speaker, it has become obvious to many of us here in the Congress that the air transportation industry is in serious difficulty.

The reasons for the predicament in which the carriers currently find themselves are numerous and varied, and I shall not take up the time of my colleagues to go into them at this point.

It is reassuring, however, to read about the bold and innovative efforts of certain carriers such as Pan American World Airways who are making determined efforts to rectify this calamitous situation.

At this point, I insert in the RECORD some remarks entitled "Pan Am Youth Fare Passengers Pass 5,000 Mark":

PAN AM YOUTH FARE PASSENGERS PASS 5,000 MARK

NEW YORK.—Youth fare passengers carried by Pan American World Airways to Europe passed the 5,000 mark one month after the low fares were first introduced on June 1, 1971.

James O. Leet, Group Vice President, said that the daily number of youth fare passengers had grown rapidly as the special fares spread to most European cities. In early June, when the fare was available between New York and Brussels only, the daily totals had ranged as low as 4 and 6 a day. In recent weeks, more than 500 passengers have been carried on a single day. Pan Am currently offers youth fares to 24 cities.

Mr. Leet pointed out that the youth fare passengers have been helping Pan Am and other airlines fill seats that would otherwise have flown empty. He credited a tight reservations control policy with channeling youth fare passengers to relatively lightly-booked flights. "We view the youth fare as a means of increasing our revenue by filling seats that would otherwise fly empty, not as an uneconomic diversion of full-fare passengers," Mr. Leet pointed out.

Mr. Leet said that youth traveling to Europe are channeled away from Mondays and Thursdays, which are the heaviest traveled days to Europe during the summer because they fall just before and after the Friday-Sunday period when a weekend surcharge raises the fare. The youth prefer traveling on weekends anyway, and these are the days when Pan Am has a greater number of seats unsold.

As an example of how this policy works, Mr. Leet cited the following statistics: On July 1st, a Thursday, Pan Am carried 5,856 passengers to Europe. Youth fare passengers accounted for 30 of this total. By contrast, on Friday, July 2, the number of Pan Am's east-bound transatlantic passengers dropped to 4,898, while the number of youth fare passengers increased to 542.

"These statistics show how Pan Am is utilizing the youth fare to maximize its revenues, rather than diluting them," Mr. Leet said. He pointed out that Pan Am still has plenty of seats available to Europe in late July and August, and is hoping that the youth fares will spur travel during this time period, which is traditionally lighter than June and early July.

MENTAL HEALTH INSURANCE

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Wednesday, August 4, 1971

Mr. MOSS. Mr. President, 2 weeks ago I criticized from the floor the administration's national health insurance proposal because, as presently written, it discriminates against mental illness. I also urged the sponsors of all the health care plans to "study this problem, and, if necessary, adjust their bills so that they deal with mental and physical problems equally." I have had since brought to my attention material prepared by the National Association for Mental Health which should prove very useful to those involved in this task.

The National Association for Mental Health is the country's only voluntary citizen organization whose sole purpose is fighting mental illness and promoting mental health. With national headquarters here in Washington, D.C., the association is comprised of 47 State divisions and more than 945 local chapters. Hundreds of thousands of volunteers devote much time and effort to inform and educate the public about all aspects of mental health.

Proposals for a national health insurance program are being very carefully studied at NAMH. Creating a new health care delivery system, they believe, "presents at once an opportunity and a threat, for, depending on its terms, it can act as a powerful stimulant to the development of comprehensive community mental health centers or it can result in their economic starvation."

They have pledged themselves, as I have, to make certain that any health insurance plan enacted deals "comprehensively and intelligently with mental illness." To help explain what the NAMH feels is needed in this area, a report, entitled "Principles for Mental Health Provisions in National Health Insurance," has been prepared. I believe everyone concerned will benefit from the study of these ideas. I ask unanimous consent that the document containing these 12 principles be printed in the Extensions of Remarks.

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

PRINCIPLES FOR MENTAL HEALTH PROVISIONS IN NATIONAL HEALTH INSURANCE

As adopted by the NAMH Council on Public Affairs, May 20, 1971.

This Association has devoted a large proportion of its energies in recent years toward fostering the growth and development of comprehensive community mental health centers. We have worked in the communities to plan, organize, and facilitate; we have worked in the States to plan, enact enabling legislation, and advocate; and we have worked nationally on federal legislation and financing, and on standards and education.

This revolution in mental health care is now about 20% completed. We continue to believe that realization of its goal of complete national coverage is the highest national mental health priority today.

The prospect of enactment of "National Health Insurance" presents at once an opportunity and a threat, for, depending on its terms, it can act as a powerful stimulant to the development of comprehensive community mental health centers, or it can result in their economic starvation. Stimulation of growth would result if compensation for treatment in these settings is given favorable terms. Starvation would occur if a program is adopted with little or no mental health coverage followed by withdrawal of existing federal financing of comprehensive community mental health centers.

We must, therefore, carefully scrutinize each proposal for federal financing of health care with this over-riding question in mind:

Will its enactment facilitate the development of comprehensive community mental health centers?

At the same time, we realize that the present proposals for national health insurance

are based on historic roots, and we must be alert to urge appropriate coverage for mental health.

Private health insurance programs were originally conceived and sold to compensate hospitals and doctors treating patients in hospitals for services rendered to subscribers. Coverage has increased over the years including more services and for longer periods of time.

Mental health coverage has been added to many of these policies in recent years. In most instances, there are (and are) sharp limitations as to cope and duration of coverage.

This pattern, essentially hospital and surgeon oriented with mental health provisions appearing as limited addenda, has carried over into the Medicare and Medicaid provisions of the Social Security Act. The result has been continuing discrimination against the mentally ill.

We are strongly opposed to this pattern of discrimination and are pledged to influence or alter proposals dealing with national insurance to deal more comprehensively and intelligently with mental illness.

We believe that the following principles should govern the intelligent and humane coverage of mental illness in any program of national health insurance:

1. SCOPE

Programs in mental illness should cover a broad range of activities including prevention; active treatment, both inpatient and out-patient; rehabilitation and long-term care and there should be continuing evaluation of all programs. Collateral services to families of the mentally ill should be included.

We cannot accept another insurance program which, in the name of economy does not in fact insure individuals against intolerable losses. This is neither inhumane nor financially defensible.

2. LIMITATIONS

There should be no limitations as to age, sex or condition. Any limits on mental health services should be structured to encourage the development of community mental health centers and to discourage over-utilization on the part of the patient or the provider. Limitations should be determined by regulations based on clinical experience and subject to approval of Citizens' Boards.

3. PROFESSIONAL SERVICES

Payment should be provided for individual visits to psychiatrists and other qualified therapists. There should be no patient fee or coinsurance for at least the first seven visits per spell of illness.

4. CLINICAL OUT-PATIENT SERVICES

There should be full compensation for services rendered in qualified clinics, or comprehensive mental health centers. Home visits by qualified staff members of such facilities should also be covered. Reimbursed services in a clinical out-patient setting should include services provided by all personnel necessary to the treatment program.

5. PARTIAL HOSPITALIZATION

Costs of partial hospitalization should be fully paid without regard to the setting, subject only to qualification.

6. IN-PATIENT SERVICES

Provisions for coverage of in-patient services should be structured to encourage:

(a) Evolution and development of comprehensive community mental health centers, and

(b) Improvement of public mental hospitals.

There should be a requirement that these two systems be adequately linked so as to provide a continuum of services to all.

7. PRESCRIBED DRUGS

Prescribed drugs should be available without separate charge to the consumer.

8. EDUCATION AND CONSULTATION

Research and evaluation

The important functions of education, consultation, research and evaluation should continue to be funded through grant mechanisms. They should be encouraged in all mental health settings.

9. MANPOWER AND TRAINING

To be truly effective, any final plan must automatically influence and facilitate the recruitment, training and geographical distribution of all categories of manpower necessary to a comprehensive mental health program.

10. CITIZENS' BOARDS

There should be boards of citizens with ultimate responsibility for governing the program. They should set standards and establish continuing vigorous evaluation of all vendors. This must include both individuals and organizations who seek payment under National Health Insurance.

There should be substantial representation on all the Citizens' Boards from professional and lay persons with knowledge in mental health and mental illness. Laymen so serving should not be engaged in providing services to the mentally ill and should constitute a majority of the Boards.

11. METHOD OF PAYMENT

The program must permit participation by qualified providers with options as to prepayment or compensation for services rendered.

As programs emerge which are demonstrably more efficient than others they should be rewarded by preferential funding.

12. DISCRIMINATION

No vendor should be qualified who refuses services to any one because of race, creed, color, national origin, or ability to pay.

MODEL CITIES PROGRAM

HON. RALPH METCALFE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. METCALFE. Mr. Speaker, I have heard a lot about the model cities program on this floor—pro and con. I have read a lot about it in the papers, pro and con. I have seen a lot in my district—

Last Saturday, while visiting the First Congressional District of the city which I have the pleasure to represent, I participated in a major event of the Chicago model cities program and feel obligated to briefly share my views with you who passed the model cities enabling legislation.

As part of the event there was a parade sponsored by the Chicago model cities near South Citizen's Council, residents of the area who participate in the planning, implementation and evaluation of the Chicago program. I wish that every one of you could have been there to see what was one of the most remarkable exhibits of citizen government cooperation that I have ever seen. The citizens had the participation of almost every major public agency. In attendance were department heads, commissioners, and employees of many city departments as well as neighborhood and citywide community leaders.

The enthusiasm of everyone involved is the main reason that the Chicago program has been heralded by Federal model cities officials as the best model cities program in the country.

The Chicago program encompasses four neighborhoods. In my area, Near South, a consumer service and education center was established and has made 551 inspections of consumer goods, handled 58 complaints, been responsible for 52 arrests and made 25 referrals to other agencies.

Ten target area residents are being trained as building managers in the Community Building Maintenance Corp., a community-operated rehab company. Twenty-three others are being trained in related maintenance trades.

As a result of Project Threshold, a homeownership program, 19 target area residents have purchased homes, nine are waiting to close deals on their homes and 58 are now being processed for possible purchase.

The model cities program has purchased two ambulances and located them in my district to transport residents to the county hospital. The Haniel Hale Williams Comprehensive Health Center was recently opened at Provident Hospital, a hospital that has become an institution in the black community and has recently been fighting for its survival. The new health center at Provident has been servicing an average of 30 residents per day during its first 3 weeks of operation.

One hundred and forty-nine residents have been employed as community service aides. As a result, 78 are currently enrolled in the GED program, nine have received GED certificates, 33 are enrolled in college, and three have passed the test for regular policemen.

The program has provided funds for the opening of two youth service homes for delinquents which have serviced 21 youngsters and provides employment for six target area residents.

Model cities has established day care centers in my district which provide service to 305 children and employ 46 model cities residents. It has also licensed 29 private homes in the target area for day care which have served 253 persons.

Twenty-six leisure time projects operated by groups, agencies, and institutions in my district have been funded by model cities with a total participation of 38,000—21,133 alleys have been serviced, 2,056,230 tons of refuse have been collected, 780 tons of bulky trash have been collected and 2,278 curb miles of street were swept as a result of the model cities program. The litter patrol has issued 624 penalties, cleaned 432 vacant lots, issued 2,507 warnings and swept 1,169 curb miles. This is all in addition to the regular city service.

The public library has loaned approximately 45,000 books to students in the target area as a result of the model cities augmentative library program.

The co-plus program has concentrated funds in three target area schools thereby increasing the per pupil expenditure to $1,500 and lowering the pupil-teacher ratio to 6 to 1. This program has in addition employed over 150 target area residents as teacher aides and in other paraprofessional occupations.

In addition, the school has constructed Schomes—an amalgam of the words school and home—that provide day care

and preschool education to 360 children and also employ target area residents as aides.

The free breakfast and lunch programs have served over 13,000 meals to the youngsters in 37 schools.

There are just a few examples of what has happened in my district. Similar strides have been made in each of the other three model cities areas of Chicago.

GAS SUPPLY SQUEEZE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. MURPHY of New York. Mr. Speaker, the natural gas supply shortage is not merely threatening. It is here and now.

One after another, the major gas companies have announced that they will be unable to take on any new, large industrial consumers due to lack of additional supplies. A large gas distributor in Ohio has notified its industry customers that they must be prepared to cut their consumption of gas by 10 to 20 percent. In my State of New York, the Public Service Commission has reported a gas supply shortage this year of 25 billion cubic feet, which will probably be doubled in 1972. These are not isolated examples.

This is an extremely serious matter to the consuming public. More than 140 million people in the U.S. depend upon natural gas for domestic and industrial fuel and for the generation of electric power. Natural gas provides a third of the Nation's energy needs.

Gas is also the great growth fuel. Its consumption has been increasing at a rate of 6.6 percent a year, as compared with 4.6 percent for oil and 1.1 percent for coal.

But even as demand has pushed steadily upward, discoveries of new gas supplies have rapidly declined. The United States proven reserves, excluding Alaska, went down last year for the 3d consecutive year.

This does not mean that our gas reserves are approaching the point of exhaustion. Sixty percent of the Nation's natural gas remains to be found, according to estimates by the National Petroleum Council.

Until these new supplies are discovered and developed, however, their value to consumers remains only potential, not actual. The trouble is that the effort to find new gas fields has slowed down alarmingly in recent years. That slowdown, coupled with the steadily increasing demand for gas, is at the root of the present supply crisis.

Much of the incentive for gas producers to expand costly and uncertain explorations for additional supplies of gas has gradually withered away.

The key question now is: What can be done to restore the necessary incentive?

Part of the answer will be provided by making the gas producers' sales contracts with interstate pipeline companies valid and binding.

They are not now valid and binding. The regulatory policies followed by the Federal Power Commission permit that agency to change the terms of such contracts at any time, even though they were originally approved by the Commission.

Clouds of uncertainty hang over every contract between producer and interstate pipeline. Even after the contract is signed and approved, the producer does not know for sure what price he will be paid for his gas. He does not know how long he will be paid an agreed-upon price. He does not know how much gas he will be called on to deliver to the pipeline. And he does not know how long he will be required to make deliveries.

Under such circumstances, it is not surprising that producers are discouraged from pressing the search for new supplies. Also, it is not surprising that more and more gas is sold in the State where produced since intrastate sales contracts are not subject to these uncertainties. And it is understandable that investment sources have turned away from the gas industry.

Mr. Speaker, these unfavorable development are of direct concern to the people of my own district, where much gas is consumed and none is produced. Their adverse effects extend to all consumers throughout the Nation. Unfortunately, the situation will get worse, not better, unless something is done.

H.R. 2513, which I introduced in the House last January, represents an attempt at a beginning toward doing something. By making contracts between producers and interstate pipelines valid and binding on all parties concerned, it would remove some of the uncertainties which now hamper the search for new gas supplies.

My bill does not propose to take away the control authority of the Federal Power Commission. Producer-pipeline contracts would continue to be submitted to the Commission for approval, conditional approval, or disapproval. Only approval, or approval after stipulated conditions were met, would place a contract into binding effect. Commission disapproval would void it.

The big difference from the existing situation is that once a contract was signed and approved, the producer would know what to expect. This is not too much to ask.

Enactment of H.R. 2513, a "validity of contract" measure, will be at least a start toward meeting the gas shortage crisis that looms over the Nation.

ABANDONMENT OF OKINAWA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, August 4, 1971

Mr. BYRD of Virginia. Mr. President, the Chicago Tribune of July 21 included in its letters to the editor column a most thoughtful letter by Mr. Eugene L. McHarry, a former mortar gunner in the 96th Infantry Division.

Mr. McHarry voices his concern lest the United States take precipitate action in abandoning the island of Okinawa.

As noted by Mr. McHarry, the United States and in particular the 96th Infantry Division, paid dearly to establish our position on that island.

I ask unanimous consent that the text of Mr. McHarry's letter, entitled "Keep Okinawa," be printed in the Extensions of Remarks.

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

KEEP OKINAWA

HAVANA, ILL.—The signing on June 17 of a treaty renouncing our complete control of Okinawa within two years may be an even greater catastrophe for the United States [and also for Japan] than Pearl Harbor.

The status of this strategic island was determined by the 1951 treaty of peace with Japan. It gave the United States complete administrative authority. Today, after U.S. expenditure of $2 billion, Okinawa is our most important single military base complex in the entire Far East. Only last year we poured $260 million more into it.

We can be grateful that Sen. Harry F. Byrd Jr. of Virginia introduced the Senate resolution requiring that any change in the Japanese peace treaty be ratified by the Senate. As Sen. Byrd remarked, "How can we support our Pacific guarantees, as we claim we will, and also surrender our facilities?"

We of the 96th Infantry Division, which lost 7,222 in killed and wounded—the heaviest losses of any of the six divisions in the terrible battle for Okinawa—insist that our determination on the final disposition of this strategic island bastion of Oklinawa be given a duly weighted consideration by the Senate.

To preserve the freedom won in our victory, we must insist that the Senate withhold approval of an executive decision relinquishing full control of this vital base as long as Communist-imperialist Russia and China support invasions in Southeast Asia.

EUGENE L. MCHARRY,
Ex-mortar gunner, 96th Division.

REV. EDDY IE SWIESON ADDRESSES CAPITOL HILL STAFF PRAYER GROUP

HON. MARK O. HATFIELD

OF OREGON

IN THE SENATE OF THE UNITED STATES

Wednesday, August 4, 1971

Mr. HATFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a speech recently made to the Capitol Hill Staff Prayer Group by Rev. Eddy Ie Swieson, who is associate pastor of the Fourth United Presbyterian Church, Bethesda, Md.

This is the church I frequently attend when I am in Washington. Mr. Swieson was invited to speak to the breakfast group by the group's president, Homer McMurray, to share with them his concern about our American society today. I invite the attention of Senators to this interesting and provocative commentary on today's society.

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

WHAT DESTROYS A SOCIETY?—ECCLESIASTES 3: 1–13

What concerns you most—when you think of *our* American society today?

1. Is it the young, because many of them defy and depart from our sacred and cherished traditions?

2. Is it morality, because there is so much emphasis on sex appeal and freedom of sexual experience?

3. Is it economy, because there is such a wide and unbridgeable gap between the haves and the have-nots?

4. Is it our diminishing religious inheritance, because, proportionately there are increasing religious drop-outs, as well as growing religious indifference in our nation?

Certainly, these are basic issues which presently plague our society at large, and our immediate community!

However, there is something else which is far more destructive and diabolical of which unfortunately many of us are unaware. Instead, we hail it with great admiration and acceptance!

Our course, it can serve as a great blessing, when rightly applied!

But—when applied indiscriminately and universally, it can be harmful!

It destroys human sensitivity—

It ruins human relationship—the heart of congenial community—

It suffocates the life of a society—And, we have witnessed some of these calamitous consequences!

I am thinking of our sophisticated system: Speed.

The youth of this generation have a saying: "Speed kills".

Obviously they are speaking about some powerful drugs—amphetamines. Those who have experienced the drug known as "Speed" say: "It flies you up in an ecstacy, or flips you into an agony."

In short, when they say "Speed kills", they are speaking allegorically!

We adults also know that speed kills people on the highway! But—how many of us realize that "speed" or "acceleration in life" can be devastating to many homes?

Coming home from work, most men rush out again, either to attend a committee meeting, or a social party!

If children ask their fathers to entertain them, most likely they are passed up or brushed aside!

Even housewives and mothers join in this kind of rat-race.

Yes, speed has permeated the whole system of our society. In many instances, computers no longer serve as man's servants, but as our masters, telling us what to do!

Recently I had the most excruiating *and*, rather embarrassing experience. Upon the advice of one of the bankers—I changed my checking account. This [really] took place last November!

At the time of transaction, I was assured that everything would be to my advantage. The adjustment, I was told, was to be handled efficiently!

But, lo and behold! I keep on receiving ultimatums from the bank! The last warning that was addressed to me was dated June 1, 1971.

Of course, we cannot blame the machine. It just produces; it does *not* have the human emotional ingredients.

The tragedy, however, is that people are mentally and psychologically conditioned by the speeding machine with which they work every day.

As a godly contemporary *Jewish philosopher* has said:

"Our knowledge is but an accumulation of memories. We constantly compare, instead of penetrate . . ."

Moreover, to slow down is considered wasteful and harmful to the business and industrial life of this "throw-away" society!

And thus, we harvest or reap what we have sown.

Now . . . strong reactions are coming from the young!

A brilliant young philosopher by the name of Theodore Roszak—who is my junior—published a provocative book called: "The Making of a Counter Culture" in which he reflects on the "techno-cratic" society and its youthful opposition!

Of course, children resent it when they are ignored, or left out in the cold by their enterprising and aggressive parents.

Alvin Toffler in his book "Future Shock" one of the best-selling books in the field of Sociology—made this surprising remark:

"It is, in fact, not too much to say that the pace of life draws a line through humanity—dividing us into camps, triggering bitter misunderstanding between parent and child, between Madison Avenue and Main Street, between men and women, between American and European, between East and West."

Meanwhile, we condone the system! We congratulate some of its products, such as 'instant coffee' and 'instant food' which lead to 'instant indigestion', and for which there is an 'instant cure' the noisy bubbling of Alka-Seltzer.

Recently, Dr. John Silbur, the new president of Boston University spoke of the annihilation of 'cultural time' through the development of an 'instant culture'.

Here is an outstanding scholar and philosopher who is well-respected by both right-wingers and radicals on the Boston University campus. Here are some of his very profound evaluations:

"With the outbreak of World War II, the Janus face of science had smiled on mankind by the creation of instant communication, instant health and many other things. Suddenly, there was the other face: 'Instant suffering' and 'Instant death'."

You see, Janus is an ancient Roman god, depicted with 2 faces looking in opposite directions! So . . . is the Janus face of science.

According to Dr. Silbur: "Rockets and airplanes are facilitating instant travel, even if it means instant death! Television and radio are offering instant communication, even if it means instant boredom and vulgarity. . . ."

Today, we witness a more serious phenomenon. We see the development of instant politics—politics by assassination, bombing and kidnapping.

Domestically, children are deprived of wisdom, and grandparents of hope. People are bereft of the sense of enduring family ties; they spend most of their lives in isolation from those who care most about them!

This is a serious and alarming symptom which, if unalleviated can be catastrophic to our society!

We all know human survival is not possible if . . . the best of us 'lack all conviction and compassion' while the worst are full of passionate intensity.

We have undercut meaning by stressing 'instant perception' and 'production', as if . . . men thought any faster today than in pre-electronic times.

*** But, let's not impeach each other, or dwell on the outward symptoms. We must get at the root of the matter and to find out the underlying spiritual problem!

It is essential to remind ourselves that we live in a world that is spiritual, as well as physical.

Question: "What is the underlying spiritual problem?" The Bible speaks of men following "the course of this world," following "the prince of the power of the air," that is the spirit at work in the sons of disobedience.

The phrase "the course of this age" is best understood as "this world-system." The Berkeley Version reads as follow:

"In which you conducted yourselves in line with the ways of this world-system, controlled by the prince of the aerial powers, the spirit of the one now working in the sons of disobedience."

Who is behind the scene, monitoring and manipulating the human race?

It is Satan!

He is in fact with us in this atmosphere where we exist.[1]

Yes, he is responsible for this sophisticated system: Speed!

Speed is the devil's strategy!

The most common conception of diabolical strategy is "idol worship" or "witchcraft" which, according to some missionaries, originated in the jungles of West New Guinea and Africa—

But, let's not be deceived!

Satan is smarter than we are. He very well knows that a civilized and sophisticated society like ours would not go for images of Vishnu or Buddha, or succumb to the chanting of a witch-doctor!

His maneuvering is as sophisticated as our business and advertising methods. He moves with the intensity of our passions, and the inflamation of the desires of our bodies and minds!

In short, he identifies himself with us, and infiltrates our whole system!

He leads us in a system which is contrary to that of God and nature.

In the passage which was read to us this morning, God tells us that for everything there is a season, and a time for every matter under heaven!

Jesus was very conscious of the divine velocity—He carefully and consciously moved according to a divine-schedule, never hurrying or accelerating God's timing!

1. For instance, after his very exciting dialogue with the scribes and doctors of law in the Temple in Jerusalem, he gladly consented to wait for another 18 years—until he was 30—before he began his rabbinical career, or teaching ministry.

2. Then, at the very beginning of his ministry, Jesus stubbornly rejected Satan's offer of an "instant kingship"—the price of which would have been to disregard God's schedule and submit to Satan's comprehensive plan—

Satan is extremely anxious to speed up the human pace, in order to make men insensitive and irresponsible.

1. From personal experience, we know that our speed-system has excluded us from the precious and healthy quiet-time.

2. The speed-system has numbed or dulled man's sensitivity to his Creator.

3. The speed-system has undermined man's receptivity and responsibility to his fellow-men.

4. The speed-system has also inflamed human *impatience* and *aggravation.*

You see, how dangerous and serious it is!

"What are we supposed to do to help dissipate or diminish the potential for a traumatic collision in our society?"

The Scripture reminds us that for everything there is a reason, and a time for every purpose under heaven.

In other words, we must recognize that there is a proper time for every project in this universe.

1. The book of Ecclesiastes speaks very clearly that God has provided business for the sons of men to be busy with. God does not intend to detour us from learning and labor.

But it is also the will of God that every one should *eat* and *drink* and *take pleasure* in all his toil!

For this reason, God has made everything 'beautiful' in its time—

The word 'beautiful' is from the Hebrew word, "Yapheh" which means, fair, beautiful and pleasant. "Enjoyable", if you please!

The book of Psalms associates this word "Yapheh" with "joy".

Yes indeed, God intends man to enjoy His

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[1] The Greek word that Paul employed in this context is "aer"—referring to this lower and dense atmosphere in which we all exist!

creation and the *motion of life;* and, not be pressed or even persecuted by velocity!

We ought to be able to strike a *happy balance* between "action" and "recreation"; between "industry" and "family"; between "silence" and "conversation".

Really, this is what the book of Ecclesiastes is telling us—that God has appointed a time for every purpose and for every work!

2. The scripture ALSO reminds us that we must live beyond the *immediate* and *situational.*

God wants us to have the vision of eternity.

And this is why, the writer of Ecclesiastes writes:

"God has put eternity into man's mind" the womb from which Christianity was born—

(a) Hence, the Old Testament prophets—over and over again—declare that in God's plan there is a future!

(b) In like manner, the New Testament apostles speak of the value and virtue of hope!

And, of course, they *refer to* that *"hope"* in the living Christ which supplies *balance* and *patience* in our *present life of business* and *leisure.*

CHALLENGE

1. Are you concerned for our society, and its future?

2. Are you eager to escape the speed-system?

If so, be willing to move with the rhythm of God *by faith;*

believing that He is the God who has ordained for *you* a life of work and of joyful rest;

the God who has given *you* "hope" in the mercy and infinite love of Jesus Christ!

CLOSING PRAYER

Dear Lord: Help us to understand the needs of our children and our contemporary society—

Fill us with the condescending love of Christ that seeks to ease and quench the *agony* and *anguish* of man.

Let nothing, O Lord, anesthetize our sensitivity to others—

Save us from any process or human system that could undermine our *family* and *community* relationship!

We know the price is too high for that!

Help us O God, for Christ's sake. Amen.

CONSERVATION OF FREEDOM

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. SCHMITZ. Mr. Speaker, almost any "movement"—especially one based on an emotional issue—has some potential for abuse. This is especially true if the "movement" becomes identified with self-styled leaders who at times do not have the highest of motives.

As much as all of us believe in clean water, clean air, industrial responsibility, and business honesty—those aspects of our lives which are loosely termed "ecological"—we must at the same time recognize the potential for abuse, even for totalitarianism, inherent in these issues. Again, this is especially true when the leaders of such issues—or the means they devise to deal with the problems—are concerned less with the freedom and well-being of the people than with their own political futures or in grinding their own political or ideological axes.

Mention "ecology" or "consumerism," and the name that pops immediately to mind is Ralph Nader. "I have often heard businessmen dismiss Ralph Nader and his organization as well-meaning fellows who sincerely want to help consumers and improve business. "Forget it," commented Look magazine publisher Thomas Shepherd, Jr., in a recent speech:

Mr. Nader is not interested in seeing U.S. industry clean house. What he wants is the entire house, from cellar to attic. His goal is bottom to top take-over of industry by Government.

Federal Trade Commissioner Paul Rand Dixon has been quoted as saying of Mr. Nader:

He's preaching revolution and I am scared.

The public, too, has a right to be cautious about Mr. Nader's motives. If, in the name of "ecology" and "consumerism," Nader wishes chiefly to insure governmental control over the private sector, then there is true cause for alarm. When one considers that Nader is touring the country organizing college students into "Raider" groups for his purposes, the possible impact on public policy becomes clear.

Governmental policymakers and bureaucratic planners have been all too quick to respond to such pressure. One example is the proposed bill, H.R. 437, which would set nationwide Federal standards for water—not just standards of safety, but standards of esthetics as well. This would mean that the Federal Government would control the standards of minerals and biological elements as well as the smell, appearance and taste of all the water for most of the local residents in the United States. The implications of such Government regulation for the preservation of the independent sector and a free society—especially on a matter which the citizens can surely decide themselves—are ominous. For, when the Government makes the leap from deciding what is safe for you—water safety standards—to deciding what is good for you—water esthetic standards—it is but a short step to Government decisions as to what additives would be beneficial for the general population.

Such a situation is even more dangerous when the Federal Government posseses the nationwide authorization and mechanism for implementing such beneficial decisions. From my seat on the Health and Environmental Subcommittee of the House Interstate and Foreign Commerce Committee, I witness the increasing power of the Environmental Protection Agency—the growth of its prerogatives, its veto power, its influence on governmental policy. With the wrong man at the helm of this Agency it could be one of the most dangerous entities which the citizens face.

If, in response to problems of consumer protection, population concentration, air, water and noise pollution, we react too strongly to the heated demagoguery of such as Ralph Nader, Paul Ehrlich and the rest of the often ill-motivated doomsayers, we are likely to find ourselves investing the Government not only with our protection, but with our freedoms as well.

SEVERANCE TAX IS A FAIR MEANS OF REVENUE SHARING

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, August 4, 1971

Mr. METCALF. Mr. President, I recently received the May 1971 report "Education in Kentucky" by the National Education Association Commission on Professional Rights and Responsibilities. I found it to be a sensitive study of the problems of education in that State and possible solutions to them. The problems are mostly financial; as in other States quality education does not coexist with substandard equipment and underpaid personnel.

The solutions are also financial and particularly difficult for States which find themselves with tax structures that call for the consumer to bear the largest share. The citizens are understandably unwilling to impose further taxes upon themselves in these times of recession.

The NEA report notes that the Appalachian region of eastern Kentucky presents a particular problem. Ironically, although it is one of the great coal mining districts of the Nation, where last year production was valued at over a billion dollars, it at the same time is one of the most economically depressed areas. The consumer there is unable to bear new taxes.

The report devotes several pages to a discussion of a severance tax on natural resource extraction as a possible source of additional revenue for education. A 5 percent severance tax on the lucrative and expanding coal industry would provide additional revenue of more than $50 million to Kentucky.

The NEA report offers some good reasons for the adoption of my bill, S. 1843, which would provide revenue for the States through collection of a uniform severance tax. The NEA report points out that the coal industry can easily afford a 5-percent tax because production is expected to continue at high levels with the companies continuing to show their already high margin of profit.

Mining firms have generally opposed severance taxes on the grounds that if one were levied in one State, firms in other States would gain a competitive advantage. The bill I propose neutralizes this argument by imposing the tax uniformly. It further provides that any State severance taxes collected will be deducted from the amount levied by the Federal Government. The bill would thus create an incentive for State governments to enact severance taxes of their own and obtain the revenues from mineral development within their borders.

Barriers that have stood in the past regarding this legislation are beginning to disappear. The concept of revenue sharing is now a term of everyday parlance, whereas before it was something strange and unfamiliar. More importantly, the American people and the legislators who represent them are increasingly demanding that industry show a greater sense of responsibility to the society in which it operates. We are no longer will-

ing to let industries pollute our air and water as they please. Accordingly, we should not be willing to allow them to extract huge profits from the land without returning a portion of those profits for the intellectual and physical well-being of those people who live on or near the land whose resources companies extract.

Mr. President, I ask unanimous consent that the portion of the NEA report which deals with severance tax be printed at this point in the RECORD.

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

SEVERANCE TAX

In his book, "Night Comes to the Cumberlands," Harry Caudill, Kentucky lawyer and former legislator, described the economic and human tragedy of Eastern Kentucky—and of the Appalachian region in other states as well:

"The present crisis is compounded of many elements, human and material. They have produced what is probably the most seriously depressed region in the nation—and the adjective applies in much more than an economic sense. They have brought economic depression, to be sure, and it lies like a gray pall over the whole land. But a deeper tragedy lies in the depression of the spirit which has fallen upon so many of the people, making them, for the moment at least, listless, hopeless and without ambition.

"The essential element of the plateau's economic malaise lies in the fact that for a hundred and thirty years it has exported its resources, all of which—timber, coal, and even crops—have had to be wrested violently from the earth. The nation has siphoned off hundreds of millions of dollars' worth of its resources while returning little of lasting value. For all practical purposes, the plateau has long constituted a colonial appendage of the industrial East and Middle West, rather than an integral part of the nation generally....

"From the beginning, the coal and timber companies insisted on keeping all, or nearly all, the wealth they produced. They were unwilling to plow more than a tiny part of the money they earned back into schools, libraries, health facilities, and other institutions essential to a balanced, pleasant, productive and civilized society. The knowledge and guile of their managers enabled them to corrupt and cozen all too many of the region's elected public officials and to thwart the legitimate aspirations of the people. The greed and cunning of the coal magnates left behind an agglomeration of misery for a people who can boast of few of the facilities deemed indispensable to life in more sophisticated areas, and even these few are inadequate and of inferior quality."

Kentucky's vast mineral wealth is one source of revenue potential to which the NEA Special Committee has given particular attention. The greatest portion of this wealth in Kentucky lies within the major coal-producing counties in the southeastern part of the state—that area described as the Cumberland Plateau. It is the conviction of this Committee—based on testimony and sound evidence—that economic and social rehabilitation of these poor-rich counties is essential if Kentucky is ever to achieve a healthy economic balance and if equality of educational opportunity is ever to be a reality for the young people of the Commonwealth. A severance tax on the extractive industries could produce the revenues that would enable this improverished region to take major steps toward achieving such rehabilitation.

Because of underassessment and underreporting of mineral values for tax purposes (pp. 102–106) and because of low tax rates (pp. 106–110) property taxation has not proved an effective means of achieving a fair return on the millions of dollars in profit that Kentucky's annual mineral production yields to the absentee corporations who own and lease mineral rights to mining companies within the state. Moreover, the mining companies themselves escape heavy tax liabilities since the state sales tax specifically exempts (a) coal for the manufacture of electricity; (b) energy fuels for manufacturing or processing if the cost reaches more than 3 percent of the total production cost; and (c) machinery for new or expanded industry, into which category most mining machinery falls.

The losses to the state through its failure to impose any effective tax on its mineral resources—primarily coal, but also natural gas, oil, timber, limestone, clay, sand and gravel, and other mineral products—are enormous. The state's minimal (1.5 percent) oil production tax did yield $221,000 during fiscal year 1968; however, during that same year, the total value of mineral production in Kentucky was $535,705,000. The major part of this dollar value was in coal production, which amounted to $396,883,000.

Originally, according to the U.S. Bureau of Mines, Kentucky's Appalachian coal fields contained some 35 billion tons; the Bureau has estimated that as of 1965, 27.8 billion tons of recoverable coal remained. Although coal mining employment has steadily declined as machines have replaced manpower, the future of the industry at this time appears bright. The Federal Power Commission has estimated that the consumption of coal by the electric utility industry alone would soar 250 percent by 1980. Officials of the U.S. Geological Survey and U.S. Bureau of Mines reported in 1968:

"Recent production gains have been based on sound economic factors. The confidence of the industry is reflected in the fact that during 1964 approximately $800 million was spent by the coal industry for improving and building new mining facilities and equipment. . . .

"The economic and technical improvements in mining and transporting coal have in turn improved considerably the competitive status of coal as an energy source. Three of the largest electric utilities in Florida are now consuming coal; this state was once the exclusive domain of other fuels. . . . A coal-burning, electric-generating unit will be built in Mississippi, the first to be constructed in that state. Three new long-term contracts were recently signed to supply Appalachian coal to New England electric power plants. Several electric utilities have built or plan to build mine-mouth generating plants in the Appalachian area."

Growing foreign demands for Appalachian coal and new uses of the mineral—its conversion into liquid hydrocarbons, char, and electrical energy, and its use in the manufacture of petroleum and pipeline gas—have greatly inflated the market for coal in recent years and have raised its price to the highest level since 1957—$4.99 per ton as of 1969. During 1969, Kentucky's total bituminous coal production amounted to 109 million tons—an increase of nine million over the tonnage produced in 1968. Only one other state, West Virginia, exceeded this production level. More recent—and even more encouraging—data were reported by the *Louisville Times* on November 22, 1970. In an article headed "Boom in Coal Doesn't Mean Kentucky Boom," that paper announced a 1970 Kentucky coal production of 115 million tons, valued at more than one billion dollars, and selling for "an incredible average of $9 a ton." Commenting on what this meant to Kentucky—and what it might mean with a tax on coal production—the article stated:

"These are the good times that the industry has dreamed about. But good times for whom? Good times for the coal companies, most of them out-of-state firms, and the biggest of them surface miners who turn Kentucky coal into take-home cash and leave us with the mess—the gouged land, the silted creeks, the denuded hills, the acid seepage, the burning gob piles—to live with.

"But think what the state could do with the income if coal were taxed at a sensible level. Even a 10-cents-a-ton tax, which would amount to about one percent on sales price, would give the state more than $11 million of help with its school needs. A five percent tax on sales would bring in $51.7 million—enough by itself to cure a lot of the deficiencies the NEA investigators have found in our schools, or to rebuild most of the roads buckled and torn by the coal trucks.

". . . the list of the coal counties of Kentucky contains the names of not all but many of the state's poorest counties, including many that lean most heavily on the rest of the state for help with their public services. It is interesting to consider how these potentially wealthy counties would fare, after all these years of neglect, under a fair coal-land tax policy."

Opponents of a tax on coal production argue that the imposition of such a tax would place the state at a disadvantage in market competition with other coal-producing states. However, their argument is countered by those who point to the confident predictions of the industry itself, outlined above, which seem to indicate that the present boom period in coal production is not to be short-lived.

The passage of a federal severance tax, such as that proposed by Senator Lee Metcalf (Montana) in 1970, would, of course, remove the factor of market competition from any state's consideration of such a tax. The Metcalf bill would impose a 5 percent tax on the gross income from all domestic mineral properties, but would allow full credit against the federal tax for any state or local severance taxes paid with respect to these properties. The effect of this federal incentive bill would be to induce all mineral-producing states to enact production or severance taxes—unless they preferred to forfeit this lucrative tax source to the federal government. The proceeds of such a tax to Kentucky in 1968 would have amounted to over $26 million. The revenue yield on the state's increased production in 1969 would have been even greater than this amount.

But the federal severance tax bi.. has not yet become law. And with every passing month, Kentucky's mineral wealth—and millions of dollars in virtually tax-free profits—flows to out-of-state mineral lessors, whose names comprise a roster of some of the foremost corporations in American industry: U.S. Steel, Bethlehem Steel, International Harvester, Ford Motors, Republic Steel, National Steel, and New York Mining and Manufacturing are among them.

"These companies and their lessees have mined billions of tons of coal and pumped out millions of barrels of oil. They have quarried millions of tons of limestone and now are piping away silent rivers of natural gas. The extraction of East Kentucky's wealth staggers the imagination. It continues today—as in the past—under the direction of people who have sympathy for neither the Kentucky land nor its inhabitants.

"At one time the people had some considerable part in the extractive process. The mines required large numbers of workers and the mountaineers were paid to bring out the coal. To a remarkable degree modern technology has replaced miners with machines and now two-thirds of the population are irrelevant to the main business of the region—the carting away of wealth."

A 1938 study by Richard M. Kirby of the Appalachian Volunteers found that four-fifths of all the coal in East Kentucky is owned by only 31 individuals and corporations, which include the names listed above and a number of less well known companies. The profits of these corporations are further swollen by favored tax treatment from the federal government. An article in the *Wall*

Street Journal publication, *Dun's Review and Modern Industry*, April 1965, spoke enthusiastically of "The Investment Nobody Knows About."

"For all their small numbers . . . the coal royalists hold what may well be one of the most lucrative investments in all of America. Certainly, it is not too much to say that its benefits begin right at the tax collector's door. Almost hidden in the federal tax code, a special provision gives capital gains treatment to royalties received from the mining of coal lands that have been held for the usual six months or more.

"But like the seam of coal above the ground, that is only the beginning of the wealth. Not only does the coal royalist get capital gains treatment, he also is blessed with the benefits of a cost depletion allowance. . . . If the coal royalist paid $5,000 for his land and it holds 50,000 tons of coal, then the royalty income on an average 25 cents a ton would come to $500 a year.

"When it comes to paying taxes on that $500, the coal royalist first takes out a depletion allowance of $200. Then, from the remaining taxable income of $300 he computes his tax at the 25 percent capital gains rate. Final tax: $75, giving him a return after taxes of 85 percent on his total income of $500."

The article reported glowingly the profits actually realized:

"Virginia Coal & Iron Company of Philadelphia . . . leases huge coal land acreage to operators on a royalty basis. Last year it pulled in a phenomenal $1.5 million in profits on a net income of $1.7 million. Kentucky River Coal Corporation of Lexington . . . which owns about 200,000 acres of coal fields in five Kentucky counties and derives most of its income from royalties . . . in 1963 paid out $649,414 in dividends, nearly half of its $1.4 million in sales."

Meanwhile, the land from which these vast profits are wrested remains a barren place for the East Kentucky residents whose ancestors, generations ago, placed their "marks" on the broad form deeds, through which all rights of ownership to these valuable mineral lands were forfeited, except the right to subsist and pay taxes on a few feet of ravaged surface ground.

The Subcommittee on Strip-Mining of the Young Kentuckians Advisory Committee, appointed by Governor Edward Breathitt in 1967, showed recognition of this tragic injustice, when its members stated in their report to the Governor:

"Every Kentuckian who pays his fair share of state and county taxes helps make up the difference when an out-of-state corporation fails to pay its fair share.

"We pay in poorer roads, poorer schools, poorer service, and poorer people. We pay in the loss of dignity and self-respect that goes with consistently being played for a sucker.

"The sooner the Kentucky legislature wakes up to the necessity of levying a severance tax on coal, timber, and other natural resources, the sooner Kentucky will take its rightful place among the progressive states of the nation."

But the powers of the coal lobby are formidable indeed—in the counties of Kentucky and at Frankfort, as in other coal-producing states—and in Washington, D.C.

Although a tax on the dollar value of coal and other minerals mined would be easily administered and eminently fair, although the need for such a tax is glaringly obvious, such a tax is yet to be adopted. In the words of Richard Kirby, quoted below, the coal royaltists continue to have "representation without taxation"—in Kentucky, in other states, and at the federal government level as well:

". . . when the usual economic factors producing free flow of capital and people do not operate, when the region is both isolated and depressed, the citizens of the region cannot afford to allow anyone to profit from its resources who does not contribute to their orderly development. Mineral owners do not make such a contribution. They perform no labor, provide no service; their profits come simply from the fact of ownership. The least the region can afford is to levy a systematic tax on their wealth.

"The inner logic of a more adequate mineral tax, be it severance or property, lies in the proposition that the region should create and exercise control over the use of its own resources."

SECRETARY OF COMMERCE MAURICE STANS PUTS OUR TRADE DIFFICULTIES INTO PROPER PERSPECTIVE

HON. CHARLES A. MOSHER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. MOSHER. Mr. Speaker, the citizens of our country are increasingly aware of the deteriorating position in our balance of trade with other nations. In June of this year imports exceeded exports by over $362,000,000, producing a 1972 second quarter deficit of $803,000,000. This deficit is the worst which our Nation has produced for any single quarter in 25 years.

The fact that our country may run its first outright trade deficit since 1893 is in itself alarming. But coupled with this is a Treasury Department announcement, also made last week, that the U.S. gold stock had slipped below $10 billion. This is the lowest level which U.S. reserves have reached since 1938. Our trade deficit and low reserves have in turn fueled increasing speculation on the worldwide gold market.

The Subcommittee on Science, Research, and Development of the Science and Astronautics Committee views these facts as part of a most fundamental problem facing us today. This concern was reflected in hearings held before the subcommittee last week on the subject of science, technology, and the economy.

Mr. Speaker, the lead-off witness for these hearings was the Secretary of Commerce, the Honorable Maurice Stans. Secretary Stans did an outstanding job of putting our trade difficulties into proper perspective. He identified what might be the most important factor in our lagging trade position, namely, our need to increase spending for civilian research and development.

I am concerned that our Nation can maintain its lead in high technology products only if we increase funding for the necessary research and development, but at the same time we must also search for more efficient ways to spend this money.

There are those who say that we spend an adequate amount, or even too much, for science and technology in the United States. In answer to that assertion, I should like to quote figures presented by Secretary Stans on the estimated value of total national efforts for civilian technology. If one adds capitalized value of purchased foreign technology, we find that the United States spent 1.6 percent of its 1968 gross national product for civilian technology; on the other hand, our strongest foreign competitors, West Germany and Japan, spent 3.6 percent and 3 percent, respectively, during that same year.

Thus, it is not a question of adding a bigger cushion to an already comfortable lead, but a question of catching up where we are seriously behind.

I now call the urgent attention of my colleagues to Secretary Stans' testimony before the Subcommittee on Science, Research, and Development on July 27, 1971:

STATEMENT BY MAURICE H. STANS

My interest in appearing before this Committee is to discuss the role of technology insofar as it relates to our economic development and particularly as it relates to our international commercial relationships.

This is most clearly evident from a review of our trade position, which is undergoing a very critical rate of change.

I will attempt to demonstrate to the Committee that technology may be a key factor in developing a solution to the emerging unfavorable trade balance.

INTRODUCTION

For nearly a century this country has enjoyed healthy surpluses in its international trade balance. Positive balances have covered deficits resulting from tourism, defense, and foreign investment, and have accounted for substantial employment for many Americans. Recent events, however, should cause us to lose any complacency we might have acquired over the years. American manufacturers now find it increasingly difficult to compete in the world market. Imports are rising dramatically, faster than exports, with a sharply negative impact on both the balance of payments and domestic employment levels.

No single answer fully explains why we are now facing these problems. Our international trade position is affected by a variety of economic and institutional factors such as inflation at home and abroad; foreign exchange rates; trade promotion; tariffs; quotas and other import restrictions; nontariff trade barriers; export credit; domestic wage levels; and technological development.

For obvious reasons we can do very little if anything to alter some of these factors. I doubt, for example, anyone seriously would suggest reducing U.S. wage levels.

In some other areas, such as tariffs, nontariff barriers, export credit, exchange rates, and trade promotion, we are taking steps to obtain outcomes more favorable to us. These efforts are important and are being pursued vigorously. Nonetheless, it must be recognized that success in many of these areas requires decisions by other governments, a process that is both time consuming and not within our control.

The major element which we can influence decisively for the long run is the level of technological development. It may be our only hope of maintaining a future trade position adequate to support our balance of payments in the years to come.

In the presentation that follows, I intend to concentrate on this area not because it is the sole answer to the trade problem but because it is a vital part of the answer and because I am convinced that we can do something about it.

BACKGROUND

For a number of historical reasons, technology has been one of the cornerstones of the U.S. economy. In the 19th and 20th centuries the U.S. was a labor-scarce market. This made American wages generally higher than other nations and tended to make American prices less competitive in the world market. Ways had to be found to make up for both scarce labor and resulting higher product prices. Our answer was to develop and use processes and equipment which

would increase the productivity of the American labor force. In brief, technological advances had to be created to compensate for our higher domestic wages.

During the 19th century the productivity of the U.S. labor force caught up with and passed all European competitor nations. The natural forces of the economy shifted laborers from low-productivity farming to high-productivity industry as increasingly sophisticated machines and processes were applied to industry. As a result, in 1876 the United States recorded its first favorable trade balance.

Throughout the first half of the 20th century, U.S. productivity growth rates surpassed those of Europe. Within the last two decades, however, the situation has been reversed. Since 1950, European and Japanese productivity growth rates have been higher than ours. This reversal has been achieved by a determined effort by them to accelerate technological progress and to make it an engine of economic development.

While U.S. technological development has not been stagnant, our competitors have been making greater relative efforts and are in effect catching up. Western Europe and Japan are narrowing the technology gap. They have increased R&D expenditures substantially and their increases in productivity over the last few years have far outpaced ours. The result is that American producers are finding it hard to hold their own against foreign manufacturers at home and abroad.

The purpose of this presentation is to illustrate the dimensions of the problem and to show the possible roles that Government might assume in assisting American industry to enhance the Nation's technological level in a vastly more competitive world economy.

The first consideration in this is to review the evidence relating to our trade decline and the relationship between that trade decline and the state of our technology compared to that of our competitors.

BALANCE OF TRADE

The balance of trade measures the competitive position of products in the world market. The U.S. overall balance of trade in recent years has deteriorated from surpluses of $5–$7 billion in the early 60's to $1–$2 billion levels since 1967. In 1971 the trade surplus may disappear altogether, for the first time since 1893 (see Chart 1).

In order to identify more closely the relationship between technology and trade, we have broken down trade balances into categories of higher and lower techlogical intensity: (1) agricultural products, (2) raw material (minerals, oil, et cetera), (3) low-technology manufactures (such as textiles, iron and steel, footwear), (4) high-technology manufactures (such as computers, aircraft, automobile products).

The following trends have emerged:

(a) agricultural products show a small but fluctuating surplus;

(b) raw materials have a large and persistent deficit, one that is likely to grow;

(c) the major trade losses have occurred in low-technology products. From 1951–1955 the U.S. showed an average annual surplus of $1.8 billion in these products. Deficits started in 1958 and by 1965 a deficit of $2.9 billion was realized; by 1970 this deficit more than doubled to $6.1 billion. It will continue to increase (see Chart 3).

(d) the increasing deficit in low-technology products, plus the chronic deficit in raw materials, has been offset by sizeable but stable surpluses in high-technology products. A surplus of $9.1 billion was realized for these products in 1965; minimal growth (perhaps none if inflationary factors are considered) occurred between 1965 and 1970 (see Chart 4).

Most of the new imports in high technology products have been from the more developed competing nations. With the exception of 1970, recent U.S. trade surpluses with Western Europe in high-technology products have declined. Our surplus with Canada has also dwindled, largely because of an automotive agreement. The U.S. had a deficit of $0.1 billion in such trade with Japan in 1965; by 1970 the deficit had grown to $1.1 billion (see Chart 5).

PRODUCTIVITY

An indicator of trends in the Nation's technology position is the rate of productivity growth compared with other developed countries. Productivity growth involves the measurement in the changes of output per unit of labor input.

Historically, U.S. productivity and productivity growth far outpaced other countries mainly because of large scale import of capital and foreign technology, immigration of skilled adult manpower, growth in markets, high wages which induced labor-saving devices, innovative spirit, lack of rigid traditions and comparatively low war losses. From 1870–1950 the U.S. rate of productivity growth exceeded Europe by 60% and Japan by 70%. Starting in 1950, the situation was reversed, and U.S. productivity growth now lags well behind Europe and Japan. (See Chart 6.)

From 1950–1965 our productivity growth rate trailed Europe by 35% and Japan by 60%. The trend since 1965 shows an even more rapid relative decline: U.S. rates trailed Europe by 60% and Japan by 84%. These differentials in rates result both from unprecedented levels of productivity growth in Europe and especially in Japan, and from declines in U.S. productivity growth (1965–1969) which was only 1.7% compared with 4.5% in Europe and 10.6% in Japan (see Chart 6).

FACTORS IN LOSS OF TECHNOLOGY ADVANTAGE

The global indicators, balance of trade and comparative productivity growth rates, indicate a relative decline in U.S. technological strength. Some of the factors underlying this decline are: (1) the accelerated worldwide transfer of existing technology, (2) relative lower U.S. investments for civilian R&D and capital equipment than foreign competitors, (3) the growth of foreign government incentives, and (4) increasing cost and risks of major technology breakthroughs, often beyond the capacity of individual companies.

WORLDWIDE TRANSFER OF EXISTING TECHNOLOGY

There has been a proliferation of arrangements whereby U.S. and foreign technology have been exchanged between countries under licensing arrangements, joint ventures, multi-national companies, and contracts between companies. Analysis shows that foreign competitors, notably Japan, have based a sizeable portion of their industrial growth on borrowed technology (under licensing arrangements).

CIVILIAN R. & D.

Though the U.S. still maintains a much higher level of R&D expenditures than any individual country in the world, it is becoming evident that other countries, notably Western Germany and Japan, are placing a much higher relative emphasis on civilian R&D. In 1968, the U.S. spent $13 billion for civilian R&D. Equivalent figures for Japan and West Germany amount to $3 and $4 billion, respectively. These individual expenditures represented 1.5% of U.S. GNP, versus 2.6% of German GNP and 2.0% of Japan's. If the capitalized value of purchased foreign technology is computed and added to these figures, the U.S. level stays the same but both German and Japanese levels jump to $5 billion annually.

While the dollar level of our R&D exceeds the sum of West German and Japanese expenditures, there are two factors that qualify this apparent conclusion. One is that wage costs in those countries are much lower, with the result that they can purchase more R&D per dollar invested. Secondly, and perhaps more importantly, it takes a greater R&D effort, at much greater cost, for the leading country to find innovations to stay ahead. (See Chart 7.)

GROWING FOREIGN GOVERNMENT INCENTIVES FOR NEW TECHNOLOGY

Part of the new technological thrust of foreign competitors has been stimulated by the proliferation of investment and R&D incentives. Such incentives offered by Japan, Canada, and most of the countries in Western Europe include grants, loans, loan guarantees, interest subsidies and employment subsidies. These countries offer incentives such as income tax exemptions, accelerated depreciation, and tax credits. Canada, for example, gives 25% grants for capital investment in R&D projects. West Germany provides up to a 50% write-off for R&D investment and a 10% subsidy for capital investments in R&D. Japan provides up to a 3-year tax holiday for profits on "new and important" products (in Japan the government has a very close working relationship with businesses which export).

PATENT ACTIVITY

There is growing evidence that other nations have been much more aggressive than the U.S. in patenting new technologies. Even in the applications for patents by foreigners to the U.S. Patent Office, the share of foreign applications for U.S. patents has grown steadily from 25% of U.S. patent applications in 1961 to nearly 45% in 1969. This, of course, represents only a portion of the total foreign patent activity. (See Chart 8).

Fixed Assets. In terms of annual growth and percent of GNP, U.S. competitors are outperforming the U.S. in the rate of investments in fixed assets for durable equipment and non-residential structures for business purposes. This has been true since 1950 and more pronounced since 1959. From 1959–69, the U. S. annual growth rate in investment in fixed assets was 5.8% compared with 9.2% for France, 6.1% for Western Germany and 16.9% for Japan. In terms of relative effort our competitors again outdo the U. S. in 1969, U. S. share of GNP devoted to investment in fixed assets was less than 11%; comparable levels for France, Germany and Japan were 18%, 19% and 29% respectively. (See Chart 9).

Labor Cost Considerations. The maintenance of technological advantages, while vital for national security, is also essential for the Nation's economic well-being. Given our higher labor costs, it is only in the product areas with technological superiority where we can expect to maintain our economic competitiveness. In the absence of compensating technological factors which result in a better quality of product, unique products, or cheaper production methods, the U. S. is faced with a critical cost disadvantage due to its high labor costs. Though labor costs have been rising rapidly in competitive countries, the differential is still vast. In 1970, Japanese labor costs (including fringe benefits) were only 26% of the U. S. levels, U. K. levels were 37%, France 39%, West Germany 54% and Canada 83%. While such differences may narrow somewhat in the foreseeable future it is not likely that wages in these countries will match those in the U.S. for a long time. The spread of course is even greater in the case of the developing countries. (See Charts 10 and 11).

WHY SHOULD THE FEDERAL GOVERNMENT BE CONCERNED

The situation I have just described is clearly serious and growing worse. It has already affected our international trade position and promises to have an even greater impact in the future.

The magnitude of the problem is such that we cannot rely upon normal market forces to maintain our advantage in technology. We are at the forefront in many technological areas. The costs of breaking new ground in some of these areas are high—higher than private companies or perhaps even private consortia are able to justify because the risks

are so great. We have recognized this fact in the space, defense, and atomic energy areas. Other trading nations have recognized it in the area of civilian R&D and have taken steps to assist technological development. If we are to maintain our advantages in this area we must first of all accept the idea that it has become a proper sphere for governmental action.

OBJECTIVES

Our objectives in technology are readily described. We must strive to:

Remove barriers impeding the use of existing technology.

Stimulate better use of existing technology.

Remove barriers impeding the development and use of new technology.

Stimulate the development and use of new technology.

Let me now turn to some of the ways we might proceed to attain these objectives. These alternatives are presented in the nature of program options each of which will require extensive further analysis in order to determine if, in fact, it provides an effective and acceptable way of maintaining our technology lead.

Program option 1

We should examine the feasibility of establishing a single federal focus for several activities directly related to enhancement, assessment and forecasting of industrial technology.

These activities would include:

Identification of technology opportunities in various industries.

Assessment of current technological strengths and weakness.

Forecast of future technological developments.

Development of specific industrial technology enhancement programs.

Establishment of mechanisms to guide technology transfer.

Development of educational and training programs designed to encourage invention and innovation.

Acceleration of domestic dissemination of the results of government sponsored R&D.

Some of the above activities are not now being performed. Others are scattered throughout the government and thus lack the consistent and coherent thrust that is required to obtain effective results. We should set about determining which of these activities are required and where they would best be located.

Program option 2

Because of the increasingly high costs and risks of exploration on the technological frontier, we should carefully explore the feasibility of creating direct and indirect financial incentives aimed at stimulating the development and utilization of new technology. Several alternatives are available. For example, should direct federal assistance be provided through: loan guarantees; cost sharing; grants; and procurement incentives?

Indirect financial assistance could take the form of tax incentives for R&D and capital expenditures. Perhaps the U.S. will need to match some of the tax incentives (depreciation allowances, investment credits, credits for incremental R&D, favorable treatment for casual inventors) offered by its competitors.

Program option 3

Substantial progress might also be made simply by freeing our industries from some of the burdens under which they, but not their foreign competitors operate. The high costs and risks of technological development, for example, might well be spread among a number of firms, but our antitrust rules now prevent this by prohibiting joint ventures and joint research.

It may well be time to modernize antitrust laws which evolved to deal with the different problems of an earlier era in order to permit the pooling of funds and risks that must accompany major technological advances.

Program option 4

Technological development and utilization is frequently delayed by the lack of generally accepted industrial standards. Potential manufacturers hesitate to invest heavily in the introduction of innovative equipment when they are uncertain about the requirements or specifications which will define the market for such equipment, especially in export trade. We should encourage the setting of voluntary standards where appropriate and mandatory ones where absolutely necessary.

But today voluntary standards making is usually inhibited by antitrust laws. Again, it may be time to reexamine these laws to ensure that they meet the needs of today. More effective standards can also be achieved by: avoiding frequent changes in standards; substituting performance standards for material standards; and preempting state and local standards or promoting uniformity among them.

In international trade, it is extremely important that the U.S. insist upon participating in standards-setting negotiations to avoid prejudice to our products. Legislation to this effect is now before the Congress.

CONCLUSIONS

I do not presume, today, to suggest which of these options are most effective or even most desirable. A considerable amount of thorough analysis by both the Executive and Legislative Branches is necessary in order to settle upon that combination which will maintain the preeminence of American technology in the world market.

This work is now proceeding in the Department of Commerce and other units of the Administration. My sole objective in testifying today has been to point up the significant relationship between technology and commerce, especially its significance to our international economic strength.

If we recognize the importance of this relationship, I am confident that we can find the correct solution.

CHART 1.—*The trend*

Deterioration in trade position:

1968-trade surplus dropped to $1 billion from higher postwar plateau;

1971-probability of first trade deficit since 1893;

Recent trend—growing deficits in raw materials and low-technology manufactures; static surpluses in agricultural products and high-technology manufactures.

Trade Surpluses

(In billions)

1950	1.4
1960	5.4
1961	6.1
1962	5.1
1963	6.1
1964	7.7
1965	5.9
1966	4.6
1967	4.5
1968	1.1
1969	1.5
1970	2.7
1971 (est.)	0.0

CHART 3.—TRADE IN LOW TECHNOLOGY MANUFACTURES

[In billions of dollars]

	Average 1951–55	1965	1970
Exports	3.7	4.4	6.8
Imports	1.9	7.4	12.9
Balance	1.8	−2.9	−6.1

CHART 4.—TRADE IN HIGH TECHNOLOGY MANUFACTURE

[In billions of dollars]

	Average 1951–55	1965	1970
Exports	6.6	13.0	22.6
Imports	.9	3.9	13.0
Total	5.7	9.1	9.6

CHART 5.—TRADE IN HIGH TECHNOLOGY GOODS BY REGION

[In billions of dollars]

	1965	1970
Europe [1]		
U.S. exports	3.7	7.1
U.S. imports	2.1	4.7
Balance	1.6	2.4
Japan:		
U.S. exports	.6	1.5
U.S. imports	.7	2.6
Balance	−.1	−1.1
Canada:		
U.S. exports	3.1	5.6
U.S. imports	.9	4.8
Balance	2.2	.8
Rest of world:		
U.S. exports	5.6	8.3
U.S. imports	.2	.9
Balance	5.4	7.4

[1] 26 Western European countries.

CHART 6.—*Comparative Productivity*

(Average annual growth rate in percent)

1870–1950:	
United States	2.4
Europe*	1.5
Japan	1.4
1950–65:	
United States	2.6
Europe*	4.0
Japan	6.8
1965–69:	
United States	1.7
Europe*	4.5
Japan	10.6

*Italy, Germany, France, Belgium, Netherlands, and United Kingdom.

CHART 7

ESTIMATED CIVILIAN R. & D. EXPENDITURES

[In millions of dollars]

			Percent of GNP	
	1959	1968	1959	1968
United States	5,543	13,093	1.1	1.5
West Germany	1,050	3,952	1.3	2.6
Japan	680	2,939	1.8	2.0

ESTIMATED VALUE OF TOTAL EFFORT FOR CIVILIAN TECHNOLOGY [1]

United States	5,759	13,903	1.2	1.6
West Germany	1,608	5,336	1.9	3.6
Japan	1,051	4,822	2.5	3.0

[1] Adding capitalized value of purchased foreign technology.

CHART 8.—APPLICATIONS TO THE U.S. PATENT OFFICE

	Total	United States	Foreign	Foreign, as percent of United States
1961	83,100	66,039	17,061	25.8
1962	85,029	66,755	18,274	27.4
1963	85,724	66,570	19,154	28.8
1964	87,597	66,996	20,601	30.7
1965	94,629	72,303	22,326	30.8
1966	88,293	66,631	21,662	32.5
1967	87,872	63,826	24,046	37.7
1968	93,136	66,845	26,291	39.3
1969	98,386	67,879	30,507	44.9

CHART 9.—COMPARATIVE INVESTMENT IN FIXED ASSETS

	Annual growth rate		Percent of GNP		
	1950-69	1959-69	1950	1959	1969
United States	4.3	5.8	11.8	11.9	10.7
United Kingdom	4.8	4.7	10.3	12.7	13.5
France	6.3	9.2	13.6	14.9	18.4
West Germany	8.1	6.1	14.1	17.7	19.1
Japan	14.9	16.9	17.5	22.7	29.6

[1] Durable equipment and nonresidential structures for business purposes.

CHART 10.—INDEXES OF COMPARATIVE LABOR COST IN MANUFACTURING [1]

	1960	1965	1970
United States	100	100	100
Japan	11	16	26
United Kingdom	32	36	37
France	30	37	39
West Germany	32	45	54
Canada	82	72	83

[1] Including fringe benefits.

CHART 11.—COMPARATIVE PRODUCTIVITY AND LABOR INDEX

[1967=100; output per man-hour in manufacturing [1]]

	1960	1965	1970
United States	80.5	98.7	108.4
Japan	52.6	79.0	151.8
United Kingdom	79.8	94.3	111.8
France	69.4	88.7	121.6
West Germany	66.2	90.7	115.3
Canada	76.1	95.6	112.3

[1] Monthly Labor Review, Department of Labor.

ADDRESS BY JOHN A. CREEDY, PRESIDENT, WATER TRANSPORT ASSOCIATION

HON. WILLIAM B. SAXBE

OF OHIO

IN THE SENATE OF THE UNITED STATES

Wednesday, August 4, 1971

Mr. SAXBE. Mr. President, I invite the attention of Senators to an excellent speech delivered by Mr. John Creedy at the meeting of the International Association of Great Lakes Ports in June of this year.

Mr. Creedy, president of the Water Transport Association, has contributed greatly to the continued improvement of transportation on the Great Lakes; and his speech advances proposals which would benefit all the Great Lakes ports. I ask unanimous consent that these excellent remarks be printed in the RECORD.

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

REMARKS OF JOHN A. CREEDY, PRESIDENT, WATER TRANSPORTATION ASSOCIATION

It is a particular pleasure and privilege to be invited to talk to the International Association of Great Lakes Ports on one of the Water Transport Association's favorite topics, the improvement of water and rail coordination for the benefit of both modes and the reduction of overall transport costs for the public.

Patterns of transportation are changing rapidly at home and abroad in response to changing demand, changing transport technology and the ever-increasing pressure to find more efficient ways to get the job done. Since water transport is usually the lowest cost method of getting the job done, there is a trend toward more intensive use of water transportation.

For this and for many other reasons, the time is ripe to make a decisive breakthrough on the old problem of achieving cooperation of the railroads at lake and river ports and your organization can take a leading role in helping to make that breakthrough.

WTA is a national group of coastwise, Great Lakes, intercoastal and barge line operators. It is appropriate to remind this group that the water carriers over the last decade have demonstrated more cost-saving innovations in the handling of cargoes than any other means of the transportation in the country.

One of our coastwise members experimented with a system for handling containers within the last decade. Risking very heavy investment to achieve greatly improved productivity, this company pioneered a world-wide system of containerization which has saved hundreds of millions of dollars for shippers. Greatly expanded opportunities for maritime labor, for U.S. shipping and for the country's exports resulted.

Other members have made heavy investments in ocean barging. Connecting up a unit train in Florida, with a modern bulk terminal and a 26,000-ton self-unloading barge, this company cut the cost of transporting phosphate rock by 30 per cent.

On the west coast, the pioneer of Pacific Ocean barging is towing two huge barges in tandem capable of carrying 112 railroad freight cars between them on a regular schedule between Seattle and Alaska through some of the worst weather in the world. Rates for this service today, on the average, are below the 1960 level.

On the inland rivers, heavy investment in huge powerful towboats enable the barge lines to push loads of 40,000 tons at a time. Average rates again are below 1960 levels.

Last, but not least, we are seeing the beginning of new building on the Great Lakes with larger vessels for the ore trades. Lake transport of bulk materials such as coal, limestone, ore and grain continues to be among the most efficient in the world.

Lake and river carriers between them handle 16 per cent of the inter-city freight for revenues which amount to about one per cent of the nation's annual freight bill. In other words, they do 16 per cent of the work and are paid about one per cent of the total. It doesn't take much wisdom to know that, whatever else it needs in an inflationary period, the economy surely needs more intensive use of its low cost water highways. For commodities adapted to water carriage, there is no debate that the floated ton takes less energy and less effort to move than the same ton transported overland.

Therefore when we encounter artificial man-made institutional roadblocks placed in the way of utilizing the efficiency of water transportation in the economy of the Great Lakes for both international and domestic trade, it makes sense to seek ways of removing those roadblocks.

A leading industrialist of the region pointed out a couple of years ago that the rate of growth of the Great Lakes economy is beginning to lag compared to that of other regions. I've brought the Bureau of Census figures he quoted up to date and the trend appears to be continuing. A Census index, using 1952 as a base year, shows expenditures for new plant and equipment in 1967—the latest year available—at 272 per cent of the 1952 level for the U.S. as a whole and at 242 per cent, substantially less, for the Great Lakes region. In the *non* Great Lakes states, value added by manufacture in 1967, again the latest year available, amounted to $138 billion, up 428 per cent since 1947. For the Great Lakes states, the comparable figure was $124 billion, an increase of 294 per cent since 1947, again substantially less. At the end of 1947, the region accounted for 57 per cent of the total value added by manufacture for the nation; by 1966 that percentage had fallen to 49 per cent and by 1967, the latest year available, to 47 per cent.

Is the Great Lakes region maintaining its competitive position versus other regions in the struggle for domestic and foreign markets? Will current trends accelerate? What chances are there for a reversal of this trend?

There are probably many reasons for what appears to be a slowing down of growth in the Great Lakes region compared to other regions. But certainly one could be a weakness in transportation, particularly in the lowest cost overland means of transportation, the railroads. On file before the ICC are statements made by almost every railroad president in the Great Lakes region that they are not investing and cannot invest enough money in new equipment and facilities to keep up with the growth of the region.

This is not a situation which gives pleasure to the water carriers. Far from it; we find it alarming. I have proposed in the past that the truckers, the water carriers and the railroads join together to seek an agreed program which would be decisive in putting the common carrier system, and especially the railroads, on a sound financial footing. Such a program is now under discussion by the three modes and I hope for constructive results soon.

All this sheds a new light on the old problem of improving the coordination of rates and service between railroads and lake carriers. Never before has there been such an urgent public need for it because of the growing shortage of overall transportation capacity. Never has the economy so badly needed a combination of the best efficiency of low cost rail and the best efficiency of low cost water transportation. Assuming that the transportation industry, working together, can develop a program that will get the railroads over the worst of their emergency financial problems, the economy of the region will still be in trouble if it can't find a short cut to increasing its transport capacity. The Department of Transportation estimates that transport capacity in the nation will have to increase by 50 per cent if the expanding economy is to be properly served. This is quite a challenge; requiring heavy investment for all modes. Since money for investment is a scarce commodity, there is and will continue to be, intense pressure to use the money in a way that will produce the most efficient result. For vast tonnages, combining rail and water service produces the best efficiencies for the public and could provide the very short cut to increased capacity at lower costs which the region needs.

Everyone here is intimately familiar with the strategy railroads use to shut out lake or river participation in traffic. They control, of course, both the rail service to and from the port and the all-rail alternative. By manipulating the relationship between the all-rail rates and the rail portion of the rail-water movement or by refusing to supply to the ports railroad service of the same quality or attractiveness to shippers—unit train service for example—they can shut out the water carrier completely. Indeed, to make doubly sure, the rate to the port, for much shorter distances, is sometimes higher than the all-rail alternative. From the point of view of sound competition policy, the evil here is that the railroad achieves success not because it is more efficient, but because it is exploiting superior economic power. The railroad is, in effect, in a position to determine whether it has any competition at all. Since the prod of competition is the most effective method known to promote a high level of performance and, conversely, insulation from competition results in a slackening of efforts

to attain maximum efficiency and a weakening of incentives to give the public the most for its money, the preservation of healthy competition is an issue of major public importance directly affecting the well-being of the Great Lakes region. The ability of any region to compete effectively, not only in domestic but in foreign markets, and not only against other regions of the U.S., but against other nations, depends crucially on its ability to hold down production costs, and transportation is a significant element of those costs. Competition provides the best assurance of low rates and efficient service.

The strategy of the railroads, which are both suppliers of service to the ports and competitors, has interestingly enough been tried in the unregulated segment of the economy and struck down as anticompetitive. A dominant integrated producer—an aluminum company for example, may produce both ingots and finished products. He may supply ingots to a non-integrated company which competes with him in producing finished products. By manipulating the price of the ingots to favor his own production of finished products he can squeeze out his non-integrated competitor. This practice has been universally condemned in the economy generally because success in the market place is achieved not by superior efficiency, but by the exploitation of the economic power to manipulate the price of the ingots.

What's needed for a breakthrough in intermodal rail-water coordination is the application of this basic principle of fair competition. The insistence of the railroad that it must get its longest haul is no different from the urge of enterprises in any field to expand their business volume. All are interested in enlarging their share of the market. None has a right to do so by exploiting a position of superior economic power to squeeze a dependent competitor. Success or failure of individual competitors should reflect comparative economic merit rather than comparative economic power.

I've taken some time to explain this key point because we believe it is a position which will prevail. In promoting improved rail-water coordination over the past several years, I have frequently met skepticism that the water carrier and the shippers benefitting from access to the rail-water alternative will ever achieve what they seek.

It is certainly true that the traditional attitude of the railroads is discouraging, but the reasoning behind it won't stand close inspection. "We have or are seeking a monopoly of this traffic and we're not going to allow anyone to share in it," they say. Ultimately, I think that will prove to be an untenable position. Not long ago, I put together a proposal for a movement of steel over a river port which was selected to give the railroad its longest haul. We offered a higher division than the railroad would have received from a connecting railroad. The coordinated service was refused on the grounds that the railroad industry as a whole would have less traffic. That certainly is untenable. I think we tend to give up too easily on this issue. We fail to enlist the interest of our state and regional representatives, the economic development departments of the state governments and all those concerned with the efficient and competitive performance of the local economy. These are the people who ought to share the burden of this battle.

For example, it's not really a private matter whether or not competition exists in the transportation of millions of tons of coal from Southern Illinois, Indiana and West Kentucky mines to the electric utilities bordering the Great Lakes. If the railroads monopolize it, the chances are good that there will be a general slackening of efficiency in transportation and increases in prices with widespread impact on everybody's light bill throughout the region. Not long ago, a railroad serving Chicago increased its rate to the port by 25 cents a ton; the all-rail alternative was left untouched. Just to show that some new thinking is developing on this whole issue, the increase was suspended by the ICC. The decision has since been handed down. It recognizes that the increased disparity between the rail-lake and the alternative unit train service is not justified by the economies inherent in unit trains and also says "the significant fact is that the Illinois Central and the Burlington control both the lake cargo rate to Chicago and the competing unit train rate to Oak Creek," which is the location of a utility plant outside Milwaukee. So there seems to be recognition that the power to control both the all-rail and the rail rate to the port can be used for anti-competitive objectives.

What's needed in Chicago for the rapidly growing coal traffic is the kind of efficient transloader which has been developed at Conneaut and Ashtabula on Lower Lake Erie that would permit shuttle unit trains to operate from the south, dump their loads without waiting for the boats, and greatly improve the utilization of the freight cars. The boats, too, would be independent of the trains, loading would be performed at maximum efficiency. With such a facility, the railroad could not only improve the efficiency of its service, it could also save on the number of freight cars it needs by improving utilization, and at the same time, put itself in position to expand its markets via self-unloading lake vessel to utilities east of Chicago it could never reach by rail connection. From the public point of view, improved efficiency of the rail-lake movement would be a prod to continuing improvement in the efficiency of the all-rail movement and a guarantee of continued low transport rates.

Our association has recently published a study of the possible economies which would result from the combination of Great Lakes vessels and trainload service on grain from Buffalo into New England. This situation appears to be a classic example of what happens when competition is eliminated. Over the past decade, rail rates into New England on grain have steadily risen until they are far and away above the rates on grain from similar origins traveling similar distances into the southeast, where there is active barge and truck competition. The result has been a steady decline of the New England poultry industry. Our study proposes self-unloader service into Buffalo from Toledo and other lake ports, improved efficiency in the transfer of grain at Buffalo, and unit trains from Buffalo to New England. We suggest that a reduction of about 50 per cent in rates would be possible by improving productivity all around.

Instead of presiding over a monopoly of a declining market, we suggest that the railroads, in combination with the lake service, can reverse the decline of the New England poultry industry and develop new and ever-increasing traffic. It is quite remarkable that the New England farmer can be shut out of his own home market by high freight rates.

Again this is not simply a private matter between railroads and water carriers. The public interest in improved efficiency resulting from competition is very great. The absence of the prod of competition such as exists in the southeast has resulted in severe damage to New England agriculture.

We would certainly not expect the lake-rail service to monopolize the business. Variations in the price of grain throughout the Great Lakes region would probably at times favor all-rail over lake-rail and vice versa. The Port of Buffalo and the water carriers have a right to expect, however, that the rates and services from Buffalo to New England consuming points will be the same, cost and distance considered, as the all-rail alternative. If there is no rate discrimination against the Port of Buffalo, the lake carriers and the port will have an opportunity to assert their best efficiencies in order to participate in the movement. If there is discrimination against the port, then the lake carriers of course will be precluded from competing. We have also, incidentally, suggested the possibility of lake vessel service via Georgian Bay ports connecting with Canadian railroads into New England. We have received some interest from Canadians on this alternative.

Evidence that the issue is not regarded as a private matter comes from the New England Governors' Conference. All six New England Governors requested the ICC and the railroads study the proposal. The ICC was asked to consider the possibility of exercising its power to prescribe joint water-rail rates into New England.

While resort to litigation is always a possibility, we are most hopeful that this whole problem of water-rail coordination can be solved without more repetitious law suits. I was interested to read very recently a speech by George Stafford, Chairman of the ICC, to the Midwest Association of Utilities Commissioners. He said that while the ICC is not primarily a planning body. "I think we owe a responsibility to the public to see that as large an element of rationality as possible is brought into the workings of the industries we regulate." He described a proposed informal meeting with shippers, creditors, connecting railroads, New England state representatives and the Boston and Maine to discuss possible solutions to the problems of that railroad. "The ICC," he said, "can offer the means, provide the presiding officer, perhaps, and serve as a catalyst."

This is a departure from the traditional role of the Commission, but a departure that makes a lot of sense. The Commission is exercising a new form of leadership which ought to be welcomed on all sides.

In the light of the long history of difficulty over rail-water coordination, informal discussions with members of the Commission of potentials for lower cost overall transport services in the public interest resulting from combining the best efficiencies of water and rail should work as a short cut for improving coordination not only for the benefit of Buffalo and New England but for all of the Great Lakes region.

Other regulatory Commissions have been successful in moral suasion or jawboning the industries they regulate. They have said: we have the power to institute a proceeding and make you do something you know you ought to do in the public interest, but we would much prefer to have you do it voluntarily. A word to the wise has been sufficient. Costly and time-consuming litigation has been avoided while everyone's *right* to litigate has been preserved.

We would like to see the Commission take leadership in some of these areas in which very large transport savings appear possible by issuing some sort of policy statement recognizing the Commission's responsibility for the proper functioning of the industry under the statute. On the New England proposal, perhaps such a policy statement might go something like this:

"Our attention has been called to the concern the New England poultry industry has over the competitive disadvantage under which it suffers because of disparity in freight rates on feed grains as between New England and the Southeast. The National Transportation Policy places a responsibility on the Commission to develop, coordinate and preserve a national transport system by water, highway and rail as well as other means, adequate to meet the needs of the commerce of the country. The railroads and the water carriers are required to provide transportation service upon reasonable request and that through routes and rates with common carriers by water are also mandated. It is clearly in the public interest that the best efficiencies of both water and rail serv-

ices, in combination, be offered to the public. The Commission would be pleased to see both rail and water carriers examine the potential for improving the efficiencies of services into New England and propose joint rail-water rates reflecting the unit train efficiencies commonly available for commodity movements in this and other sections of the country."

If the ICC were to issue a policy statement along these lines it would be very helpful. I doubt very much if the railroads could afford to ignore it. I think something would be done to improve the efficiency of grain transportation into New England via a water-rail route.

For much too long the issue of water-rail coordination has been considered just a private matter among carriers. I began this talk by stressing the tremendous improvement in productivity which the water carriers have achieved over the past decade. Still further improvement in productivity is on the way.

We are succeeding in interesting many different groups in the public benefits of improved coordination of rail and water service.

The low cost water highways of the Great Lakes are urgently needed to meet the growing demands of the economy for expanded and improved transport services. The railroads freely admit that they do not have the resources to invest in enough equipment and facilities to keep up with the needs of the growing economy. The drag of inefficient transport service is becoming a greater and greater burden on the productivity of the economy. I believe we are at a point of breakthrough in water-rail cooperation long sought by government and business. If we work together, we can open a new era in which water carriers and railroads work as "willing partners" to bring to the public the best efficiencies of each means of transportation.

BENEFITS FROM SPACE EXPLORATIONS

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. COUGHLIN. Mr. Speaker, I bring to the attention of my colleagues an editorial and an article on the whys and wherefores of the Apollo 15 space flight and moon exploration. Both appeared in the July 28, 1971, edition of the Philadelphia Evening Bulletin.

I think that both these pieces present balanced and on-target assessments of the many tangible benefits derived from the Apollo 15 project. While we all are concerned about the quality of life on this earth, I feel we must not be so shortsighted as to ignore the many real benefits that accrue to our people from the continuation of our space program.

The editorial is titled, "The 'why' of Apollo 15." The article, "The Moon Is Not the Only Goal," was written by Mr. Daniel J. Fink of Gladwyne, a constituent of mine. Mr. Fink is vice president of the General Electric Co., and general manager of its space division in Upper Merion Township in my congressional district.

I hope that the editorial and article will help place in proper perspective the importance and merit of our space ventures.

The editorial follows:

THE "WHY" OF APOLLO 15

In Apollo 15, the United States has invested its greatest sum yet, $445 million, for its longest moon voyage, lasting 12 days and seven hours, and the riskiest of landings in the most rugged terrain on this side of the earth satellite.

The current flight, for these reasons and others, is also raising more questions than prior missions.

Why send men to the moon again and again when it has been proved we can do so, when public support is waning, and earthly problems appear so much more pressing?

Col. David R. Scott, Apollo 15 commander, calls his journey into space "the most singular, significant scientific expedition ever conducted; a journey backward in time to the first pages of the history of the creation of the solar system," 4.6 billion years ago.

It is not a matter of merely bringing home more moon rocks.

Apollo 15's mission is to deliver very special specimens from the foothills of the moon's tallest mountains and the lip of the deepest, most spectacular crevass, Hadley Rille—rocks that were exposed by the collision or convulsion that shaped the moon's surface.

And thus man may learn what forces and elements formed the moon, and whether the earth is a product of the same.

Blastoff Monday was picture perfect. And except for a minor switch malfunction, the journey to the moon has gone well.

This is what the U.S. does best. Despite Russian successes with a remote controlled moon rover, and in setting up an earth-orbiting space station, American astronauts are still the eyes and ears of everyman in a forbidding environment. Who can identify with a robot?

Why go? Because man seeks the answers to his existence, and the moon is a place to search for them. Until it has revealed all its secrets, to neglect them is to settle for speculation.

U.S. REAPS IMPORTANT HARVEST FROM SPACE FLIGHTS: THE MOON IS NOT THE ONLY GOAL

(By Daniel J. Fink)

After fourteen years of technological history of man—capped by Monday's Apollo moon shot—the United States space program is losing ground to outspoken critics.

These critics advocate shifting funds from space to societal programs which appear on the surface to have a more direct and immediate impact on our national economy and well being.

Unaccustomed to such attacks, many leaders of the space community have misdirected their rebuttals to their own tight circle of engineers, scientists and scholars. They practically neglected the public, which must ultimately underwrite this or any other national program and which does respond intelligently when informed.

What has not been made readily visible and understandable is that during the last fourteen years our country's investment in space has bolstered the economy, improved the quality of life of our people, increased our national prestige, and contributed to our national security.

Since space surrounds all the world, and indeed is a province of all men, it also presents our newest and most constructive avenue for modern initiatives in international cooperation.

BENEFIT GROUPS

But we cannot rest on past laurels. The question is not even "what have you done for us lately?" but "what will you do for us in the future to warrant our continued investments?"

Broadly speaking, the benefits from space fall into three general categories: First, there are the direct payoffs where space technology is asked to contribute to the solution of specific problems here on earth. At a time in our history when so much of our focus is on attempts to improve the quality of our lives, this must be the paramount goal.

ECONOMIC SAVINGS

Second, there are the "spinoffs" or derived benefits which often occur by accident or serendipity out of the mainstream effort.

And third, space research permits exploration of some of the fundamental unknowns in our universe—the last frontier.

In weather forecasting, countless thousands of lives have already been saved and property damage has been minimized by warnings of storms received from observation satellites.

Each percentage improvement in the quality of forecasting results in millions of dollars in economic savings.

Achieving direct benefits from the space program is the cornerstone of our near-term endeavors. In many cases, we have already begun to reap this harvest, at the risk of being taken for granted.

In communications, for example, international calls routinely travel via satellite, reaching a volume of 10 million transoceanic calls in 1970. Because of advancements in both satellite and cable technology, the cost of international communications is declining.

1,000 INNOVATIONS

A three-minute call from New York to London cost $9 in 1965. The same call is down to $5.40 this year, a decrease of 40 percent, inflation notwithstanding.

We have only begun to realize the potential of near-earth space activities. In some instances, space technology is not only a cheaper way of doing a job; it is often the only practical way. Next year, the first earth resources technology satellite will be launched. Predictions of benefits to agriculture, hydrology, ocean transportation, fishing, and mineral resources range into the billions.

NAGGING PROBLEMS

Every year about a thousand technical innovations generated in the space program find their way into our earthly industries, where they lead to better kitchen appliances and farm equipment, improved sewing machines and radios, more efficient ships and airplanes, advanced computers and communications equipment, life-saving medical instruments, and new utensils and tools for everyday life.

However, the space program cannot be justified on the basis of spinoffs alone. Too often the most difficult part of the space program to justify is that which deals with exploration of the unknown, particularly as exemplified by lunar and planetary endeavors.

We should be grateful to have this new frontier to pursue. I for one cannot believe that man was put on earth merely to clothe and feed himself, take care of his material wants and reproduce.

Devoting some of our energies to exploring the unknown for the benefit of ourselves and future generations is what sets us apart from other species on earth.

Five cents a day for every person in America is a small price to pay for a space effort to help solve some of our most nagging national problems to obtain the expected, as well as the unexpected, economic and technological benefits, and to leave a meaningful legacy for the generations that will hopefully follow us.

(Mr. Fink, of Gladwyne, is vice president of the General Electric Company and general manager of its space division in Valley Forge. He was formerly with the Defense Department.)

NEW LIFE FOR "MINI-LAKE ERIES"

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, August 4, 1971

Mr. METCALF. Mr. President, as the Members of the Senate know, the protection of natural resources from the ravages of technology is a matter of the highest priority. All Members of the Senate have within their States examples of ecological mismanagement. Unfortunately, this legacy of lack of concern for our environment will be with us for generations. I am happy today to be able to point with pride to the efforts of a homegrown Montana firm to contribute to the efforts to correct these wrongs.

Some years age the Crisafulli Pump Co., of Glendive, Mont., owned and operated by the Crisafulli family, brought on the market a new, simple, and inexpensive mobile water pump. The Crisafulli pump was developed specifically to aid in the management of the family's land along the banks of the Yellowstone River, which too often in the spring has been the subject of flooding.

The pump was first used by the Crisafulli's in a large-scale dewatering operation along the Yellowstone. After successful operation within the State the Crisafulli's decided to give their equipment a real test in the flood fight mounted by the Corps of Engineers in the spring of 1968 in the upper Midwest.

The Crisafulli pumping equipment exceeded the corps' highest expectations. It has been praised by the chief of the Corps of Engineers. Today the Corps of Engineers maintains a battery of Crisafulli pumps in all of its regional divisions.

The most significant recent development of the use of the Crisafulli pump has been in the battle to clean up our environment and to prevent further ravages from oil spills.

In 1970 the highly respected Water Resources Council of the University of Wisconsin, in cooperation with the Upper Great Lakes Regional Commission, began an experiment to recycle a previously eutrophied lake. The objective of the project was to ascertain whether, if sufficient eutrophied water were removed from the lake, the natural ground water supply would be regenerated, and thus recycle the lake. This project utilizing the simple and inexpensive Crisafulli pump was pronounced successful and has been the subject of a recent article in the Wisconsin Conservation Bulletin, which I shall include at the conclusion of my remarks.

In addition to use of the Crisafulli pump in helping to regenerate previously dead, eutrophied or overfertilized inland lakes, the pump is currently being used to combat the terrible oil spill problem encountered almost weekly in our harbors and waterways. Oil company experts have said that this pump is particularly effective since its impeller does not tend to emulsify the oil. A modular system, each unit containing two high volume pumps, is attached across the bow of the normal waterway barge. As the barge is propelled through the oil slick an adjustable weir blade skims the oil and water from the surface and it is pumped into the body of the barge where gravity separates the oil and water. Preliminary testing of this system of oil spill removal has been most promising and it is hoped the Crisafulli pump can make a further significant contribution in the effort to clean up and protect our environment.

The Crisafulli Pump Co. is not part of a conglomerate corporation. It is a genuine small business. Its product was developed by the sons of an immigrant to control water on their farm. Using local labor they have expanded production to meet some of the basic, practical conservation needs of individuals and communities.

Mr. President, I ask unanimous consent to insert in the RECORD the article referred to previously, "New Life for Mini-Lake Eries," which appeared in the March–April 1971 issue of the Wisconsin Conservation Bulletin.

The article follows:

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

NEW LIFE FOR "MINI-LAKE ERIES"

(By Thomas L. Wirth, Chief, Water Resources Research)

Some of our inland lakes are disastrously overfertilized and "dying." A search is on for means of restoring them at practical cost. Results are very encouraging so far as small waters are concerned.

The word eutrophic means "well nourished" as concerns lakes. Eutrophication is a process that is causing many of the lake water problems we hear so much about.

Lakes become increasingly enriched naturally, but the process takes thousands of years. Presently we are causing the runoff of plant nutrients into many of our lakes at such a fast rate that some have come close to death in a few decades.

This overfertilization results in aquatic weeds almost "choking" the life from a lake, scums of algae in the water, and slimy moss-like growths along the shoreline. These lush plant growths are not only obnoxious from visual and odoriferous standpoints but they lead to dissolved oxygen problems, fish kills, and the production of undesirable products from decaying plant remains.

Lakes are natural collectors of the nutrients carried in by overland and stream runoff. They act as storage sites for nutrients which recycle when aquatic plants and animals die and are broken down by decay organisms. Therefore, even if the supply of nutrients is cut off from an overfertilized lake, it is not likely a cure because of this recycling of nutrients within the lake.

What are we doing about lake deterioration and aging—accelerated eutrophication? Besides the regulatory functions such as pollution control and shoreland regulations, we have a water resources research and data collection program to aid in providing information on the causes, cures, and methods of relieving the effects of lake enrichment.

This latter program consists of projects that monitor some 30 lakes across the state to follow water quality changes; study the impact of shoreline encroachment such as dredging, filling, and sand blanket application; developed methods of aeration and mixing lakes; study the results of removing nutrient-rich water from the bottom of impoundments, and a project dealing with methods of lake renewal.

This last project is being conducted in cooperation with the University of Wisconsin and the Upper Great Lakes Regional Commission (a federal economic development agency). The purpose of this project is to demonstrate methods useful for restoration and protection of our inland lakes. Renewal of over-enriched lakes seems an almost impossible task, but some of our preliminary results (this project started in June, 1968) are encouraging.

SNAKE LAKE

One of our demonstration projects involves 14-acre Snake lake in the Woodruff-Minocqua area. This lake became excessively enriched with nutrients from a domestic sewage treatment plant which was moved away in 1964. The fertility of Snake lake was such that it was blanketed by duck weed and algae in the summer and suffered fish kills every winter due to the absence of dissolved oxygen. A one-time bass, panfish, musky lake was whittled down to a mud-minnow lake. In addition, at times of high water, the rich water of Snake lake overflowed to the next lake on the chain, which caused tension among lakeshore property owners.

The project was designed to pump out and filter the water from Snake lake. Such an operation was made possible by recent development of a large-volume pump in Montana. This type of pump is simple, portable, and comes in sizes up to one that will pump enough water to flood 110 acres 1 foot deep in a day. In addition many of the lake regions of the Great Lakes states have surrounding soils of sand and gravel which have great capacity for soaking up and filtering water.

During October, 1969, the nutrient-rich water of Snake lake was pumped to a sandy area 1,500 feet away to test the method, equipment, and behavior of the lake water.

Based on this experience, a six-week 24 hour a day pumping period was employed during July and August of 1970. During this period about three volumes of the lake were pumped onto the sandy area that was enlarged to provide 1½ miles of wide, shallow ditches.

The lake level was dropped 11 feet, but the basin could not be pumped dry because of inflowing spring water which increased its flow as the basin was pumped lower. The inflowing spring water and fall rains, both low in nutrient content, almost refilled the lake three months after pumping was stopped. This was the replacement water expected for diluting (or flushing) the nutrient-rich lake water.

Water samples have been analyzed monthly or more often from Snake lake since 1968. In addition, ground water samples from wells were taken during the pumping periods. Based on the sample analysis, pumping was indeed successful. Dilution did take place and several nutrients (such as nitrogen and phosphorus) were down to half or less their former abundance. Water sampling is continuing to determine if the bottom muds will enrich the diluted water to its former condition.

Why not dredge or suck out the mud from the lake? The cost of dredging is more than 20 times that of pumping water, and finding a suitable spot near a lake to receive all the fill is often difficult. Dredging is one method of lake improvement, but would not demonstrate a new technique nor achieve desirable economy.

DATE LINE—MINOT, N. DAK.

Man has learned fast from past experience. At least in one case. During April 1969, Minot, North Dakota was deluged from waters released from melting snow. Very little preventative works were constructed. As a result, over 3,000 homes were flooded and many business and public facilities were

damaged. The total dollar damage was estimated at 10 million dollars; from one flood. Not counted in the damage figure was 300 homes that were abandoned as a result of being flood damaged.

The Corps of Engineers of the St. Paul, Minnesota District, during the 1969 flood in other areas of their district, were able to show that massive emergency flood works can be accomplished practically over night. Coupled with this they had finally found a pump of dependability and an irrigation type pump made of steel, operated with a farm tractor. Since the pump was backed into the water and submerged, no priming was needed. It pushed the water out. These were the Crisafulli Pumps of Glendive, Montana.

When Minot was again faced with a flood this spring, city officials and the Corps were determined to prevent damage. To do this was a monumental task, since there is close to 15 miles of river in town. At least that is what there was. Five major river bends or meanders were straightened, thus shortening the river by miles and speeding the river through town. In addition, the full stretch of river through town was cleared of trees, brush, and debris to give the channel a substantial additional flow carrying capacity. The final construction work was the series of levees along the river. Over 400 pieces of equipment were mobilized to accomplish this task.

The work was accomplished under the direction of Miron Tiemens of the St. Paul District Corps of Engineers.

These river cutoffs had necessitated cutting of a number of sewer lines, as well as the levees blocking the normal storm water runoff pattern. To prevent flood waters backing through the sewer to areas behind the levees, they had to be plugged. This would have normally caused a major problem, except for the Crisafulli Pumps the Corps of Engineers brought in and the six Crisafulli Pumps purchased by the City of Minot. The Corps brought in 8 of the 80 pumps they had purchased the year before. Their 8 gave a combined hourly capacity of 4,800,000 gallons per hour. The city purchased 6 Crisafulli pumps that go into manholes and operate with a farm tractor. The manhole pumps had a combined hourly capacity of 1,080,000 gallons per minute.

This feat of construction coupled with the massive pumping capacity available, gave the City and the Corps a success story when the flood waters rolled through the town coupled with a 2.7'' rain.

Others could lean and learn on this example.

A REPEAT PERFORMANCE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. SCHMITZ. Mr. Spaker, as the spirit which brought the Chinese Communists to power on mainland China in 1949 begins to pervade the air in Washington, D.C., the figures associated with betrayals past begins to reappear on the Capitol scene. Two weeks ago former Foreign Service Officers John Patton Davies and John Stewart Service appeared to testify before a closed session of the Senate Committee on Foreign Relations. After the session their comments showed that they were delighted with the recent U.S. change of policy toward Mao Tse-tung.

Their delight is understandable. As Foreign Service officers in the 1940's both of these men were deeply involved in the U.S. undercutting of its wartime ally, Nationalist China.

Davies and Service were among a group of career diplomats who served as political advisers on the staff of Gen. Joseph W. Stilwell in China during World War II. Stilwell had been sent to China by Roosevelt in 1942 to serve as head of the U.S. forces there. Bad blood developed between Stilwell and Nationalist leader Chiang Kai-shek because of Chiang's reluctance to divert 30 Chinese divisions from defense of the mainland to help General Stilwell avenge a defeat he had suffered in Burma.

Davies, Service, and others used this bad feeling on the part of Stilwell toward Chiang to attempt to alter official U.S. policy toward China away from support of the Nationalist Government and toward support of Communist Mao Tse-tung and Chou En-lai. Davies was particularly close to Chou En-lai. As early as 1942 Chou had outlined the Communist program for control of China to Davies—a program which was ultimately to be successful, given the complicity of various individuals in the U.S. Government.

It was in large part the activities of Davies and Service as members of Stilwell's staff which led Ambassador Patrick J. Hurley, Special Envoy to China for President Roosevelt to say of Stilwell—

The record of General Stilwell in China is irrevocably coupled in history with the conspiracy to overthrow the Nationalist Government of China and to set up in its place a Communist regime—and all this movement was part of, and cannot be separated from the Communist cell or apparatus that existed at the time in the Government in Washington.

Davies and Service played up the theme that the only hope for "democracy" and "peace" in China was a coalition government between the Nationalists and the Reds. They advocated sending U.S. military equipment to the Chinese Communists. They produced a steady flow of papers dwelling on the real or imagined deficiencies of Chiang Kai-shek and praising Mao Tse-tung. The Nationalist Chinese were pictured as "permeated from top to bottom with corruption," "ridden with political and military abuse," "lacking in popular support and unwilling to fight the Japanese;" while the Communists were characterized as "straightforward and frank," "incorruptible," "a unified group of vigorous, mature and practical men" whose record "places them above any contemporary group in China," "agrarian reformers" fighting fiercely against the Japanese and enjoying tremendous popular support. Davies noted that Mao was "moving in the direction of more moderate internal and economic policies"—the moderate Mao who is responsible for liquidating 20 to 40 million Chinese after coming to power, while Service accused Chiang of having "an anti-Soviet policy"—a sin even greater in the 1940's than it is today.

When Ambassador Hurley finally succeeded in having Davies, Service and others recalled to the United States, the impossible happened. As Hurley was later to testify—

When I relieved the gentlemen in Chungking, they were brought back to Washington and placed in the State Department in positions where they became my supervisors, and there they attempted to hamstring everything that I did in carrying into effect my directive—from the President.

There is much more to the story of Davies, Service, and the others in our Government and mass media who contributed to the destruction of a pro-Western ally on mainland China and the subsequent massacre of the Chinese people by the "moderate agrarian reformer" Mao Tse-tung. Those interested in a scholarly and comprehensive treatment of the entire affair would be advised to peruse "How the Far East Was Lost," by Dr. Anthony Kubek, chairman of the department of history at the University of Dallas.

Service later admitted passing classified documents to a man identified as a Soviet agent. Although given a clean bill of health by several loyalty boards set up by the Department of State, he was finally removed from Government employ due to the adverse findings of the impartial loyalty review board of the Civil Service Commission. Because of a technicality unearthed by the Supreme Court, Service against Dulles, he was reinstated in 1957 and served on State's payroll until retiring in 1960. Davies was fired by Secretary of State Dulles after he perjured himself before a Senate committee, and an independent security board voted 5 to 0 for his dismissal as a security risk.

Davies' name is now being bandied about by New York Times correspondent, C. L. Sulzberger, and others, as an ideal first Ambassador to Red China.—The mind boggles.

HOUSING IS BASIC NEED

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. FUQUA. Mr. Speaker, housing is a basic need of man.

And there are tens and tens of thousands of Americans who are ill housed.

Inadequate housing is no stranger to any section of the Nation—nor does it discriminate between the urban and the rural areas.

Literally hundreds of ideas have been tried to cope with this problem which seems to be increasing in spite of all the efforts and the billions of dollars which have been spent by the private and governmental sector to keep pace with the need. Naturally, the poorest housing has been reserved for those on the lowest economic scale of our society—and our inability to cope with this problem has led to these people

being forced ever lower on the economic ladder.

This does not mean that we have not tried as a nation to meet this situation, which I feel in many instances has reached crisis proportions. Certainly we have made massive efforts—and I am quite blunt to say that we have often seen these result in massive failures.

Take urban renewal projects in some instances. We see modern townhouses and high rises displace slums. But too often, the needs of those displaced are ignored and these people flee to other areas, and because the same economic conditions exist—new slums are created.

We have public housing projects. We have rent subsidy projects. We have a myriad of public and private programs, and while I do not mean to state that there have not been some notable successes in each case, there are notable failures.

In the meantime, the need for adequate housing for millions of Americans goes unmet.

Let me state a very personal feeling about the basic reason for the failure of many programs—and it is very simple—no pride of ownership.

Coupled with need is a sense of pride. A man who has a sense of ownership, who knows that the plot of land upon which he lives or the apartment he occupies can someday be his—that individual will be concerned about its physical condition and try to take care of his property.

Take away that pride and you have instances such as I have observed time and again—beautiful projects becoming virtual slums because the people who moved there were wards instead of owners.

I say we need to take into consideration the need for human dignity when we are talking about these projects. I well remember a conversation I had with a university professor from Florida A. & M. University in Tallahassee, Fla., who was working on a housing project for the disadvantaged and how concerned he was about the need for counsel and guidance when people are moved from primitive living conditions into residences with some of the modern facilities.

Recently, I had the opportunity to view several projects in my district which I think speak enough for themselves in the type of program which we should be encouraging.

In this case, I am talking about the Farmers Home Administration program to provide rural housing for the low-income families.

Here, we have a program which is human oriented rather than institutions or projects. Each home in this program goes through an individual analysis and the payments are structured on the basis of ability.

No one gets anything for nothing in this program—they pay according to their ability. The unique thing is that they are buying an interest in their home and property and they have that hope which I think goes to almost all men—that of having a home of their own for their family.

Under this program, the FHA is helping to pay the interest on the mortgage and this varies from over 7 percent to down to 1 percent in some cases—always based on the ability of the family to pay. As the family moves up the economic scale, those payments move accordingly.

By taking the burden of interest off these families, their payments go to reduce the principal and they can see the progress they have made at the end of the year. It gives them hope and encouragement and often this permeates every segment of their lives.

I believe that programs of this type give us the maximum for our money. Eventually, the home we speak of will be paid for and become the property of the homeowner—going on the tax rolls and becoming a productive part of our society.

This is a vehicle to get homes to homeowners and that should be the thrust of our programs. If there is one basic point that I want to make in this statement, it is simply that the ultimate end of any of our housing programs should be to attempt to get ownership into the hands of individuals—and that those individuals will appreciate their property because they have had to make certain sacrifices to take pride in their accomplishment.

Over in Gadsden County, Fla., I recently had the pleasure of walking through two such projects. I was impressed.

Here were homes which were so modestly priced that it amazed me. This was done by utilizing building innovations which have been pioneered by the mobile home industry—pressed board siding for the walls for example, eliminating the need for painting.

Metal window frames and other items have been taken into consideration to cut down on maintenance. The homes I saw had tiled bathrooms. Again, the emphasis on maintenance.

But from the human standpoint, can you imagine the joy of a mother and father having a home of their own and their child having a bathroom in their home—when they had never had anything but an outdoor privy before.

Well, I was impressed. I think that this is the type of program that we need to encourage.

Certainly there will be problems, errors and failures along the way. But, this is the path that we should follow.

In that light I want to make special mention of the State director of the Farmers Home Administration in Florida, Mr. William T. Shaddick.

In my opinion, Tom Shaddick is one of the finest administrators it has been my privilege to work with in the nearly 10 years I have been in the Congress.

The area I represent is largely rural and I have naturally run into many problems which we had to turn to him for assistance. In every instance, I found this man following established procedures, but making every possible effort to assist people—the individual that we talk so much about our system of Government working.

He has been responsible for many innovations in the FHA program in Florida and I feel that he represents that Government official who works so hard and a good word is seldom said about.

My remarks here today are intended to urge the U.S. Department of Agriculture to pursue this program and to develop new and innovative approaches which will lead to home ownership.

This concept, if executed properly, will in my opinion lead to the solution of a great many of the very real problems which cry out for solution in our Nation today.

PLANNING: NEW APPROACHES TO COUNTY DEVELOPMENT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. ROYBAL. Mr. Speaker, I am inserting into the RECORD a statement by Los Angeles County Ernest E. Debs on the HOME program in East Los Angeles and the countywide community study programs:

PLANNING: NEW APPROACHES TO COUNTY DEVELOPMENT

Los Angeles County is unique in many ways. But perhaps it is most unique in the pace and scale of its urban growth.

In the past three decades alone, more than four million people and two million jobs have been added and seven hundred square miles of land put into urban development. In fact, growth has reached the point where 98 percent of the County's seven million residents live in a massive urbanized area vast enough to hold the combined cities of Chicago, Denver, Detroit, New York, Philadelphia, Pittsburgh, and St. Louis.

From a purely statistical point of view, the County's growth record can be matched by few regions in the world. Yet, it is a serious mistake to measure progress merely by numbers. Growth has provided opportunity for many, but it also has created far-reaching social, physical, economic and governmental problems. As the urban region grew to these uncontemplated proportions, 77 cities and hundreds of special districts were formed.

In a concerted effort to solve these problems, Los Angeles County's Regional Planning Commission has developed the first general plan for the entire region, entitled the *Environmental Development Guide*. Adopted by the Board of Supervisors on October 1, 1970, after more than two years of study and research, the *Environmental Development Guide* is an important first step in the development of a unified Countywide general plan equipped to deal with Los Angeles's growing environmental crisis. It places heavy emphasis on shoring up the central districts of older cities, curbing suburban sprawl in outlying areas, and identifying mass transit needs.

How does it hope to reach these goals? There are no easy answers. But we now believe that the best approach is to develop a plan which recognizes the highly integrative nature of the many elements which make up Los Angeles's unique mixture of people and terrain . . . through such elements as housing, transportation for all modes, public services, open space, land use, and environmental quality.

And we also now understand that these elements must be dealt with in the right order. For example, it makes no sense to tear down dilapidated houses if the people living in them have no better place to go.

The working out of programs which take these kinds of issues into account is difficult and time-consuming. It involves a joint effort of everyone concerned, of both public and private organizations. But we have learned one thing. It is wrong to prepare only long-range, ivory tower plans, plans that gather dust on the bookshelf while the problems grow worse. That's why what we are trying to do in Los Angeles is to develop not only long-range goals but short-range programs capable of remedying immediate urban ills.

One such program is HOME which is proving immediately beneficial to people living in East Los Angeles, a predominantly Mexican-American community. I would like to discuss this program briefly as an example of what can be done now with the resources at hand.

East Los Angeles is an unincorporated area of high density, with about as many people as the City of Pasadena, where one out of every five families has an income of under $3000 a year. Approximately two out of every five houses need some sort of minor repair, and as many more need major repairs. In other words, four out of every five houses need some kind of repair.

HOME is a three-year federally funded program administered by the County Department of Urban Affairs. It is based on the principle of code enforcement, where houses are kept at a minimally livable level by establishing building codes, and then enforcing them. But HOME does more than simply enforce codes. It identifies needed repairs and provides homeowners with funds and supplies to make these repairs. It also contributes improvements to the entire community, improvements such as street repair, lighting and tree planting. In the next three years, we expect HOME to help rehabilitate an additional 4500 units.

Another important side of planning at a Countywide scale are the many Community Study Programs currently underway. Although the County is made up of 77 cities, more than one million of its residents live in unincorporated communities. These communities, numbering 64 now, range in size from Acton with a few hundred people to densely populated West Hollywood with over 34,625 people, home of the Sunset Strip.

The West Hollywood Community Study program is a good example of getting people involved in the planning process. Using professional interviewers from nearby University of California in Los Angeles's Survey Center, interviewers who actually went out in the field and talked to people face to face, several hundred residents—selected as a statistical random sample—were asked to fill out a questionnaire. The questions were simple and direct:

"Are you satisfied with police protection?" "Are the garbage collectors doing a good enough job?" "Is it difficult to find a parking space near your home or apartment?" And so on. The answers are now being processed and computerized. The information will be used in both long and short range planning programs for the area.

This kind of citizens' input is the cornerstone of our present research and study programs. But we are attempting to get citizens involved in other ways, too. On the same day the Board of Supervisors adopted the *Environmental Development Guide*, they authorized appointment of an advisory council of 50 citizens representing a wide variety of interests throughout the County. By appointing a council, the Supervisors expect to get more people involved in the planning process when the important decisions are being made. Group presentations, traveling displays, media coverage and series of public meetings and hearings will be a part of this effort.

The *Guide* is a first for Los Angeles County. But it is only a first step.

We lack the energy and resources to attack the problems all at once, with equal vigor. But many things can be done. It is a matter of determining what should be done first with the manpower and money at hand. This is the next step, and a pivotal one in the development of a comprehensive general plan that works.

A COLLEGE MAN LOOKS AT McCLOSKEY

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. STEIGER of Arizona. Mr. Speaker, since the young author of the following writing feels he is not being represented in the House of Representatives; since the subject of his writing is the incumbent Republican Member of Congress and clearly would not want this young college student to broadcast his feelings, I felt it appropriate to place it in the CONGRESSIONAL RECORD.

This young man is bright, honest, and very concerned, hopefully he is truly typical of his generation.

The material follows:

MENLO PARK, CALIF.

While my congressman is out to save the Republican Party and get the youth vote I have taken the time to make some meaningful and sincere observations about his activities and remarks. This man alarms me and what he says is a tragedy to this country in my opinion.

He has been active in opposing the President for his war policy. It is my belief that the President is ending the war as rapidly as it can sensibly be done and the Congressman knows it and he also knows that in order to get attention you can't be a supporter. Look at Senator Dole, he supports the President and gets no exposure. Congressman McCloskey decries the President and is a hero for it. The Congressman's master plan in my opinion is to steal the credit for the ending of the war from the President. He knows how to make front page news without committing himself to any real risk.

I am one of those young people who Congressman McCloskey is trying to convince. After watching, listening, and talking with this man, I have made some observations that do not show the Pete McCloskey that the news media has portrayed. I think it is essential to let people know this fact. In the following pages I hope you will read and then compare these observations to the illusions that have been created for this man. I hope you will find it enlightening as well as conclusive as to the character of this man who wants to be President of this country.

RONALD CONWAY.

OBSERVATIONS

TAKING CRITICISMS

The Congressman's newsletters contain the following statements; "I would like to ask your advice; I hope you will feel free to give me your feelings and suggestions; In any event, keep writing, particularly when you disagree." I wrote four letters and didn't get answers until I wrote again demanding acknowledgement of my letters. His reply was made in two lines. This is the same man who publicly complains that the President won't answers his letters.

A Dr. Cole of Palo Alto went to Menlo Park, California on Saturday, May 1, 1971 to voice his opinion. He was booed down by the McCloskey supporters and even assaulted while the Congressman smiled at their antics. Charles Berg, the Vietnam Veteran who lost his leg fighting for his country, was told by the Congressman to "go to hell" just as he told my brother and me on July 10, 1971. Many others have been rudely treated by their representative, yet the Congressman continues to ask for advice and criticism and he continues to insult those who offer their honest criticisms.

QUESTIONNAIRES

In the summer of 1970, the Congressman made very startling remarks about what his constituents thought about national and world affairs. The results appeared to be more liberal than ever before. After looking into these odd results, I found that only 8000 constituents answered this questionnaire yet the Congressman made large statements about how liberal his constituency felt about current issues when it was less than twenty-seven percent of 465,000.

PENTAGON PAPERS

While the Congressman was damning the Administration for keeping classified material from the public he was in possession of the Pentagon Papers and didn't reveal them to anyone.

INTERVIEWS

After interviewing people of seven villages in Laos, the Congressman made observations regarding all 9,000 villages in Laos.

REPUBLICAN "WAR PARTY"?

In a television interview the Congressman referred to the Republican Party as a "war party". However, at the Halley-McCloskey debate the Congressman answered this question negatively. Which answer do we accept as his beliefs?

FLAG RAISING

On April 3, 1971, a group of the Congressman's constituents met at the 11th Congressional field Office at 141 Borel Street and raised the American Flag on the fifty foot flag pole. The action took place as a result of their observations that the Flag hadn't been raised there in over two months. The group raised the Flag daily until June 14 when they demanded that he assume the responsibility. In that time, the Congressman was invited to attend the ceremonies on three separate occasions, he never attended. On May 1, 1971, the Congressman was asked to thank Mr. Charles Berg for assuming the task. The Congressman quickly responded that he would NOT thank Mr. Berg and that both he and his staff's time was better spent doing other tasks for his constituents. It seemed odd that after much publicity and pressure from the public and the press, the Congressman did thank Mr. Berg and he also complimented his deep patriotism and personal commitment. However, only a few short weeks later in Woodside (July 10, 1971) the Congressman was *alone* with two representatives of the Flag Raising group who were discussing the issue with him when he suddenly took the opportunity to call them "horses-asses" and to "go to hell". This is the language that a man who has political aspirations uses when talking to constituents (an eleven year old girl was also present). The Presidential Office requires verbal restraint.

In the Congressman's news release, there were several other fallacies in which he tried

to discredit and misrepresent the intentions of the group. He never bothered to mention that the Flag was not raised for over two months, which was the only reason the group assumed the task. When reviewing these facts you will have to question the character and integrity of this man.

PRISONERS OF WAR/MISSING IN ACTION

Congressman McCloskey's main concern over American P.O.W.s and men who are M.I.A.s lie mainly in helping only those wives and families who agree with his attacks on the President. This is evidenced by his sponsorship of a program to finance trips to Washington for P.O.W. and M.I.A. wives who will actively lobby to impose a December 31 deadline for the war. When asked about the sincerity of this program to finance trips he told me that he wanted to help finance for those who disagree with the President because those who did agree had their trips financed by the National League of Families. The fact is that the National League is a completely non-political organization and practices no preference whatsoever in regard to financing of trips to Washington. The Congressman's obvious preference to help only those wives who agree with him, displays his obvious intentions to use those wives and families who agree with him to further his political beliefs. He disregards pleas of many P.O.W. families to stop *using* them. (Ref.* Mrs. Hanson's article in L.A. Times-UPI.)

In a letter to his constituents in early March (1971), he reprinted a speech he made to Congress in which he spoke very highly of our men and their families and then turned around in the same speech and said, "There is no real way we can insist upon better treatment of our P.O.W.s as long as it remains our policy to turn enemy P.O.W.s over to the tender mercies of the South Vietnamese whose past cruelties are fairly well documented." In one breath this man is saying how much we owe these men and in the next breath he justifies the inhumane treatment our men have been getting by comparing it to the treatment of the P.O.W.s held in the South. He seems to be overlooking several facts:

1. We have no control over the treatment of prisoners in the South just as they have no control over civil prisons in this country.

2. All military prisons of the South are inspected by the International Red Cross—this is *not* true of the other nations who are holding American men.

3. The much talked about tiger cages were only used for Civil criminals; however, this does not justify inhumane treatment, and all such cells have been abolished since their discovery—Congressman McCloskey likes to make it appear that the U.S. is responsible for inhumane treatment in the South. The treatment in the South is strictly according to the Geneva Agreements and the Red Cross makes frequent inspections.

4. In North Vietnam *none* of the Geneva Agreements are abided by and the Red Cross has yet to set foot in any prison camp. The other countries holding American men do not even concede their presence which is the reason we have many wives and families living in anguish because their loved one is Missing In Action.

The Congressman does not speak out forcefully against North Vietnam and the other countries who are treating our men inhumanely and causing their families anguish, he only speaks out against his own nation. In his recent trip to Laos, Congressman McCloskey took out time to go to the prison camps of South Vietnam and see that the men there were being treated humanely—however, he never even inquired about the treatment of the many American P.O.W.'s in North Vietnam. When I asked the Congressman about this, he stated that he didn't have time to inquire about the American P.O.W.s because he was busy interviewing Laotian villagers. Wouldn't it have been nice if the Congressman spent only a fraction of his time trying to help the suffering American P.O.W.s; he was too busy in the camps of South Vietnam and interviewing Laotian villagers seeking some discovery that would gain him some publicity.

When I continued to express my concern to the Congressman about his lack of concern for P.O.W.s except for his personal gain (April 30, 1971), he casually told me he "didn't care about the years work", I had already done trying to help the P.O.W.s.

When two P.O.W. family members asked the Congressman to speak out against Hanoi for treating the P.O.W.s inhumanely, he replied with the remark that "world opinion considered these men war criminals". Millions of people worldwide have spoken out against Hanoi which proves his remarks absolutely FALSE. Remarks, such as this, illustrate the man's lack of sincere concern in helping American P.O.W.s.

In May (1971) the Congressman met with ten P.O.W. wives and family members. During the meeting, the Congressman proposed three alternatives for solving the P.O.W. crisis. The wives approved of one with a vote of six out of ten. During the meeting, the wives emphasized that they were not political and didn't want to be used in any political situations. When they voted in his mini poll, they accepted the proposal that didn't enter the political arena. I attended the Republican Central Committee meeting that very evening and he indicated that he had six out of ten P.O.W. wives who strongly disagreed with the President. When I talked to four of those who attended and voted, they said they voted for the proposal that had *nothing* to do with the President and the war policy. That vote took quite a transition in just a few hours. The wives expressed their dismay to the Congressman's staff to no avail.

[From the San Francisco Examiner, July 2, 1971]

KENNEDY, HARTKE, MCCLOSKEY—POW KIN BLAST CONGRESSMEN

(By Mary Crawford)

Two Democratic Senators, Edward M. Kennedy and Vance Hartke, and one Republican, Representative Paul N. McCloskey, Jr., were blasted here yesterday for their positions on prisoners of war.

Mrs. James Evans, of 3280 Thompson Ave., wife of a Navy commander shot down in a reconnaissance flight over Laos six years ago, called Kennedy "one of the biggest jerks."

And Mrs. William Butler, of 64 Cottonwood Dr., San Rafael, wife of an Air Force captain listed as a POW in North Vietnam, said Kennedy recently has been "charging like a knight on a white horse" to get POWs back, while previously he didn't seem interested in them at all.

The two women are members of the National League of Families of American Prisoners Missing in Southeast Asia.

Members of the organization held press conferences in big cities across the nation yesterday.

Newspaper executives invited to cover the press conference were told that the conference was desired by "the White House." Later, a corporate public relations man said his firm notified the media of the press conference at the behest of the Public Relations Council of the Public Relations Society of America. The POW wives' message:

"We are objecting to the fact that the prisoner of war issue has become a political football. We represent the majority of POW-MIA families who feel that the only solution for the POW/MIA (missing in action) problem is that it remain a humanitarian issue."

They accused an increasing number of legislators of seizing upon the POW problem to gain support for a withdrawal date from Vietnam, "while in reality there is no guarantee for the return of the POWs and an accounting of the missing."

And Mrs. Evans said that "President Nixon's hands must not be tied in using those options open to him in negotiating for the release of our prisoners."

Mrs. Evans, mother of a teenage boy and girl, sat at a table in the San Francisco Press Club to air her opinions on some politicians. In front of her was the second package she had sent to her husband only to have returned.

Mrs. Evans has had no word from her husband.

She did have a form letter from Kennedy, with no mention of POWs although she had written him to ask about his position on the return of POWs.

She said one of her friends with a POW husband had written to a senator and in turn received a letter thanking her for her interest in Health, Education and Welfare.

Mrs. Butler, mother of two small children, held a letter from her husband, written on the six line form provided for prisoners in North Vietnam. She received a letter from him every other month from March, 1970 until Christmas.

The two women quoted McCloskey as saying in San Mateo last May 14 that if it came down to voting for withdrawal contingent on release of POWs or total withdrawal, he would vote for the latter.

And they quoted Hartke as telling a youth group called the Washington Workshop, in Washington, D.C., last March 3. "I don't know what happens to POWs—how do POWs get to be POWs except for having us involved in an undeclared war?"

And when a youngster at the conference commented, "We can't leave them there," Hartke was quoted as saying "Why not?"

[From the Los Angeles Times, June 2, 1971]

KIN APPEAL—MCCLOSKEY ASKED NOT TO USE POW'S

(By Stanley Williford)

A group of relatives of prisoners of war and servicemen missing in action asked Wednesday that Rep. Paul N. McCloskey Jr. (R-Calif.) "not make the plight of POWs and MIAs in Indochina a political issue."

The nine women said they believed the prisoner of war issue should be negotiated separately from other aspects of the war because it is a humanitarian one.

Speaker at a Greater Los Angeles Press Club news conference, Mrs. Carole Hanson, spokesman for POW-MIA Internation, Inc., said the group had directed its pleas to McCloskey because he had been asking wives of POWs to support his demand for a withdrawal date from Vietnam.

"It is Congressman McCloskey who has sought out POW families to line them up as backers," she said. "Any politician has the right to voice his opinion but we just ask that POW families not be used as a political issue."

Mrs. Hanson said she believed a withdrawal might worsen the plight of the men being held by the Communists.

"Those of us who must wait at home for any word from our loved ones being held in Asian prisons are hurt very deeply by the calloused attempts by ambitious politicians to use the issue to further political goals," she said.

In efforts to enlist the support of POW families, Mrs. Hanson said, McCloskey had recently gone to a dinner where 100 families were in attendance.

Included among the financial supporters of the move to enlist the families of captured Americans to support congressional action to set a troop withdrawal deadline are business-

men backers of GOP Rep. Paul McCloskey Jr., California, and Common Cause, headed by John Gardner, former cabinet member in the Kennedy Administration.

NATIONAL CONVOCATION OF LAWYERS TO END THE WAR

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. FRASER. Mr. Speaker, on June 7–9, 1971, lawyers from around the country met in Washington to concentrate efforts in support of legislation to end American participation in the Indochina war. These highly motivated men and women spent two days in intense discussions with elected and appointed officals throughout the Government.

The Minnesota delegation, one of the larger delegations, played a central role in the activities of the convocation. The following report was drafted by Franklin J. Knoll, the executive director of the Minneapolis Urban Coalition Action Council, for submission to the officers of the Minneapolis Urban Coalition Action Council and the Minnesota Delegation of the National Convocation of Lawyers to End the War. Of particular interest in this report are the results of the interviews held with legal officials in the Department of Defense and the Department of State. The observations are particularly incisive and I urge all of my colleagues to read the report.

The report follows:

MINNEAPOLIS URBAN COALITION
ACTION COUNCIL,
July 26, 1971.

To: Officers of the Minneapolis Urban Coalition Action, Minnesota Delegation of the National Convocation of Lawyers to End the War

From: Franklin J. Knoll, Executive Director

Re: Washington Lobby Effort in Support of Legislation to End the War—Washington, D.C., June 7–9, 1971

Pursuant to the Action Council resolution of June 3, 1971 in support of the McGovern-Hatfield and Nedzi-Whalen amendments to end the war I participated in a concentration lobby effort in support of the two amendments undertaken by ad hoc group of attorneys called the National Convocation of Lawyers to End the War. The following is a summation of my observations. It is being prepared for distribution to the directors of the Action Council as well as the membership of the Lawyers Convocation.

PREPARATIONS IN MINNEAPOLIS

The Minneapolis delegation was organized and mobilized through the leadership of Howard Vogel of the Van Valkenburg office and Paul Zerby of the Dorsey office. Paul and Howard were contacted by the Boston group which provided organizational leadership on the national level. The entire national convocation was put together in about three weeks time, the Minnesota delegation in about six days. Paul and Howard through personal contacts were able to obtain the names of 60 local attorneys for use on the letterhead and subsequently sent out 4700 letters to members of the Minnesota bar. A lobbying kit was prepared which included a report of the law students lobby effort of last year at the time of the Cambodian Invasion. A checking account was then opened and a post office box obtained. These efforts resulted in the participation of 13 members of the Minnesota bar in the Washington Lobby on the 7th and 8th of June. Those lawyers attending included: Keith Wallace, Alexandria; John S. Connolly, St. Paul; Thomas L. Johnson, Minneapolis; Lynn Castner, Minneapolis; Howard W. Vogel, Minneapolis; William E. Drake, Minneapolis; Paul Zerby, Minneapolis; Frederick E. Lange, Minneapolis; Robert L. Speeter, Minneapolis; Vincent E. Johnson, Minneapolis; Franklin J. Knoll, Minneapolis; Gerald L. Seck, Minneapolis and Larry B. Leventhan, Minneapolis. The District of Columbia host committee included such nationally prominent lawyers as Elbert E. Arent, Edward Burling, Clark Clifford, Lloyd N. Cutler, John B. Jones, Jr., Stuart J. Land, Paul A. Porter, Robert L. Wald, and Paul C. Warnke.

The bulk of the lobby effort was aimed specifically at the Hatfield-McGovern amendment then pending in the Senate calling for the withdrawal of all troops from Indo-China by December 31, 1971 and a similar measure in the House, the Nedzi-Whalen amendment, calling for the cutoff of appropriations for the Indo-China war by the same date.

Washington, Monday, June 7

Most of Monday morning was spent by several members of the delegation in securing appointments at the various Congressional offices. The services of Congressman Fraser's staff were made available to the delegation and his office provided a primary coordination point. Fraser's staff provided excellent assistance in making appointments, sharing information and generally making us feel at home. Monday afternoon appointments at the office of each Congressman and Senator as well as representatives from the Departments of State and Defense were secure.

Earlier contacts with Presidential advisor Clark McGregor had given the group the impression that he would meet with us if a letter indicating our request was sent in advance. The group is also of the opinion that Mr. McGregor had indicated he would check into the possibility of an appointment with the President. Accordingly Bob Seeter, who knows Mr. McGregor personally, had sent him a special delivery letter indicating our request well in advance of our visit. On Monday evening we were informed by Mr. McGregor's office that the notice was too short to provide a meeting with the President and even McGregor found it impossible to meet with us.

By Monday afternoon approximately 1,500 lawyers from all over the country were registering at the Washington Hilton Hotel. Registration continued until early evening when an orientation session took place at which lobbying techniques were discussed by organizers of the convocation. Of particular interest at the orientation session was a discussion of Senator Mike Gravel's plans for a filibuster against the extension of the Military Selective Service Act (the draft) which was due to expire on midnight June 30, 1971. Gravel's point was to extend the discussion on the many amendments to the bill then pending so that the draft would expire by June 30 and theoretically cut off the President's supply of troops to carry out military operations in Indo-China. The filibuster tactic appeared to evoke a rather mixed reaction from the lawyers, many being repulsed by the filibuster tactic, and others being opposed to the alternative, namely, a professional army devoid of civilian influence. At any rate, the filibuster failed when a cloture motion was passed.

The highlight of the first day was the evening program which included major addresses by Senators Edward Kennedy and Philip Hart, Representative Robert Drinan, the Jesuit law professor recently elected to Congress from Boston, former Senator Ernest Gruening from Alaska, John Gardner and John Lagomarchino from Common Cause, John Kerry of the Vietnam Veterans Against the War, and others. The program was emceed by former Secretary of Labor Willard Wirtz. Senator Kennedy's address, in which he accused the President of playing politics with the question of withdrawal of U.S. troops from Southeast Asia evoked several comments from politicians, including Senator Humphrey, and provided the New York Times, The Washington Post and the wire services with several bylines throughout the week. The evening was ended with the showing of the Common Cause film "Speak Out on the War."

During the evening's program, the Minnesota delegation received special mention as the largest from outside of the East coast. Howard Vogel, representing the Minnesota group, addressed the Convocation briefly and then moved the following resolution which was adopted unanimously:

In order to end the war, we, members of the legal profession, support legislation which provides for withdrawal of all United States armed forces from Indochina by December 31, 1971.

We believe that present United States policies will continue to prolong the War and cause senseless suffering among the American and Indochinese peoples.

We ask that Congress exercise its constitutional prerogatives and responsibilities. We urge that Congress act now to stop the War.

DEFENSE DEPARTMENT INTERVIEW

On Monday afternoon (prior to my arrival) a meeting was arranged through Congressman Fraser's office with a Benjamin Foreman, Assistant General Counsel for International Affairs in the Department of Defense. Lynn Castner, Howard Vogel, Jerry Seck, and Tom Johnson met with Foreman for approximately two hours, the discussion centering around the nature of the lawyer-client relationship vis-a-vis a government lawyer and his superiors. The relationship between Foreman's office and the Department of Defense, the Department of State, the Congress and the Administration was also discussed. Foreman indicated that the Secretary of Defense and the White House have asked his advice often on the legality of various Indo-China military policies. He made specific reference to a particular request relating to the international legality of bombing Hanoi. Foreman views his job as that of involving a lawyer-client relationship with whomever requests an opinion, and he does not limit this relationship to his employer, the Department of Defense.

Mr. Foreman had impressive credentials, being a graduate of Harvard Law School, and several years service with the Department of Defense. His background included experience in the Justice Department's Anti-Trust Division prior to moving to Defense where he was employed at the time of the Tonkin Gulf incident. His firm opinion is that since each of the events leading to our involvement in Indo-China was legal, present policies should be viewed only as political questions, the legality issue having been dealt with earlier. Thus he saw no reason to examine from a legal point of view whether or not Vietnam is engaged in a civil war or whether the events leading up to the Tonkin Gulf resolution were legal provocation for the military action which followed since each of these was purely a political issue. Interestingly enough, however, he felt that the Church-Cooper amendment was unconstitutional on the *legal* basis that the Congress, once troops are committed, cannot direct the President as to how to wage war. He was hesitant to comment in response to the question of whether the Congress could properly restrict the President from using nuclear weapons.

Howard Vogel highlighted the discussion with Foreman by raising a number of questions regarding the apparently strong interest career governmental employees appeared to have in protecting their future annuity by maintaining a "low profile" in their jobs. In this portion of the discussion Mr. Foreman admitted that in earlier years, particularly during the Eisenhower administration, the Defense and State Departments often consulted with each other and then presented a joint course of action to the White House. He admitted that this technique often resulted in the presentation of the lowest common denominator in terms of policy. He pointed out that presently Defense and State tend to develop their own policies and to present them independently to the White House. While he stated that at Defense there is a tendency to be asked questions in such terms that a number of various policies and alternatives may be considered he pointed out that there did not appear to be any consideration of alternatives available in terms of our policy in Viet Nam.

Washington, June 8, 1971

The entire day from 8:30 a.m. until approximately 5:30 p.m. was spent lobbying the entire Minnesota delegation in support of the McGovern-Hatfield and Nedzi-Whalen amendments. With the help of Congressman Fraser an additional interview was arranged with a representative of the State Department, a Mr. Stanley Futterman, senior attorney in the Southeast Asian Affairs Division.

STATE DEPARTMENT INTERVIEW

Lynn Castner, Larry Leventhal and Bill Drake met on Tuesday with three lawyers from the State Department including Mr. Futterman and two attorneys on his staff. The general impression of the meeting was that the State Department lawyers were more heavily involved in policy making than were the attorneys in Defense. The State Department attorneys appeared to be more aggressive in defending the administration's Southeast Asian policies and gave the impression of being less objective in considering the merits of opposing arguments than those attorneys at the Defense Department. Thus, for example, the background of the Tonkin Gulf resolution was vigorously defended on specific points and the argument was put forth that a case of deception or duplicity on the part of administration officials as to the actual military operations which led up to Tonkin Gulf had not been made. One of the attorneys in our group reported that he sensed an "Alice in Wonderland" atmosphere pervading during the visit. In response to the State Department's attorneys arguments some of the members in our group pointed out that many members of Congress as well as the public have lost faith in the credibility of the facts presented to Congress and to the public by the administration regarding our policies in Southeast Asia. Interestingly enough this discussion preceded any knowledge of the impending publication of the Pentagon Papers. It was also pointed out that Congressman Fraser had that very day indicated that he was considering introducing an amendment in committee making it a criminal offense for a member of the administration to give any false information to Congress.

In terms of the legality of the administration's position, Futterman and his staff argued that Tonkin Gulf was not essential and was, indeed, irrelevant to our present policies. His basic argument in defense of administration policies was that the President has adopted a policy of withdrawal, and that because of this policy, the legality of our initial intervention and our present military participation was irrelevant. The point was argued at some length.

One of the most significant points of interest to our group was the admission of the State Department lawyers that the present system of information gathering did in fact have weaknesses, and their agreement that information gathering agencies of the government should not have operational or policy making responsibility.

RED HEROIN FROM RED CHINA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. SCHMITZ. Mr. Speaker, what will be the results of the United States inglorious march to embrace oriental despot Mao Tse-tung while abandoning a long time ally, the Republic of China?

The following reports delivered by former U.S. Commissioner on Narcotics, Hon. Harry P. Anslinger, to the United Nations Commission on Narcotic Drugs in 1953, 1954, and 1955 allow us to easily foresee one result. As Red China gains a legal base from which to operate in the United States not only will Peking-directed subversion increase, as Mr. J. Edgar Hoover recently reported, but our already overwhelming drug problem will probably grow worse. Mr. Anslinger was U.S. Commissioner on Narcotics from 1949 to 1962 and is generally thought of as the "J. Edgar Hoover of Narcotics Control."

Commissioner Anslinger reported to the United Nations that—

The Communist regime of mainland China is distributing drugs abroad and selling heroin and opium in large quantities to the free countries of the world.

He detailed the immense Red Chinese traffic in opium and other narcotic drugs and characterized their efforts as—

A formidable and far-reaching plot to gain foreign exchange and at the same time to demoralize the people of the free world.

Commissioner Anslinger stated in no uncertain terms that—

The Communist regime in mainland China is pouring opium, morphine and heroin out through the province of Yunnan to augment already existing lines of traffic.

Millions of dollars obtained from the sale of opium and other narcotics are used by the Communist regime in mainland China for political purposes and to finance agents.

After outlining sources for Red Chinese opium, their methods of production, the mechanisms they use for distribution, and the members of the Chinese Communist Party in charge of exporting one of mankind's greatest curses, Commissioner Anslinger stated that, "The United States is a target of Communist China, to be supplied with a flood of foreign exchange earnings, health- and morale-devastating heroin."

He noted that Red Chinese trade agencies in nations such as Japan serve as one of the mechanisms through which the Communists market the vast quantities of opium and heroin which they produce. He also cited several incidents in which heroin was given free to U.S. soldiers serving in the Far East which resulted in their becoming addicted. Whether this tactic is being used against us in Vietnam today by the Communists is not known. However, the historical precedent is there.

Commissioner Anslinger cited subversion of free world armed forces as one of the purposes of Red China's illicit traffic in narcotic drugs. The Commissioner said—

These purposes (of the traffic in narcotics) include monetary gain, financing political activities in various countries and sabotage. The Communists have planned well and know a well-trained soldier becomes a liability and a security risk from the moment he first takes a shot of heroin.

What is the situation today? Have the Red Chinese abandoned their money-making traffic in illicit narcotics which so well tallies with their political objective of destroying Free World Nations? Dr. Jerry Pournelle, formerly director of the Pepperdine Research Institute says, "No." In an article which originally appeared in Twin Circle News magazine, Dr. Pournelle outlines briefly Red China's traffic in addictive drugs today.

Dr. Pournelle points out that—

Recognition of Red China and regularization of trade would . . . make it easier to export heroin to the United States.

I strongly urge all my colleagues to familiarize themselves with the information presented by the former U.S. Commissioner on Narcotics, and Dr. Pournelle, and ask themselves a question. What will the United States gain by embracing a group of tyrants who are using heroin as a weapon against the free world?

The articles follow:

[Remarks of the Honorable Harry J. Anslinger, April 1953]

THE ILLICIT NARCOTIC TRAFFIC IN THE FAR EAST

After the debate on May 5, 1952, in this Commission on the situation in relation to the smuggling of narcotic drugs from Communist China, the Russian delegate circulated a statement, document E/2233 dated May 27, 1952, by the Ministry of Foreign Affairs of Communist China. The statement alleges that the report submitted by the representative of the United States Government contained the slanderous assertion that Communist China is engaged in the illegal sale of heroin to Japan, and was a baseless fabrication from start to finish; that from the date of its formation, Communist China has consistently and resolutely pursued a policy of the strictest prohibition of opium and other narcotic drugs.

Instead of giving this Commission a factual report on conditions as other governments have done, the Chinese regime delivered a diatribe of abuse to the Commission for listening to the truth, calling it "malicious slander", "shameless dissemination of lying rumors", intrigue and fabrication and endeavored to shift responsibility for the traffic to other governments.

In view of this challenge, I shall furnish the Commission with additional facts on the situation.

The 1950 organization of the Chinese regime for the sale of opium and other narcotics has been carried over into 1953 with the exception that some of the lesser officials have been changed with the top officials remaining the same as before.

At the time the Communists occupied Shensi the district was barren and unproductive so the communists depended on the cultivation and sale of opium to finance their vast military administration. As a result the organization for the sale of opium and the communist financial organization

were closely correlated, and in the areas dominated by the communists the free sale of opium and opium-smoking were acknowledged facts and opium was termed a special item.

As soon as the communists advanced to Manchuria with the support of the Soviets, they put a stop to the free trade of opium in the areas under their domination, but encouraged such trade in areas controlled by the National government as a strategem.

When the communists occupied the whole of China, opium-smoking was prohibited in the land by order of the Communist Administrative Department, but it soon became known that traffic in narcotics would be permitted if it was contrived behind the scenes so those who wished to export opium applied to the government organization controlling special items and received licenses to export opium which amounted to a license to buy and sell opium and heroin.

Tientsin and Canton are the chief opium and heroin export centers in China.

Within the Communist government there is the Opium Prohibition Bureau of the Peoples' Government. Within this Bureau the responsible persons are: Po I Po, Chief of the Finance Division; Yie Chih Chuang, Chief of the Trade Division; and Wang Feng Chi, who as Chief of the Hwapei Opium Prohibition Bureau is the actual person in charge.

The Opium Prohibition Bureau amounts to a government monopoly which, in the Tientsin district, is known as the Yuta Concern which is located at 5, Aomen-lu, 10 Ward, Tientsin. Wang Tsu Chen is the head of this concern, Li Tsu Feng is the managing director, and Sung Han Chen is an active partner. Wang is a native of Nanking and was formerly a bandit; Li is a leader of bandits of the Tseng Jen Wang clique; and Sung is a famous opium dealer in Tientsin.

The opium business in the Canton district is monopolized by the South China Trade Bureau under the name of "Lin Chi Hang". Wang Jui Feng, a senior communist leader, is in charge.

In Hankow stockpiling and transportation are carried out by the Hankow Agency of the Central and Southern District Tobacco Bureau. The person in charge is Lo Wen, Chief of the Accounting Department of the Central and Southern Army District.

The opium stored in the Shihkiachwang Warehouse, with Kuo Hua Yuen in charge, includes the stockpile of opium which was accumulated before the communists took charge of the government.

The person in charge of the Northern Shensi Warehouse is Kung Liang who is responsible for the planting, harvesting, and processing of opium in the northern Shensi district.

The Jehol Agency, the original name was the Jehol Agency of the Central Tobacco Bureau Superintendent's Office, is headed by Wu Chih Ho who is in charge of the seeding, harvesting, and processing of opium in the Jehol district.

In Shanghai opium transactions are prohibited, but Chu Yu Lung who is a public security officer of the Shanghai district is in charge of the liaison office. His principal job is to negotiate with buyers of opium.

The traffic in narcotics is closely related to other organs of the communist government. For example, there is a close relation with the Peoples' Bank of China and the Bank of China both of which have local branches throughout the country with special counters to handle loans, extend credit and handle mortgages for opium. The transportation of opium is guarded by the armed forces. These agencies along with the Tobacco Monopoly are also the organs for handling the transactions in opium. The responsible persons of the Tobacco Monopoly in the various districts have chosen connections with the big opium dealers. They employ the names of recognized firms for their export business and conduct narcotic transactions under the protection and cover of various subterfuges.

In August 1950 the following kinds of opium, with the morphine content as shown, were held in the various districts:

Items	Morphine content (percent)	Quantities (tons)		
		Tientsin	Canton	Hankow
139	12.	20	10	10
138	11.36	20	5	20
No. 1 Camel	7.4	40	20	30
Special Camel	9.8	30	10	10
No. 1 Race Horse	6.3	30	30	10
Special Race Horse	8.4	60	20	10
Total		200	95	90

Since the quality of opium produced in the northwestern and southwestern districts of China is not uniform and the price varies, Lin Siu Hao who has charge of the laboratory attached to the Shanghai Hygienic Department makes the analysis and decides the standard of opium for export purposes.

Opium is a publicly owned property and the people are not officially permitted to produce, transport, smoke, or sell it privately. Accordingly, all the organs for collecting, purchasing, stockpiling and transporting opium are held exclusively in the hands of the Central Opium Prohibition Bureau. The opium which has been obtained for export by traders in Tientsin is conveyed to Taku on boats by the troops stationed there. The opium stored in Canton is delivered to Shum Chan by the army and sold there.

When transportation is by boats, sampans are used for further transportation and the cost is usually two yuan for each liang.

The method of concluding contracts in the Canton district is not uniform so traders sign contracts with the Central Trade Bureau in Sui Chou. Sometimes opium is traded for chemicals at the Trade Bureau in South China. At the time of the transaction the two parties sign a contract at the Shen Chou Warehouse and the communists take charge of the transportation.

The above organizations and Chinese, Korean, and Japanese communists are presently operating to smuggle heroin into Japan, from which country a portion is transshipped to the United States, not only to obtain dollars and strategic materials but also to sabotage by creating narcotic addiction.

One of the most important officials in the communist regime who is responsible for supplying heroin to the illicit traffic in Japan is Cheng Lao San, Director of the Opium Prohibition Bureau for the States of Chiang Su, Che Chiang, and An Hui—three states or districts around Shanghai. Cheng is probably the biggest narcotic dealer in the communist regime and is known as the King of Opium.

Under Cheng there is the following organization as far as Japan is concerned: Li Chin Sui is Cheng's top man in Kobe and Tokyo. The following known communists in Japan pooled ¥5,000,000 and bought a ship in which they sailed from Kobe July 4, 1952: Li Tien Cheng, Kuo Chu Hsiu, Lan Kuo Cheng, Pao Wen Han, Pao Jui Sheng, Liu Kan Lung and Hsieh Chun Mu. All of them are Chinese.

Since that time only Pao Jui Sheng has been known to return to Japan. He came back to Muroran, Hokkaido, on the Dutch ship Malacca.

This group of Chinese communists and Li Tien Cheng negotiate directly with Cheng Lao San for narcotics. Li Chin Sui is a fugitive on a narcotic charge in Japan. He and two other Chinese smuggled approximately four pounds of heroin from China to Japan which was seized on the MS Hermaline in Kobe in 1951. It is believed 170 pounds were smuggled into Yokohama shortly before the seizure in Kobe, and that this heroin was purchased by Hsieh Chun Mu and Hung En Chu. The latter Chinese and his associate Hsu Yu Fu have been arrested in Japan for trafficking in heroin. Hung and Hsu were both involved in the Hermaline investigation and have the same relationship to Li Chin Sui as Li Tien Chang who has recently been arrested in Hong Kong and will be deported.

Cheng Lao San supplied heroin to Shibata Tatsuo, a Japanese who was arrested in Tokyo in April 1952 when he attempted to sell 720 grams of heroin at the rate of ¥290,000 for 110 grams. The heroin was supplied to this Japanese through Lo Chung Chung who traficks in heroin under the direction of Cheng Lao San. This heroin was the Red Lion brand. In the early part of 1951 this same brand of heroin which had been smuggled into Japan by air from China was seized in the amount of 676 grams. A further seizure of this Red Lion brand of heroin, which is manufactured in quantity in Tientsin, was made in Kobe July 25, 1952, in the amount of 706 grams with a purity of 89.09 percent. Also on October 6, 1952, in Kobe 1,313 grams of the same Red Lion brand of heroin were seized. This heroin had a purity of 84 percent. In all of these seizures the principals were Chinese. The seizures from China in Kobe although several months apart had packages numbered as follows: In July 00016 and 00019; in October 00017, 00018 and 00021. These are Chinese factory numbers.

Chen Kun Yuan, a Chinese living in one of the Mitsui mansions in Hongo Meguro, Tokyo, has a close connection with Cheng Lao San. Chen in 1949–50 shipped large quantities of heroin to Tokyo. He became wealthy from this nefarious traffic and in 1951 set himself up in the lacquer business in Tokyo. Just before Chen moved to Tokyo he shipped 40 pounds of heroin to Tokyo by air, and in June 1952 is reported to have shipped 120 pounds of heroin to Tokyo in one-half pound rubberized bags. In each shipment several one-half pound packages were included, and Chen is reported to have paid the pilot of the aircraft ¥200,000 in each case of shipment for taking the heroin in as his own luggage and for making the delivery in Meguro Ward, Tokyo.

This same Chen was a ringleader of narcotic traffickers in Central China during World War II, and was arrested in Szechwan Province, China, at which time his property was confiscated. Under the communist regime in China he again trafficked in heroin and amassed millions in two years. Among his followers are a Korean who has charge of transporting raw opium from Korea and Soviet Russia; a Chinese by the name of Chang Liang Tung who is taking care of Chen's illicit narcotic interests in Tientsin and Shanghai; and another Chinese, Tao Tsing Kang, who is engaged in smuggling heroin. After processing the opium, this group smuggled heroin to Singapore, Japan, and parts of China. About one-half of their heroin is reported reaching Japan.

Although Li Chin Sui is not known as a communist, he is boss of the Chinese underground in Japan and has collected large sums of money which he has turned over to the Communist regime of China. In southern China, the exact location is not known, the Ministry of Trade and Commerce has a branch office and Li Chin Sui has a company by the name of Tung Yung Trading Company which really functions as a branch office of this Ministry and handles medical supplies and other strategic materials for the Communist regime of China.

The above-mentioned Kiu Kan Lung is closely associated with the sons of the notorious trafficker in narcotics, Li Sui Sen, a Chinese who was arrested on a narcotic charge in Yokohama in October 1951. One of Li's sons lives in Shanghai, while three more sons live in other parts of Communist China.

Hsieh Chun Mu, the narcotic trafficker mentioned above was closely associated with

Kaji Wataru and Mitsuhashi Masao, military spies and communists about whom there has recently been so much publicity.

In the Atsugi-Gotemba area, communists, both Korean and Chinese, with the Koreans outnumbering the Chinese, are using street girls to sell heroin to American military personnel. The Koreans and Chinese have taken over the narcotic traffic around the military bases which have been divided as follows: Sasebo, Chinese; Chitose, Koreans; Tachikawa, Chinese; Misawa, Chinese and Koreans; Sendai, Koreans; Asaka, Koreans; Kokura, Chinese and Koreans.

Out of a total of 1494 narcotic violators arrested in Japan from January through November 1952, 24.6 percent were Chinese and 16.8 percent were Koreans. Thus this element of the population, less than two percent of the total, accounted for more than 41 percent of the narcotic violators. Narcotic agents arrested 52.2 percent of the violators, while the police and Customs arrested 39.4 percent. The remaining arrests were made as a result of cooperation between enforcement agencies. A total of 7,843 grams of heroin and 1,827 grams of raw opium were seized during the eleven months period.

In Yokohama is located what is considered the most active group of Chinese narcotic smugglers in Japan since they are reported to be operating regular smuggling ships, complete with false bottoms, for the purpose of carrying heroin and gold from China in exchange for platinum, American dollars, and other strategic materials. In this group of known communists are: Wu Hua Kuo who has been arrested on charges of smuggling and bribing Customs officials; Yang Wen Ting who is connected with a trading company and who was arrested in 1949 on a smuggling charge; Wang Chung I, Wu Kao Ming, and Chen Jen Chi, all so-called traders. Associated with this group was the trafficker, Hsieh Chun Wu, mentioned above who smuggled himself out of Japan and is now living in Peiping. His family followed him on October 11, 1952. Also in this group of communists are Pi Lei Kuang, Chien Ta Ming, and Liang Pei Hua. The latter is in charge of the Kanto area (Tokyo Plain) for carrying out directives from Red China, and is reported to have received money and heroin from a Lo Chung Chung, mentioned previously as a lieutenant of Cheng Lao San. This Lo used to obtain heroin and entrust it to merchant seamen to bring to Japan. When the ships arrived, Lo would drive to the wharf to receive the heroin.

The information with respect to the previous paragraph came to light when a day laborer in Yokohama was arrested and interrogated. This laborer, a certain Saito, signed on one of the ships of the smuggling group in Yokohama in December 1950 at Yutsubo and arrived at Reisui, Korea, after three days. The cargo of clothes was discharged and narcotics packed in cartons was taken aboard and later discharged in Shizuoka prefecture, Japan. During this voyage, Saito who was not an addict was tied hand and foot and forcibly given heroin injections until he acquired a craving for the drug.

In January 1951, Saito, who was now an addict, reached one of the smuggling ships lying off the port of Yokohama by small boat. The ship touched at Oita prefecture. After leaving Japan, about 20 boxes of opium, heroin, watches, and revolvers were loaded at another port and the ship sailed for Dairen where she stayed about one week. At Dairen 20 cardboard boxes of heroin were taken aboard. The ship then sailed for Japan and discharged 10 boxes of narcotics and revolvers near Hirado Island, Nagasaki prefecture. These boxes were addressed to the Kyushu and Hiroshima Branches of the Japanese Communist Party. The ship then passed through the Japan Sea to Hakodate, Hokkaido, where 10 boxes were delivered to a Japanese who met the ship by trawler. After this, two boxes were delivered to a Korean at Matsushima near Sendai, Japan. Late in January the ship returned to Yokohama where the followers of Wu Hua Kuo came out in a small boat and received 10 boxes. The boxes were put in American military vehicles and hidden in wheat in a lumber room in the back yard of Wu.

Saito left Japan again soon afterward on the same ship. The ship carried 500 tires, 100 cases of beer and 100 cases of Suntory whiskey, and arrived in Shanghai in about one week. The cargo was handed over to Red soldiers who provided documents and the ship sailed for a certain destination where provisions, cakes, crude rubber, and narcotics were loaded. The ship then returned to Shanghai where the cakes were discharged, and then to Dairen where 30 cases of narcotics and revolvers were taken aboard. The next port was Vladivostok where nine Japanese left the ship. Later, off the coast of Chiba prefecture, the revolvers and narcotics were delivered to eight or nine Japanese who came out in a small boat, and the ship returned to Yokohama. More than 20 persons, mostly Chinese, listed in the day laborer's statement are known narcotic violators, and Saito was able to identify photographs of these people.

Among the more important cases which can be traced directly to Communist China are the following:

Seizure in Kobe, July 25, 1952—706 grams heroin

After the arrest of a Japanese pharmacy owner in Kobe and the seizure of 706 grams of heroin, it was established that Chang Shih Ching, a Chinese male aged 39, had brought the heroin to Kobe from Tokyo and had enlisted the help of the Japanese in disposing of the drug. This heroin was 89.09 percent pure, was manufactured in Tientsin, and bore two Red Lion brand labels.

Seizure in Kobe, July 21, 1952—323 grams heroin

Narcotic agents negotiated for the purchase of a large quantity of heroin from Sai Sei Ichi, a Korean, and later arrested Sai and Yang Yao Mu, a Chinese aged 27, in possession of 323 grams of heroin. The heroin was 89 percent pure and was contained in the familiar fabric bags in which large seizures of heroin from China have been made.

Seizure in Yokohama, August 5, 1952—83 grams heroin

Narcotic agents arrested Wu Chun Sheng, a Chinese aged 37, after they had seized 83 grams of heroin which Wu had left in the home of a Japanese friend for safekeeping. Wu is a close associate of known communists and narcotic traffickers smuggling from Communist China who were reported in 1951. These traffickers included Jo A Ki, a Chinese who has been charged with narcotic violations on three occasions.

Seizure in Yokohama, September 28, 1952—37 grams heroin

Narcotic agents arrested Peng Lan Hsi, a Chinese aged 30, in Kawasaki which is a suburb of Yokohama. Heroin in the amount of 37 grams and cutting equipment were found in the possession of Peng who is the boss of communists in Tsurumi Ward, Yokohama. Peng had obtained the heroin from the notorious narcotic trafficker in Kobe, Chang Shiu Shin, a Chinese who was arrested in December 1952.

Seizure in Tokyo, October 3, 1952—3,413 grams heroin

The Narcotic Squad of Tokyo Metropolitan Police on October 3, 1952, seized 2100 grams of heroin, 97 percent pure, in two biscuit tins at Tokyo International Airport where it had just arrived by air. Following the seizure two Chinese, Chu Sun Chong and So Tung Chung, were arrested in Tokyo after which narcotic agents seized 1,313 grams of heroin in Kobe from officials of the Chuang Tai Trading Company, a Chinese concern. This heroin was 84 percent pure and was contained in 50-gram packages. Although the Kobe seizure was made on information obtained from the seizure in Tokyo, it is believed the Kobe seizure originated with Wang Wu Ming, a Chinese trafficker who is reported to have brought the heroin to Japan. The Tokyo seizure was to have been received by the Ento Enterprise Company where two Chinese had made elaborate plans and had made four large shipments of heroin from Communist China to Tokyo. Twenty-one such shipments were traced by officials investigating the narcotic seizure. In addition to the Chinese, ten Japanese were arrested in Japan.

All information obtained from extensive investigations shows the heroin in Japan originated from Communist China. Some amounts arrive from Horai, China, between Tsingtao and Tientsin. The communists use crews of merchant ships, crews and passengers of aircraft, as carriers, as well as their own communist couriers and agents, to smuggle narcotics.

KOREA

Opium and heroin reach all parts of South Korea from north of the 38th parallel. The usual route is via Kangwa Island off the coast near Inchon. Smugglers move down the coast in small boats and deliver the contraband to communist guerillas in the central-western part of South Korea in the general area of Kochang. On December 20, 1952 13.5 pounds of raw opium which had reached South Korea by this route were seized. The opium was being offered at the rate of U.S. $90 per pound.

Heroin which is being seized in Korea is the familiar light tan, coarse, granular heroin which originates in Communist China, being manufactured in Tientsin. The price in South Korea ranges from U.S. $10 to $20 per gram.

Some of this heroin is brought in by political agents who infiltrate across the front lines from North Korea. In other instances the heroin is smuggled in by ship, plane and courier. It is common knowledge in Korea that any trader who cooperates with the Chinese makes tremendous financial gains. One such Korean who was known to have smuggled narcotics along with other contraband is reported to have made 10 billion Won.

In 1951 in Pusan there was a group of Koreans who were representatives of a North Korean Trading Company with connections in Mukden and Peiping. These men had limited capital so they trafficked in heroin to recuperate their fortunes. These trading company representatives now have adequate capital and have built their fortunes on narcotic traffic. Money obtained from the sale of heroin in South Korea finally returns to North Korea and Red China either in the form of dollars or of strategic materials.

When the United Nations forces moved through North Korea in October 1950 a warehouse of the Ministry of Commerce in Pyongyang contained large quantities of opium and morphine. There were at least 300 boxes of opium weighing from 30 to 50 pounds each, while the morphine in one-pound cans was in a quantity sufficient to fill two or three rooms of approximately 10' x 12'. In Pyongyang it was found the Ministry of Commerce had a factory for processing opium in the same compound in the west part of the city.

All of the non-addict peddlers of heroin in South Korea originally came from North Korea. This is also true of the chemists.

On August 25, 1952 a clandestine laboratory was seized in a room in Pusan. There were 333 grams of heroin of 81.7% purity and smaller amounts of heroin in process. All the persons arrested in this case had permanent addresses in North Korea, and so far as could be determined all the original narcotics came from North Korea.

The ROK Navy seized 500 grams of heroin from a communist and were able to prove conclusively that the heroin came from North Korea. This heroin was contained in a metal can with a slip-over top. This container closely resembles the cans in which heroin was purchased from Community Trading Store in Genzan, North Korea, in 1949.

The small decks or packages of heroin which can be purchased in Seoul, particularly from Chinese, contain the light tan, coarse textured heroin which is commonly received from Communist China.

HONG KONG

British authorities are making diligent efforts to suppress the traffic from the Chinese mainland.

Li Choy Fat & Company, which includes Li Choy Fat, Li Sui Po, and Kwok Kam Chi, all three of whom are Chinese, were important traffickers in narcotics for several years. Li Choy Fat was formerly of Shanghai and was deported from Hong Kong June 26, 1952.

Li Choy Fat was carrying on his narcotics smuggling full scale. By sea narcotics were moved in vessels ranging from the smallest junk to the biggest commercial liners. Airline and charter planes are also used, and it is reasonably safe to say there is not an airline operating either to or from the colony which has not been used by narcotic smugglers. Late in 1952 it became firmly established that the movement of gold and narcotic smuggling were closely connected and communist inspired. It was also discovered the same traffickers were shipping strategic war materials to Communist China.

After the deportation of Li Choy Fat, he was sentenced to 15 years imprisonment in Taipeh for his smuggling activities.

Millard K. Nasholds, a United States citizen, was arrested in Taipeh on a charge of smuggling 26 pounds of heroin which originated in Communist China. He was sentenced to six years imprisonment and fined U.S. $5,000.

It has been estimated that from 50 to 100 million dollars of gold were smuggled during a two-year period by individual couriers. To estimate the amount of gold and narcotics being smuggled by all means available it is necessary to realize that on occasions the entire crew of certain ships is involved, that the heroin so smuggled supplies a large part of the international illicit traffic, and that anyone having knowledge of these operations including the crews of ships is afraid to divulge the information because of fear of reprisals against members of the family who are in Communist China.

Li Sui Po, the Chinese mentioned above as being part of the Li Choy Fat & Company, was formerly of Shanghai where he was closely associated with Wu Sze Pau, a Chinese who operated from 76 Jessfield Road, Shanghai. This area became known as the Badlands and reeked with narcotics. Wu and Li were the top gangsters of Shanghai and after the death of Wu, Li Sui Po and the wife of Wu Sze Pau, was reported to have been directly responsible for many shootings in Shanghai, including the shooting of a policeman who stopped her car from crashing a police barricade.

Li Sui Po and Sze Oi Chan late in 1947 began to operate on intimate terms with Li Choy Fat. On September 9, 1952 Sze Oi Chan alias Shee So Chun, Yuen Yuk Ying, Mrs. Wu Yen and Yung Mai Kwong, was arrested after she had sold 25 ounces of heroin through a dance girl for H.K. $9,000. This heroin was marked in the same manner as the heroin mentioned above which was seized in Japan. The package bore the Chinese factory number 00040.

Li Sui Po and Sze Oi Chan sold the Red Lion brand of heroin from Communist China and, although practically destitute in 1947, were wealthy when they were deported in 1952. Since that time the wife of Li Sui Po, who operated a retail clothing store as a front, has been arrested for trafficking in heroin and is facing deportation from Hong Kong.

The third Chinese in the Li Choy Fat & Company was Kwok Kam Chi, a Chiu Chow man from Fukien Province. In addition to smuggling of opium and heroin from Communist China, Kwok was using a ten-room isolated house to process heroin from opium until raided by police in December 1952 after which time Kwok was banished from the colony. With reference to Kwok the Chi Yin Daily News, Hong Kong, October 18, 1952, carried the following article: "The Chinese communists have concentrated all the opium from different parts of the mainland at South China for sale abroad so as to obtain foreign exchange. The sale at two certain places has been greatly increased and at the same time organizations have been established in Kwangtung and Kwangsi provinces to undertake the transport of narcotics and to work in collusion with traitorous merchants overseas. The details and intrigue were exposed in detail July 7, 1952 and since that time the authorities have paid special attention and for the past three months have exerted great effort in their investigations. It is understood Kwok and a number of other traffickers have left for Japan within the past two months."

In the Transportation Section of the Tin Shing Company the person who was in charge was Chan Shan Yuk who was the manager of the Chan Brothers Company and of the Sun Hoi Tung Shipping Company. On December 14, 1952 Chan Shan Yuk and nine other Chinese were charged on a piracy count in an attempt to seize the SS Nidar, bound for Japan, and deliver it to the communists at Canton. Chan Shan Yuk had successfully pirated a ship and delivered it to the communists some six months previous to the above incident.

Associated with Chan Shan Yuk in the Chan Brothers Company was Judah I. Ezra who was deported from the United States after serving a term of imprisonment after a conviction for narcotic smuggling.

The China Syndicate and Company late in 1952 offered to deliver 200 tons of opium from Communist China to a broker, L. Y. Goh and Sons, Bangkok, Thailand, on behalf of what was found to be a non-existent Swiss firm. When approached with reference to large quantities of opium, officials of the China Syndicate and Company stated they could furnish "tons and tons" of opium from stockpiles in Canton. They also stated the opium would be available at Shum Chan, a town in Communist China just across the line from the Hong Kong colony, from which place they would move the opium and deliver it to a ship. The price quoted was U.S. $12.50 per pound. Before opium or heroin will be delivered in quantity the buyer must put his money in escrow in a bank and the seller is likewise represented by a bank. When the purchase is to be consummated the buyer and seller arrange for the delivery of the narcotics after which the money is collected from the bank by the seller. China Syndicate officials also offered 200 taels of smoking opium and produced samples. They also stated they would sell any amount of heroin and suggested materials rather than money be provided for payment.

Late in 1952 British authorities in Hong Kong seized 231 ounces of crude morphine which arrived from Bangkok aboard a surface vessel. Shortly before the seizure the narcotics were transferred to a sampan. The morphine originated in Yunnan Province.

The latest seizure in Hong Kong was on February 7, 1953, at which time 26 ounces of heroin was seized from Li Wan, a Chinese, and his two Chinese associates.

RELATED NEWS DISPATCHES

The following dispatch appeared in Hsing Tao Jih Pao, Independent Newspaper, Hong Kong, December 28, 1952: "(Dispatch from Canton) In order to earn more foreign exchange the Chinese communists are continuing to export opium and other native produce to foreign countries. It was mainly for this purpose that the Chinese Peoples Aviation Company inaugurated a regular passenger-freight service from Chungking to Kunming to Canton via Nanking. A plane brought 25 cases (of about 62 catties each) of raw opium from Kunming to Canton on the afternoon of December 20. It is said that the opium will be exported to a nearby foreign area." Note: 1 cattie equals 1⅓ pounds.

The following item taken from the Hua Chiao Jih Pao, Conservative Newspaper, Hong Kong, February 19, 1953, further substantiates the position of Macao in the traffic of narcotics with Communist China: "(Dispatch from Swatow) Since the fall of the Teochew-Swatow area into communist hands over three years ago, peasants living in Kityang and Puning *hsien* in the area, encouraged by the communist authorities, have planted opium poppies extensively every year in October, providing the biggest source of revenue for the Communists. Last year poppy planters in Kityang and Puning alone sold a total of over 210,000 taels of raw opium to the Communist 'Teochew-Swatow Trading Company' which made big profits by smuggling the drug to Hong Kong and Macao for sale. According to an unconfirmed report, about 80,000 *mow* of opium poppies were planted in October last year in the two *hsien* of Kityang and Puning alone. No wonder the communist authorities here are paying a great deal of attention to taxing the poppy planters. K'ang Tzu-wen, formerly Vice-Administrative Commissioner for the Teochew-Swatow area, has recently got himself appointed to the post of Chairman of the Board of Directors of the 'Teochew-Swatow Trading Company' so that he may have a finger in the pie.

"Before the planting season for opium poppies began last year Communist 'Peoples Bank' and 'Trading Company' officials in various *hsien* in the Teochew-Swatow area had already advanced huge sums of money to the planters, most of whom agreed to sell their produce to the Communists in advance at a price determined by the latter."

Another dispatch concerning Hong Kong and Macao's relation to Communist China in the narcotic traffic is that found in the Kung Shang Jih Pao, Hong Kong, October 16, 1952: "(Dispatch from Canton October 15) Four hundred and fifty cases of raw opium arrived in Canton from Yunnan Province on October 4, 1952. The cases of opium, all of which were sealed by the 'Provincial Peoples Government of Yunnan', were consigned to a certain firm in Yat Tak Chung Lu, Canton. It was learned that this firm is owned by Ch'en Keng and a certain Yang who is Ch'en Keng's personal representative in Canton. It is also learned the opium was intended for Hong Kong and Macao."

That opium continues to be available for the international traffic is due to the encouragement offered growers by the Chinese Communists as shown by the following dispatch: "The 8th moon of the lunar calendar is the time for the planting of the poppy, and the Chinese Communist authorities are taking into consideration conditions in various areas in fixing tax tariffs on poppies cultivated. The Kwangtung Communist leader, Yeh Chien-ying, on September 3 issued secret instructions to authorities in the various *hsien* and municipalities in the province to the effect that since the prohibition of poppy cultivation could not be fully enforced in the remote and hilly areas, they might as well enforce the policy of seeking prohibition through taxation so that the people would be made to abandon poppy cultivation voluntarily.

"The taxation rate of 280 catties of grain for every 100 poppy plants cultivated was fixed, and tax evasions would be severely

punished. The news amounted to the lifting of the ban on poppy cultivation and peasants in various parts of Kwangtung were elated.

"In the scores of *hsiang* in the suburbs of Canton, it was stated that all the dry fields would be devoted to poppy cultivation since it brought a greater yield than rice cultivation." (This dispatch from the Hsing Tao Jih Pao, Hong Kong, September 10, 1952.)

Yunnanese opium smugglers into Thailand are often better armed than the police themselves. On one occasion there was a group of 100 of these smugglers that attacked the police in September 1952 about 100 miles north of Chiengmai. On another occasion about the same time the smugglers and police fought it out at a point only 15 miles north of Chiengmai. Prior to this incident on August 28, 1952 a band of the Yunnanese opium smugglers stopped a Chiengmai-bound bus and forced it to wait almost an hour while a caravan of approximately 200 opium carriers crossed the road.

An Associated Press dispatch from Taipeh January 26, 1953 suggests the magnitude of the narcotic smuggling operation by the Chinese Communists: "The Tatao News Agency, recognized publicity medium for the Chinese Nationalist Ministry of the Interior, today alleged that the Chinese Reds were selling huge amounts of narcotics to Southeast Asia and used the proceeds to initiate communist activities. The Agency, which claims to get its information from underground sources on the mainland, said that 1,500,000 ounces of opium and other narcotics had been shipped to the countries of Southeast Asia from the South China province of Kwangse since it was overrun by the Reds in 1949."

PHILIPPINES

Illicit opium and heroin in the Philippines come from Communist China. These narcotics arrive by surface ships and by air. The heroin has the same physical characteristics as the heroin which has been proved to originate in Communist China.

Large scale smuggling into the Philippines from Communist China was disclosed on October 21, 1952 in Manila following the arrest of two Chinese by the police. Arrested and charged with violation of the opium law and facing possible deportation if found guilty were Jose Lao Ko Kua, 30, and Tio Eng Tiong, 54.

SOUTHEASTERN ASIA

That opium from Communist China reaches Malaya in large quantities is shown by the seizure on the Burmese vessel *Hswe Hla Min* at Pulau Paya June 8, 1952. The vessel carried 5,789 pounds of opium, 353 pounds of grey drugs containing morphine, and 25 pounds of brown powder containing morphine. The opium was traced to Communist China and had passed through the Shan States of northern Burma. The group conducting the bartering, buying and selling of the narcotics with Communist China had its headquarters in Rangoon, and the operation was financed from Penang and Singapore. These smugglers had been operating for a considerable period of time and the seizure was the ninth or tenth of a regular series of shipments of opium and other narcotics. It is estimated this group had been responsible for at least 30 tons of opium being smuggled from Communist China in a year.

SMUGGLING TO THE UNITED STATES

As already stated, large quantities of heroin have reached the United States from Communist China. Emissaries have been sent to the United States to arrange for the details of the smuggling transaction. One of the principals in a case in which at least 200 ounces of heroin were smuggled in from Communist China is now serving a ten year imprisonment sentence. In another case which is still under investigation and in which at least 260 ounces of heroin were smuggled in from Communist China a defendant has been sentenced to 15 years imprisonment. In still another case in which an estimated 40 ounces were involved the two defendants were sentenced to five years and to seven years imprisonment. The latest seizure of a comparatively large amount, 36 ounces, was made November 9, 1952 in San Francisco on the SS President Wilson. A Chinese had brought the heroin from Hong Kong. It was manufactured in Communist China.

INSIDE COMMUNIST CHINA

Large quantities of heroin are manufactured in Communist China all the way from Tsingtao and Tientsin down to Canton. This heroin is of approximately the same percentage of purity, unusually high, and has the same physical characteristics as the heroin from this region over a period of years. In one factory alone in Western China the capacity is 300 pounds per day and all of this is for export.

That the United States is a target of Communist China to be regularly supplied with dollar-earning, health and morale-devastating heroin is shown by the information contained in the following dispatch, the truth of which is borne out by facts previously related in this report: "(Toa News Service, Hong Kong) In order to cover the expenses required for its fundamental construction for fiscal 1953, Communist China is recently using various means to develop the sources of its central and local revenues. According to reliable information gained from the continent, financial and economic organs of Red China's Central Regime met behind closed doors in Peiping in early December and decided to expand sales activities abroad this year, primarily in Japan, Southeast countries and the United States.

"According to information reaching from Peiping, financial and economic leaders of the Foreign Trade, Commercial and Financial Divisions of the Chinese Communist Regime as well as of the Southwest, South China and North China Districts held a secret meeting in Peiping on December 5. The meeting it says was presided over by Po I Po, Chief of the Finance Division; and attended by Yeh Li Chuang, Chief of the Foreign Trade Division; Yao I Lin, Vice-Chief of the Commercial Department; Chen Hsi Shih, Vice-Chairman of the Southwest Military Political Committee; Liu Hsiu Feng, Chairman of the North China Financial and Economic Committee; Hsiu Hsian, Vice-Chairman of the South China Financial and Economic Committee; and others.

"Information which leaked out of the conference indicate that the revenue obtained from its sales of narcotics abroad for fiscal 1952 reached approximately 70,000,000 American dollars, out of which 30,000,000 dollars were sent to the Chinese Communist Regime and the rest was spent for party activities as well as information collection; that the largest outlet was Southeast Asia countries, followed by Japan and the United States.

"The drugs when shipped directly from the continent are sent via Tientsin and Tangku in the north and Kwangchow Bay and Nampo Island southeast of Yangchiang, Kwangtung Province in the south. The same report says that crude opium of over 1,000 tons was sent abroad through Kwangchow during the one-year period from June 1951 to June 1952.

"Heretofore the sales abroad of opium and other narcotics were handled directly by the Finance Division of the Chinese Communist Regime. However, it is reported, it was decided at the conference that the sales method would be changed, and that the business would be conducted exclusively by the Overseas Trade Division. Further, the following important decisions were made at the conference:

1. Qualities and grades of narcotics gathered from various districts will be standardized and definite marks will be established. Crude opium, for example, was divided into several grades in the past and this was a factor in the sales thereof. However, under the new system the various sorts of opium will be standardized.

2. Export promotion regulations are established, and private concerns are permitted to participate in the transportation and sale. Moreover discriminatory prices are established so that merchants may be encouraged to sell narcotics abroad more aggressively.

3. Powerful leaders are sent secretly to various places to encourage sales activities, especially in Tokyo, Singapore, Bombay, and other places. For this purpose, the Social Division and the South China Bureau of the Chinese Communist Regime have decided to select and send those most experienced in selling narcotics and to place them in charge of promoting sales.

4. Each local organ of the Communist China Regime is prohibited from wantonly sending large quantities of narcotics overseas for sale for fear it may affect the overseas market. However, each such local organ is permitted to derive 20% of its income from the sales of narcotics.

"According to the Peiping information, Communist China's activities to smuggle narcotics into the Japan area are conducted under the Tientsin Office of the Overseas Trade Division. There are at present approximately 40 smugglers in the Tientsin area who said from Tangku to the vicinity of Kyushu and return carrying cargoes of gasoline, steel ingots, automobile parts, medical instruments, and other material. It is clear that non-Chinese are also participating in the smuggling organization." (The preceding was published in the Tokyo Shimbun, January 8, 1953.)

The smuggling of gold from Saigon and Bangkok, which is obtained from Europe on letters of credit which are paid in foreign exchange within one week after receipt of the gold, the exchange of the gold with Communist China for narcotics and other high-value exports which in turn are sold to obtain foreign exchange to pay for the original letters of credit, is the explanation which most nearly fits the actual conditions prevailing in the Far East. The foreign exchange is supplied from all countries to which the narcotics are destined.

SEIZURES

Seizures during 1952 which may be attributed to Communist China are as follows:

Hong Kong: Raw Opium, 935 kgs.; Morphine Hydrochloride, 5 kgs. via Bangkok.

Singapore: Raw Opium, 950 kgs.; Morphine Hydrochloride, 4 kgs. via Bangkok.

Malaya: Raw Opium, 3879 kgs.; Morphine alkaloids, 180 kgs.

Marseilles: Heroin, 1 kgs.

Taiwan: Raw Opium, 2 kgs.; Heroin, 11.8 kgs.

Honolulu: Prepared Opium, .224 kgs. via Hong Kong.

United States: Heroin, 1.7 kgs.; in magazines from Hong Kong. Heroin, .096 kgs.; at Wilmington from crew member of SS President Jefferson, from Hong Kong.

Japan: Heroin, 7.843 kgs. Raw Opium, 1.827 kgs.

(Note: In addition to the above a considerable amount of heroin has been seized by Hong Kong authorities in 25-ounce lots. These seizures would total at least three kilograms.)

CONCLUSION

While Communist China has denied the allegation that she is supplying a large part of the narcotics in the international illicit traffic, and has stated that in fact a strict control has been placed on narcotics, the above portion of this report and the following extracts and dispatches from newspapers and documents show that traffic in narcotics has been encouraged for monetary reasons

and sabotage, that cultivation of the poppy plant has not been prohibited, and that efforts to control addiction within Communist China have been feeble and ineffectual since the authorities, realizing the terrible and lasting scars on any civilization which widespread addiction guarantees, have relied on fanning the fanaticism of communism to encourage abstention from narcotics, have taken at face value declarations from addicts that they were "cured" even while unofficially these addicts were still receiving narcotics, and have from all indications created a staggering incidence of addiction within Communist China. There can be little doubt of the true purposes of Communist China in the organized sale of narcotics. These purposes include monetary gain, financing political activities in various countries, and sabotage. The communists have planned well and know a well-trained soldier becomes a liability and a security risk from the moment he first takes a shot of heroin.

The following throw considerable light on the true situation in Communist China:

An editorial in the South China Morning Post, Hong Kong, July 7, 1952, remarks as follows: "Peking declared these stories were fabrications and insisted that it has 'consistently and determinedly adopted as well as enforced the policy of strict prohibition'. The pro-nationalist newspapers here recently asserted that poppies were planted in many parts of Kwangtung and that the new authorities like the old were content to tax it heavily rather than enforce the ban. On the other hand the pro-communist papers say the Regime has made 'definite progress in suppression' since the Suppression Commission was formed in Canton in 1950. It added however that though the peasants had agreed not to plant the poppy, it was necessary that 'the suppression movement must be continued and made into a mass movement for thorough realization'. This indicates that the ban is not effective. But it is significant that when the authorities seized off Penang a single consignment of 6,000 pounds of opium—half the total world seizures last year—it was described as 'Burmese opium' ".

Another dispatch from the Hua Chio Jih Pao, Hong Kong, October 22, 1952, is as follows: "The Chinese Communist authorities appear to be pushing with great vigor the campaign for the suppression of opium in the various *hsien* on Hainan Island and in southern Kwangtung. Actually the addicts are required to be cured in stages and meantime opium is sold by the authorities to smokers who have been duly registered."

All available reports from the mainland press clearly indicate continued use of and traffic in narcotic drugs within Communist China. The Communists have carefully avoided mention of traffic out of Communist China, but the Nan Fang Jih Pao, Canton, editorial of June 3, 1952 stressed the fact that Canton's proximity to Hong Kong, Macao, and Indo-China facilitated drug smuggling, and added that Canton continued to be the principal center of narcotic traffic in Asia.

On May 19, 1952 the Hankow Ch'ang Chiang Jih Pao carried an article covering a meeting of the Opium and Narcotics Suppression Committee on May 13–16. The Chairman of the Committee, Chang Nan Hsien, stressed the need of a mass movement for the suppression of opium and narcotics. The Vice Chairman followed by analyzing the causes leading to the situation being still serious. He pointed out the failure of the full mobilization of the masses and reliance on them for wiping out the evil. He said the mass movement to be launched beginning with the prohibition of transportation, the prohibition of preparation, and the prohibition of marketing, after which the prohibition of poppy cultivation and smoking and use of narcotics would be easy of accomplishment. Cheng Shao Wen was the official who made this statement.

On June 4, 1952 the same newspaper carried a report by this same Vice-Chairman of the Committee, Cheng Shao Wen. After stating that the prohibition of poppy cultivation had been "basically accomplished in the Central-South region," he gave a résumé which indicates the extent of narcotic traffic within Communist China. In the districts of Honan, Changsha, Liuchow, Nanning, Kwelin, Wuchow, Ichang, Shashih and Yuanling, Cheng Shao Wen stated that more than 18,000 cases of opium trafficking had been disposed of, 2 million taels of opium had been seized and several thousand taels of heroin had also been seized.

In Canton, Cheng continued from the time the communists took over until March 1952 there were 271 cases of opium traffic and manufacture disposed of, 3,493 opium dens were discovered, 7,267 addicts were arrested and 2,000 taels of opium, 200 taels of morphine, and 300 taels of heroin were seized. He added that of the 5,723 addicts registered in Canton 90% had been cured and in a part of Hunan province where 90% of the households were opium smoking and 89–90% were addicts, in two years the number of addicts was reduced to 3.5% and the number of opium smoking households to about 11%.

In suggesting the opium evil is still rampant and suppression must be resolutely carried out Cheng stated "opium and narcotics have been chiefly imported from abroad to the Central-South region." He made this further statement: "When nobody engages himself in opium traffic, poppy growers will not be able to sell their products and will cease to grow poppies. When no opium can be bought, the addicts will certainly cease to smoke opium."

In the Nan Fang Jih Pao, Canton, June 3, 1952, Ku Kuan Hsien, Vice-Chairman, Canton Municipal Committee for Suppression of Opium and Narcotics, stated: "The suppression of opium and narcotic trafficking and manufacturing was carried out together with the suppression of poppy cultivation and the smoking of opium, but this had not been carried out on an organized basis and achievements have not been marked."

Here we have the words of Chinese Communist newspapers in contrast to their Foreign Minister's statement that our report is fabrication.

Further statements made by Cheng Shao Wen as published in the June 4, 1952 issue of the Hankow Ch'ang Chiang Pao, are: "The opium evil is still rampant, especially opium trafficking. A number of unscrupulous merchants such as Ho Hong Fu have smuggled opium to poison the people and destroy the fatherland with a view to profiteering. Since the liberation, narcotic smugglers have smuggled narcotics through the various railways of the Hengyang Railway Administration amounting to 804,879 taels of opium, 109,414 taels of morphine, and 35,297 taels of heroin which have been distributed to 297 merchants in the cities along the railway lines of the Chengchow Railway Administration. In the past three years a total of 38,028 taels of opium and 13,475 taels of heroin have been smuggled and transported through railway lines.

"During the 5-anti movement in Hankow, according to data and materials from denunciation and frank exposures by the merchants, there were 451 traffickers and smugglers who had smuggled and transported 559,421 taels of opium, 278,731 taels of morphia, and 302,540 taels of heroin. During the 5-anti movement in Nanning, according to data and materials from denunciations and frank exposures, of the 32 categories of trade, 459 firms smuggled and transported a total of more than 800,000 taels of narcotics. As the quantity of narcotics smuggled was so great there must be a large number of addicts. According to estimates of the Department of Public Security of the Central-South MAC there are 81,300 addicts in Honan Province, constituting approximately 27% of the population".

In the Canton Nan Fang Jih Pao, June 3, 1952, it was stated: "The organizations and machineries for the suppression of opium and narcotics have not been established, or are not developed in a wholesome manner. Too great leniency has been adopted in the disposal of drug cases." The following statement is also made: "The traffickers used Canton as the center to distribute the drugs to leading cities in the Southwest, Central-South East China and North-West regions. Many of the unscrupulous merchants have colluded with corrupt elements in shipping railway and highway organs to carry out the evil traffic. They have even bribed some of the retained personnel in the organs of public security, tax revenue and maritime customs to harbor them. The data and materials exposed through the '3-anti' and '5-anti' movements have evidently shown that this situation is prevalent in large cities, as well as in medium and small cities. The amount of narcotics smuggled each time has been estimated at more than 1,000 taels, and even as much as from 40,000–100,000 taels. The narcotic 'king' even dared to sneak into Canton to make arrangements for his narcotic traffic. The use of opium and narcotics are still being constantly discovered in cities".

These lesser officials must indeed be naive to make such statements when the Communist Government of China is doing everything possible to cultivate and encourage traffic in narcotics, at least outside China, with China.

Against all the evidence contained herein the statements of the Ministry of Foreign Affairs of the Chinese Communist Regime, as published in United Nations Document E/2233, May 27, 1952, that "the sale of opium and other narcotics is thus completely illegal in Communist China" and "the Chinese Communist Regime, together with the whole Chinese people, protests in the strongest terms against the lying report directed against Communist China by the representative of the United States Government" have little weight indeed.

The evidence for 1952 is in and, added to that of 1951 and prior years, is irrefutable.

[Remarks of the Honorable Harry J. Anslinger, April 19 to May 14, 1954]

THE ILLICIT NARCOTIC TRAFFIC IN THE FAR EAST

Last year I told this Commission that the United States is a target of Communist China to be supplied with a flood of foreign-exchange-earnings, health and morale-devastating heroin. For several years I have presented documented facts which established that narcotic trafficking from the Chinese Mainland is an insidious, calculated scheme of the Chinese Communist regime to obtain operating funds and at the same time spread the debauchery of narcotic addiction among the free nations.

On April 5th of this year in San Francisco, California, after several months of intensive undercover investigation, we made important inroads on this traffic when we arrested eight prominent Chinese and indicted Judah Isaac Ezra of Hong Kong, who collaborated in supplying heroin from Communist China to outlets on our West Coast. Pure heroin seized in the raids or purchased as evidence by our agents during the investigation amounted to six pounds.

Merchant seamen who frequented Ezra's establishment obtained heroin from Ezra and smuggled it into the United States for the illicit market. In most instances the heroin was brought into the country concealed on the persons of seamen. Ornately carved camphorwood chests with specially built compartments were also used for the smuggling operations.

One of the dealers arrested in San Francisco operated a florist shop and made his deliveries of heroin disguised as boxes of flowers. Other dealers made deliveries to undercover agents in the usual manner in such places as Chinese restaurants and meeting places for seamen. Arrangements for sales of heroin were often negotiated over elaborate Chinese dinners. Chinese social clubs were frequently the meeting places to arrange for sale and delivery of the narcotics. One such social club is known to authorities as a gathering place for Communist Chinese and Chinese alien smugglers.

The importance of this coup can be gauged by the fact that in the diluted form in which it reaches the addict, through Thailand from Mainland China. More opium moves to and around Chiengrai in Northern Thailand than any other place in the world in illicit traffic. The opium reaches Bangkok by boat, truck, rail and plane, and three to four tons can be delivered at any time to a point outside the harbor at Bangkok in the open sea. This opium is priced at U.S. $40,000 per ton and can be purchased in lots of 200 tons on a six-month basis.

Crude morphine is sold by traffickers in narcotics from Mainland China at the rate of U.S. $475 per pound in Bangkok. This morphine has about the same appearance as a cheap cake of soap. There is usually a large "A" or "A1" on the surface of each cake as in the case of a large seizure in Japan in July 1954. Heroin from these traffickers sells for U.S. $2,000–$3,000 per pound in Japan and for $3,000–$5,000 in the United States. A group of these traffickers successfully smuggled 20 pounds of heroin to Japan in 1954 at a profit of U.S. $30,000 after all expenses were paid.

In October 1953 an airline pilot in Bangkok was approached to make eight flights to Macao with opium from Mainland China. At the end of 1953 a group of smugglers, including an official of the Bank of Canton, smuggled 23 pounds of heroin and morphine from Yunnan to Chiengrai to Bangkok and thence to another transshipment point. On July 15, 1954 an airline hostess was arrested at a transshipment point with a two-pound package of morphine which she was transporting as a courier for aircraft maintenance personnel after information had been received that narcotics were reaching Tokyo, Japan, in this manner. In the early part of 1955 a Chinese courier arriving in Hong Kong by air was arrested with approximately seven pounds of pure heroin transshipped at Bangkok. Shortly thereafter an American was arrested in Hong Kong with approximately 40 pounds of opium and morphine which he was transporting as a courier for traffickers in narcotics from Mainland China. The transshipment point was Bangkok.

Despite the efforts of the Burmese government to control the illicit traffic in narcotics, hundreds of tons of cleaned and packaged opium in one-kilogram units are brought into Burma each year from Yunnan Province. Routes for the smuggling are through Myitkyina in the Kachin State and through Lashio on the old Burma Road in the Northern Shan States.

The hub of the traffic on the Yunnan side of the border is Tengyueh. Along the border are found trucks, military vehicles, carts, mules and pack trains used for transporting the opium.

About 43 tons of opium are consumed annually in one small area along the Yunnan border, but the amount of opium in the traffic through Burma far surpasses the amount consumed within the country. Shareholders in illegally operated opium shops along the Yunnan border in Burma have been forced to forfeit their interests because caravans from Yunnan sell opium more cheaply than the opium shops.

Another route used by the traffickers in illicit narcotics from Mainland China is through Kentung and across Burma to river, rail and road connections below Mandalay. Much of the opium is brought down in river boats to Rangoon where it is transferred to coastal steamers for further transshipment at Penang and Singapore.

Large quantities of high quality crude morphine are being manufactured under expert technical supervision in factories in Communist China. The morphine is processed according to pharmaceutical standards and methods under government supervision and not in clandestine laboratories. When the smugglers of this morphine near Rangoon the contraband is transferred to fast launches to by-pass the city. The traffic is so well organized that the authorities state they would need a patrol plane to meet with any success in intercepting the traffic.

On August 4, 1953 a seizure of 16.8 kilograms of this high quality morphine was made about 80 miles south of Mandalay. On April 17, 1954 another seizure of 43.5 pounds was made about 50 miles from Rangoon. Authorities believe the morphine had been brought down the Burma Road through Lashio from Yunnan. Containers of this opium, which is readily converted into heroin, are stamped with the Elephant Brand and the "1 A 27" mark.

Since the processing of opium is illegal in Burma, authorities attempted to dispose of approximately 44 tons of opium which either had been seized from the illicit traffic or purchased some years ago. They received an offer stating the opium would be transferred to Macao where it would be manufactured into medicinal narcotics. Burmese authorities saw through this attempt to regain the opium for the international illicit traffic.

On December 18, 1954 excise officials in Mandalay, Burma, seized 140.8 kilograms of opium which was being transported in a Dodge jeep from Lashio on the Burma Road.

Traffic in heroin from the Communist regime of Mainland China is increasing, according to enforcement authorities concerned with traffic through Canton, Macao, Bangkok and other ports. Within the past year other areas have assumed a place of equal importance with Korea and Japan as places where the heroin is furnished directly by Communist agents in the traffic.

Millions of dollars obtained through the sale of opium and other narcotics are used by the Communist regime in Mainland China for political purposes and to finance agents who have been found actively engaged. An official of an airline in the Far East was found to be smuggling heroin and currency for the Chinese Communist regime. A trafficker in narcotics from Mainland China attempted to arrange for an airlift of a ton of morphine to the United States. The pilot was offered an interest in an opium processing plant if he would smuggle the morphine valued at U.S. $256,000. Narcotic traffickers offered to charter a PBY in March 1954 to airlift ten tons of opium from an inaccessible river area to a world-wide narcotic smuggling group with headquarters in Macao. An effort was made by these traffickers to establish an airline to move opium held by the Communist regime of Mainland China. Both opium and crude morphine were airlifted from otherwise inaccessible points under the control of the Regime to transshipment areas where the narcotics were loaded on surface craft.

During 1953 opium from Yunnan Province accounted for almost one hundred per cent of the opium seized at some transshipment points. The Gulf of Martaban and the Gulf of Siam both were used to facilitate this traffic. Investigation of circumstances surrounding the larger seizures revealed that the opium was smuggled in ships operated by the traffickers in this opium who had headquarters and connections in many of the principal cities of the Far East. Opium trafficked through the transshipment points often sells at the rate of U.S. $400 per pound.

In Japan a member of the Communist Party revealed that her organization, with branches in all big hospitals in Tokyo, Yokohama, Nagoya, Kobe and Osaka, operated as the Society for the Protection of Health and Peace, with headquarters in the Communist Party headquarters in Tokyo. This trafficker stated that she and five other females of the group made expenses and tremendous profits for the Tokyo branch of this Communist organization through the sale of heroin.

At a meeting of this Communist organization a resolution was adopted that the organization would gain funds by selling narcotics to various hotels, cabarets, bars and other establishments patronized by American personnel in the Tokyo area. Large sales of heroin which were paid for by check to "Society Headquarters" were made to beer halls in Tachikawa and to agents in Fuchu City which is located near Tokyo.

A Chinese, Po Kung Lung, directed the activities of the six females and provided the heroin which was valued at U.S. $11 per gram and was sold to Koreans and Japanese for further distribution. One of these retailers of heroin was an executive member of a Tokyo District Group of the Communist Party and was engaged in the collection of Party funds.

The Enforcement Division of the Narcotic Section in the Welfare Ministry of Japan reported that extensive surveillance of two Chinese in Tokyo resulted in their arrest and the seizure of 585 grams of 94.2 per cent heroin and 275 grams of 92.4 per cent heroin in March 1954. The seizure was made as one of the Chinese, Yang Jui An, was leaving the Kakyo Building in the heart of Tokyo. This building is a center for traffickers with Communist connections dealing in heroin and United States currency. Among these traffickers were Li Chin Sui and his group who were arrested in Tokyo in July 1954 with 33 pounds of heroin and morphine. As early as 1951 enforcement agents in Japan had purchased U.S. $5,633 of heroin from traffickers operating from the Kakyo Building. The heroin was 85 per cent pure and bore tags and seals of the "Red Lion Brand".

As stated above, a seizure of 18 pounds of crude morphine and 15 pounds of heroin was made at the end of July in Tokyo. The crudely formed cakes of morphine bore a large "A" on the surface identical with that contraband routed through Bangkok from Yunnan Province in Mainland China. The heroin and morphine were sized at a calendestine laboratory operated by the traffickers with connections on 30 ships to maintain supplies for their narcotic trafficking in Tokyo, Yokohama and Kobe. The boss of the group was a Chinese, Li Chin Sui. He had been dealing in heroin from Mainland China since 1949, and as I reported to this Commission in 1953 and 1954, operated a company which was actually a branch office of the Trade Bureau of South China. For several years he was a fugitive from enforcement authorities in Japan after he was suspected of smuggling 170 pounds of heroin into Japan at Yokohama. At the time of his arrest he was in possession of three passports which gave him three different identities to operate in Japan, Bangkok, Macao and other Asiatic ports where are found headquarters of traffickers in narcotics from the Communist regime of Mainland China.

Ten seizures of heroin totaling 58 grams were made January 14, 1954 at Iwakuni in Yamaguchi Prefecture in Japan. In connection with these seizures the Japanese authorities stated the majority of the prostitutes in and around the City of Iwakuni, which is located near an international airport, are addicted to narcotic drugs and stimulants and are spreading the habit of taking such drugs. A Chinese, Fang Jen Chun, living in

Kobe, had been supplying the heroin to retailers at Iwakuni.

Kyodo News Agency reported November 16, 1954 that in 1952 U.S. $70,000,000 worth of narcotics were shipped out of Communist China. Twenty-six per cent of this amount was shipped to Japan and these funds constituted the chief source for financing secret Communist agents. At the same time Director Goichiro Fuji the Public Secretary Investigation Board said the Communist regime sold $15,500,000 worth of narcotics in Japan in 1952.

According to a Pyongyang radio broadcast of December 29, 1953, special factories are being built to extract morphine from opium in North Korea. On October 16, 1954 the South Korean authorities announced the arrest of a North Korean agent who stated that Communist China is furnishing technical specialists to North Korea to operate narcotic manufacturing plants. It is through North Korea that tremendous quantities of heroin from Communist China have reached South Korea and Japan since 1947. Recently an American soldier stated that while stationed in Taegu, South Korea, he and at least 30 other persons were furnished hereoin of an almost pure quality without cost. Addiction was acquired making hospitalization necessary upon return to the United States.

Heroin from Communist China has been seized on both coasts of the United States, as well as in the interior at St. Louis, Missouri. In connection with the seizure in St. Louis, the source trafficker in Japan stated he had been dealing with the Communist regime of Mainland China for one and one-half years in obtaining heroin through the use of deck crews of ships as couriers.

On February 2, 1954 in New York City 20 ounces of heroin with the characteristic physical and chemical properties of heroin from Communist China laboratories were seized from a seaman as he attempted to smuggle the contraband ashore from the round-the-world Steamship President Arthur. It was later learned the heroin had been obtained at one of the usual transshipment points for narcotics from the Communist regime of Mainland China.

On November 18, 1954 a seizure of 25 ounces of 95 per cent heroin was made from Chinese crew members of a ship at Staten Island. The transshipment point was Bangkok.

In Santa Cruz, California, on November 4, 1954 a seizure of 28 ounces of pure heroin was made from two crew members of the SS President Cleveland. The transshipment point was Hong Kong.

In Los Angeles harbor on January 18, 1955 a seizure of five pounds of heroin was made from a ship just arrived from the Far East. The investigation is continuing at the point of transshipment.

Further confirmation of this traffic is found in United Nations Document E/CN.7/R.4/Add.3, 1 April 1955, as follows:

Burma—"There were also 360 seizures of opium smuggled into Burma by land from China."

Korea—"Most of the drugs are imported illicitly, especially from North Korea, by the infiltration of Communists via the west coast of Korea, in spite of continuous control by competent authorities."

Thailand—"There is still a large illicit traffic in opium (chiefly in raw opium) coming over the northern land frontiers into the interior of Thailand."

For several years the attention of the free nations of the world has been focused on the position which the Communist regime of Mainland China has assumed in carrying on a flourishing worldwide traffic in opium, morphine and heroin. Mere denials comprise no answer to the documentation of this traffic.

[Remarks of Commissioner Harry J. Anslinger, April 18 to May 13, 1955]

THE ILLICIT NARCOTIC TRAFFIC IN THE FAR EAST

The Communist regime of Mainland China in a New China News Agency dispatch from Peking on July 2, 1954 again denied the documented charges made over the past several years by the United States Representative on the United Nations Commission on Narcotic Drugs, and specifically denied the charge I made before this Commission in May 1954 that the Communist regime of Mainland China is "distributing drugs abroad and * * * * selling heroin and opium in large quantities" to the free countries of the world.

Actual conditions in Southeast Asian and other free countries refute this unsupported denial and clearly prove that the Communist regime of Mainland China is pouring opium, morphine and heroin out through the Province of Yunnan to augment the already existing lines of traffic out of Tientsin, Tsingtao and Canton.

While varying amounts of narcotics reach the traffic from other sources in the Far East, Mainland China is the uncontrolled reservoir supplying the world-wide illicit narcotic traffic.

Pharmaceutical plants have been established in Communist China to process opium into morphine and heroin, and all these drugs, including raw opium, are used as bartering commodities. Traffickers operating in the free countries share the profit in the illicit traffic in narcotics with the Communist regime of Mainland China. Officials of this regime are exacting a tremendous profit from the traffic over the prices paid opium growers according to the traffickers who obtain the narcotics for further sale. These traffickers use whole sections of crews of surface craft, such as the engine crew or the deck crew, to smuggle narcotics. Cooperation of air maintenance crews is considered essential when the smuggling is by air although passenger couriers are often used when the way has been well prepared and the traffickers consider there is no danger of apprehension.

One of the principal targets of the traffic from Mainland China is Thailand where one hundred tons of opium are sold annually. Consumers of this opium pay the equivalent of U.S. $350,000 per ton for the contraband in the form of smoking opium. Opium is brought from Yunnan Province to the border of Thailand by horse and mule train.

From 200 to 400 tons of raw opium are moved annually and this operation would have represented over a million addict doses of this deadliest of drugs. It offers additional dramatic proof that we are not here dealing with a petty adversary but rather with a formidable and far-reaching plot to gain foreign exchange and at the same time to demoralize the people of the free world.

Spreading narcotic addiction and obtaining funds for political purposes through the sale of heroin and opium is not just the policy of one man in the Communist regime. It is the policy of the entire Communist regime in Mainland China.

The now well-known Communist, Po I Po, had become an important official among the Communists in China by 1938, and was one of the principal exponents of the sale and distribution of heroin for funds and for political purposes. At that time the distribution of heroin was carried on from an area controlled by the Communists in Shensi Province at which place the sale of heroin was part of an agent's underground assignment. The agent received instruction in such activity along with other political propaganda. Po became Minister of Finance of the Communist regime in October 1949 in which position he was able to expand international narcotic traffic from Communist China to heretofore unimagined proportions. When he was relieved as Minister of Finance in 1953, Jung Tzu Ho became Minister of Finance.

After visiting Moscow for several months, Po returned to Peiping to attend a meeting of the Central Committee of the Party. Before the meeting of this Committee, Jung had held a conference and perfected an improved plan for the export and sale of opium and heroin in conjunction with Yeh Li Chuang, Minister of Trade, and Fang Jung Ho, Chief of Special Trade. The latter term signifies narcotics. According to the report of Jung, during the year Communist China exported opium, morphine (large quantities of morphine base were shipped out because of the shortage of chemicals), and heroin with a value of U.S. $60,000,000 amounting to over 800 tons. Jung stated that the shipments were 20 per cent short of the goal.

The innovation in the present arrangement over the former operation of the Communist regime in narcotic traffic is that the Foreign Ministry has over-all control over the entire program, and directs the export and further distribution of the heroin and opium through the National Trading Company which maintains headquarters in Peiping.

At the time the Communist regime was promoting illicit narcotic traffic in the interior of China in the area controlled by the Communists in 1938, Chen Kwan Yuan, alias Chen Kun Yuen, alias Chen San Yuan, was busily engaged in Tientsin smuggling narcotics off Taku Bar as circumstances permitted. He was still in Tientsin 1951 when the now well-known "Lions Globe" brand of heroin began to reach Japan in large quantities. Since that time he has become one of the most powerful representatives of the Communists in the narcotic traffic outside Communist China, and has built his fortune on narcotics through and under the cover of his far-flung Tin Shing Trading Company, moving heroin out of Communist China to all parts of the world in exchange for tires, rubber goods, trucks and other strategic material. He has all the brass and front of a gangster and relies principally on bribery and buying protective information to smoothe the smuggling of from five to fifty pounds of heroin at one time. Crew members of various kinds of ships have been used for this operation in addition to individual Chinese couriers. One of these is a relative of Tze Oi Chan, alias Mrs. Wu, the international female smuggler of narcotics who was arrested in 1953 and who, while awaiting trial, is now living in grand style through a portion of the profits of Chen Kwan Yuan who arranged for her movements from one country to another. The co-conspirator of Mrs. Wu, the infamous Li Sui Po, alias Lee Sau Fung, who has also been arrested, was in the organization of Chen Kwan Yuan.

There are two principal groups exporting and distributing heroin and opium for the Communist regime in China in addition to the group which deals almost exclusively in heroin and opium from Yunan Province. All of these are under the direction of the National Trading Company. One of these groups exports directly from the North China ports of Tientsin (Taku) and Tsingtao, and in this way avoids the jurisdiction and control of the more powerful group in South China. In this northern group is Hsieh Chun Mu who went to Peiping in 1952 where he has become a powerful political agent continuing his narcotic trafficking through Communist representatives with whom he has been associated for many years.

The group in South China functions as the Trade Bureau of South China, a Department of the Communist regime in China. The Trade Bureau operates powerful trading companies as fronts and has the greatest concentration of stocks of heroin and opium in all of China stored at Canton and Chungsan, Shek-ki, for export to affiliated trading companies in free countries. Members of the Communist regime undertake the manage-

ment of these trading companies and other enterprises, including banks, which these companies control.

Eighty per cent of the heroin from Communist China flows from Canton to these trading companies. The South China group and their affiliates control this flow of heroin to the free countries by means of more trading companies and representatives in these free countries from whom payment for the heroin is received. Some of these representatives have become rich and powerful and are able to negotiate directly with the Communist regime as well as with major distributors who control the traffic in other free countries. The close connection between these trading companies and the over-all Communist control may best be illustrated by their method of either pooling or borrowing stocks of heroin from whichever company or representative available in order to make delivery of large consignments. In this respect the dealers in this dirty business operate as legitimate enterprises in that each knows where additional stocks of heroin may be obtained as necessary.

The fanatical Communist narcotic traffickers have resorted to the extreme measure of cutting off the ears of those small-time sellers who dared reveal the identity of the supplying group. Another method has been to take them into a Communist organization whereby they are sealed off and thereby silenced.

The golden web of the conspirators protecting them in their palatial surroundings has been spun through the funds ultimately obtained from the very persons destroyed by the product—the very persons who pay in money and blood to "Chase the Dragon" or "Shoot AA Guns", terms which are now heard throughout the Orient with reference to the use of heroin.

From the beginning the Communist purveyors of heroin have realized the dual purpose of its sale since they have forbidden members of their own organization to use the drug. This was true in 1938 and it is true today. Communist traffickers in the drug on the wholesale level talk of the dual purpose of sale, and also of the fact that users lose their effectiveness. Like remarks are heard from coolies on the streets.

The close relationship between the heroin and the opium and political agents extends all the way to the top. In Chungjin, a city in the suburbs of Peiping, a factory for the manufacture of heroin is located. Here also is the training center for Communist China's political agents. The same pattern involving Communist agents and the sale of heroin was followed in the cities of Rashin and Wonsan, North Korea.

One of the principal methods of distribution to the ultimate consumer continued to be through use of brothels operated by Chinese Communists or supplied by Chinese Communists who funneled the profits of the traffic to powerful traders and representatives in the organization in the principal cities. These traders and representatives were also aided by Chinese who ostensibly were traders, but who were actually operating on behalf of the Communist regime in China and could supply any amount of heroin. They negotiate directly with Communist bosses on the Chinese Mainland for large supplies of opium. In the offices of these traders, which bear little resemblance to offices of legitimate commercial companies, the clerical force is composed of stooges and look-outs. One such company is the Aaron Trading Company which operates with a headquarters office and a branch office, and which has a direct connection into Communist China for quantities of heroin and opium. This company, operated by two Chinese, endeavored to establish connections directly into New York City, and proposed using letters of credit concealing final destination.

Li Chin Sui, who heads a Chinese export-import company, is one of the most active traffickers in the Far East, operating under the direction of the gigantic combine. Li Chin Sui, a Chinese, was forced out of Japan by investigating agents of the Enforcement Division of the Narcotic Section, Ministry of Welfare, after he had accumulated a fortune trafficking in Communist heroin in the Yokohama-Tokyo area. Li's company channels strategic material to Canton and takes charge of the movement of opium and heroin under the direction of the South China Trade Bureau and representatives affiliated therewith.

Powerful Chinese closely associated both commercially and socially with top-notch Communist agents have accumulated fortunes of tremendous magnitude even by Western standards through feeding gold and strategic materials into Communist China in return for heroin and opium. The extent of this operation becomes clear when it is realized to be a cold fact that 200 tons of opium from Communist China are required annually to carry on the established business of these Chinese traffickers and their associates. Most of this opium is from Kwangtung, Kweichow, Szechwan and Kwangsi Provinces. In addition to this known 200 tons of opium tremendous quantities of finished heroin with a high degree of purity, heroin is later refined, are channeled by these same traffickers to their Communist representatives in other countries. Large amounts are shipped on consignment and need not be paid for until they are distributed to representatives through trading companies or couriers by the political activity committee members who collect the money or acquire strategic materials according to a pre-arranged plan.

The Communist regime has decided that the system of consignment will be eliminated as far as possible since some of the profits have been embezzled. A large portion of the profits will continue to be used as a special fund for various organizations under the control of the Communist bosses in the area where the heroin is sold, but there is a strict requirement that a set portion of the profits must be returned to the Finance Ministry of the Communist regime in China. It has likewise been decided that the system of trade cooperatives and agents transporting and selling the heroin must be more efficient and close-knit to avoid detection and to provide more funds for the organization. Special attention is being given to improving the technique of the Communist bosses in control of the smugglers who are to take more care in the use of bribes to permit the smooth flow of drugs. The same procedure applies to entry and exit papers to facilitate the movements of the operators. The equivalent of more than U.S. $1,000 is often used in such an operation.

Traffic in heroin and opium has been found to be so lucrative and otherwise effective by the Communist regime in China that they have taken great pains to improve the cultivation of the opium poppy. Not only does the opium come from beyond the Great Wall in the Provinces of Chahar, Jehol and Suiyuan, but also from Tsinghai, Sinkiang, Shensi, Kansu and Ningsia Provinces. Yunnan Province also produces immense quantities of opium under the direct control of the head of the secret police. In this area 500 tons of opium were shipped out in 1950 at the same time as 500 tons were being offered for sale in Canton. Opium caravans from Yunnan Province numbering approximately 200 men are moving at the rate of two or three a week. Recently morphine base has been moved out in large quantities by air, a continuation of the traffic over the past several years. A seizure of 418 pounds of opium from Yunnan was made from an air cargo in November 1953. Other seizures of Yunnanese opium were made in April, 1,700 pounds, and in June, 3,250 pounds.

Forty tons of Yunnanese opium were offered for sale through agents of the Communist regime in China in June 1953. It was stated that the morphine content would be nine per cent; that the opium would be packed in one-kilogram packages wrapped in cellophane; and that 50 pieces in a tin container would be boxed and covered with jute cloth stitched with string. This shipment was offered at U.S. $2,000,000.

In Szechuan Province the Governor controls the opium production and also operates a factory with a capacity of 150 kilograms. Heroin factories were established in Kwangsi Province and in Yunnan Province. In Kwangtung Province the opium poppy planting is about three times what it was in 1951. In Yunnan and Kweichow Provinces the Communist authorities have issued special instructions to increase the production of opium. Because the authorities have not shared the huge profits with the growers, they have not obtained as much opium as was expected. The yield must be sold to the Communist cooperatives who with their agents openly sell the opium at prices ranging from U.S. $35 per pound in large quantities to more than U.S. $100 per pound in quantities of a few pounds. Heroin is from six to ten times this price. These prices are in line with quotations by the Bank of China offering opium at U.S. $72 per pound, and heroin at U.S. $500 per pound.

JAPAN

Through international liaison, the Enforcement Division of the Narcotic Section, Ministry of Welfare, Japan, was able to effect the arrest of the notorious international narcotic smuggler from Shanghai, Li Sui Po, alias Lee Sau Fung, during the past year. Brilliant undercover work and surveillance preceded the arrest of this trafficker in possession of 500 grams of heroin. He is now under trial and is held on a ¥10,000,000 (U.S. $25,000) bond, the highest of record for narcotic traffickers in Japan. The authorities also have under arrest Li's co-conspirator, Tze Oi Chan, alias Mrs. Wu, formerly of Shanghai.

Approximately 12 kilograms of heroin, fifty per cent more than for any like period since the end of World War II, were seized from the unending flow of heroin to Japan from Communist China. In view of the state of enforcement in Japan, officials do not consider the seizures to be more than one per cent of the total smuggled into Japan from Communist China. This means that a huge amount of Communist heroin is being sold in Japan in a twelve-month period. One member of the Communist organization stated that 120 pounds of heroin entered Japan in Niigata Prefecture arriving from Communist China through the North Korean port of Wonsan. The explanation for the manner of payment for such a quantity, about U.S. $300,000, was that no money or goods are paid until the heroin is distributed to the Communist bosses in the various cities. Strategic goods are preferred to money.

Chinese Communist bosses in control of the traffic, assuming the role of import-export merchants and businessmen, relied principally on their tremendous capital to facilitate the smuggling and distribution of heroin.

For the Communists, the traffic in heroin in Japan was highly profitable and successful, but it was at the same time a grim, deadly serious project. It was here that traffickers who dared reveal the identity of the suppliers had their ears severed from their heads. This method proved effective in closing avenues of information concerning factories producing heroin, accurate estimates of areas devoted to poppy cultivation, and the extent of the activities of the opium buying and selling cooperatives in the interior of China. Even former employees dared not talk.

Heroin poured into the country through

the ports of Yokohama, Kobe, Kure, Sasebo and smaller ports along the Japan Sea as well as through the airports. With this very real weapon, Chinese Communist collaborators acting as representatives of the Communist regime in China posed a threat to the health and safety of the nation. The Japanese press has begun to cry out against this dirty business of the Communist regime in China.

As late as February 1954 the Japanese authorities were seeking 30 kilograms of heroine and 3,000 revolvers reported to have been landed in Kyushu from Communist China during the first part of the month.

SOUTH KOREA

South Korea is the target of tremendous quantities of heroin from North Korea. The trading companies in North Korea, as in China, controlled by the Communist regime insist that at least one fourth of all goods leaving North Korea for South Korea must be either heroin or opium. The smugglers, usually agents operating both for information and monetary gain, have for the most part used the same route into South Korea since 1947. They obtain heroin in Kaesong and at small villages along the coast of North Korea, opposite Kanghwa Island, and enter South Korea at Inchon. Some have proceeded overland directly to Seoul and thence to Taegu and Pusan.

There is extensive cultivation of the opium poppy in the areas around Pyongyong in the west and Wonsan on the east coast. There is also considerable cultivation in the northeastern most province of North Korea. Some of the opium is shipped to a factory in Communist China at Chungjin near Peiping, but most of the opium is processed at a factory in Pyongyong. As much as five tons of heroin have been stored at this factory.

Heroin is purchased in North Korea from the Communist trading companies in exchange for commodities most needed by the Communist regime. One of these commodities is rubber shoes which on one occasion were used in the amount of 3,000 pairs to obtain 2,000 grams of heroin and 1,500 grams of opium. The opium in this case came from Communist China. The heroin was the coarse, granular, off-white type which has been sold into international traffic in North Korea since 1948. The heroin was originally in the familiar heavy tin cans with slip-over tops soldered and waxed to protect the contents. Communist trading stores in North Korea have trafficked in heroin in this kind of container since 1949 in wholesale quantities. The containers appear to have been hammered out of corrugated metal.

The 2,000 grams of heroin and the 1,500 grams of opium were seized early in January 1954. The heroin had been placed aboard a 23-foot boat about an hour before departure from Heichampo, a small town with five or six docks capable of accommodating 17 to 18 small ships at one time on the coast of North Korea between Kaesong and Kanghwa Island. The smuggler was so confident of the contraband and so accustomed to smuggling that he did not bother to examine the contents of the packages which proved to be 85.2 per cent heroin. The value of the rubber shoes traded for the opium and heroin was U.S. $1200.

The smuggler stated that the Communist regime issues instructions to the trading companies in regard to the narcotics which are the property of the government. Most of the smugglers average two trips monthly from North Korea to South Korea with narcotics. Young girls working as maids or prostitutes receive the narcotics on many occasions. At other times the narcotics are turned over to wholesale syndicates some of which are made up of business men.

A police official in the National Police Headquarters, Republic of Korea, stated that from April 1, 1952 to March 31, 1953, 2,400 Communists from North Korea, most of them posing as refugees, were arrested in South Korea. These Communists had received six months training in Communist ideology, learning names of associates, names of contacts, answers to police in case of arrest, etc. at a political training school in Northwest Korea.

Using the expression of this official, these Communist agents carried gold in one hand and heroin in the other. The gold was for traveling and living expenses; the heroin was for political activity, for "mental" purposes. Young girls from 18 to 23 years of age had come down into South Korea from North Korea as Communist agents. Some of these became house-maids at appropriate homes of politicians, others became prostitutes, not in the true sense of the word for a living, but in order to accomplish their political purposes. When the Communists arrived with heroin they knew in advance where to deliver it.

On May 10, 1953 heroin of the same quality, texture, and physical appearance, in the amount of 851 grams and in the same kind of containers mentioned above, was seized as it was being smuggled into South Korea. The detail of similarity in the containers extended even to the wax paper sack fitted into a brown sack of a peculiar texture and fastened at the top with paper clips of an unusual variety.

On May 19, 1953 heroin in the amount of 22 grams was seized from a known Communist agent from North Korea.

Some of the narcotics sold by the Communist trading companies in North Korea is morphine base which is usually delivered to guerrillas in the mountains in southwest South Korea. On October 31, 1953 a crude clandestine plant, utilized for processing this morphine into heroin at the rate of 250 grams daily, was seized.

In September 1953 a seizure was made of 15.8 pounds of opium and 135 grams of 90 per cent heroin which had been brought in from North Korea. The opium was in glass jars and was in the odd-shaped balls which are characteristic of opium grown and collected in North Korea. The cultivators sell it in this form and it is usually cut through with a knife to prevent concealment of rocks for increased weight.

One distributor of heroin in wholesale lots in Seoul was a North Korean who spoke perfect Chinese and who operated a brothel over his flourishing trading store. To enter the brothel it was necessary to pass through the trading company. The heroin was sold by the prostitutes on the premises as well as directly by the operator of the business. It was established that this smuggler and wholesaler knew the heroin was manufactured in Pyongyong and was brought in through Kanghwa Island to Seoul, Taegu and Pusan. He had several customers on an every-other-day basis at the rate of U.S. $10 for one-half gram of heroin.

The heroin is sold at prices which the traffic will bear which vary from U.S. $2 per 0.03 gram to about one-half that price when it is supplied to lepers, thieves, pickpockets and prostitutes in the "Ditch" at Pusan.

HONG KONG

While movements of heroin through Hong Kong, because of its geographical location, continued despite efforts of local police who acted vigorously, there has been a noticeable trend toward bypassing this area whenever possible with shipments to other free countries. Enforcement officials and the courts have taken a positive attitude to thwart the traffickers. On February 26, 1954, in the Victoria District Court, Judge J. Reynolds, in sentencing a defendant for possession and sale of 12 grams of heroin, said "I regard this offence of possession and sale of narcotics as one of the most serious offences to come before me, and you are sentenced to two years and six months on each charge."

CONCLUSION

The three-fold increase in some areas in the land devoted to the cultivation of the opium poppy in Communist China, the establishment of new heroin factories in Communist China, the continuation and expansion of a 20-year plan to finance political activities and spread addiction among free peoples through the sale of heroin and opium by the Communist regime in China, and the extension of the same pattern of narcotic activity to areas coming under the jurisdiction of Communist China has mushroomed the narcotic menace from Communist China into a multi-headed dragon threatening to mutilate and destroy whole segments of populations from whom the danger of addiction through ready availability of drugs had been removed during the past 40 years by the uncompromising work of the narcotic enforcement authorities in the free countries of the world.

Until this Communist traffic in narcotics is dried up, the agents of this menace wherever found must be apprehended and dealt with surely and severely as a means of bringing under control this unbridled monster.

RED HEROIN

(By Jerry Pournelle, Ph. D.)

Narcotics and dangerous drugs are now the leading public health problem in the US and even with present day supplies will shortly become the number one cause of death, outranking cancer, heart disease, accidents, and suicide. The life expectancy of a heroin addict is about ten years, given the increasing number of young people using dangerous drugs it is probable that we will suffer more casualties to dope than in any of our wars.

In 1965 there were legal facilities for producing one hundred times as many medicinal opiates and morphiates as the legitimate world market could absorb; since that time both Red China and the Soviet Union have invested new technology for morphine/heroin production. There is *no* legitimate market for heroin, which is banned from medical use by international treaty; yet the Red Chinese have constructed at least twelve large-scale factories for converting morphine base to heroin. Most Oriental addicts outside Hong Kong smoke opium and almost never use heroin.

The Soviets have gone further. The traditional method of harvesting opium poppies required skilled hand labor: the seed pod is carefully slit and the ripened sap scraped off the still growing plant at a later time. If this is done carelessly the product is spoiled. Now, however, there are at least two newly designed plants behind the Iron Curtain which can accept bales of cut poppies, stalks and all, and process them into a staggering proportion of morphiates. Each of these Soviet sponsored plants located in Hungary and Czechoslovakia can in a week produce the entire annual legitimate morphine supply.

By international law seven countries are authorized to grow poppies for medicinal opiates: Bulgaria, Greece, India, Iran, Turkey, USSR, and Yugoslavia. Greece and Iran have voluntarily stopped production. In addition to the five legal producers, Burma, Laos, and Red China are major growers of opium poppies, and the opium traffic through Laos is a major factor in the politics of the area, far more important to tribal leaders than the Viet Nam War. Intelligence sources believe Soviet fields to be many times larger than needed for medicinal supply.

Drugs may be used by communists for many purposes. They have a value all out of proportion to production costs, and may be used as sources of illegal and untraceable funds for intelligence operations. They can also be used to recruit agents, although addicted agents are not reliable. Their black-

mail potential and usefulness to weaken opponents' military forces may easily be seen.

Drugs can also be used in secret warfare directly against industrialized nations. By flooding a society with drugs and encouraging their use by youth many potentially valuable citizens may be as effectively killed as if they died in a major war, at far less cost to the aggressor. Not only is the youthful addict's education effectively terminated, but he becomes a problem to the police. Communist organizations in the U.S. are well aware of this fact.

One surprising development took place at a recent international conference on narcotics control, where a Soviet Civil Police captain from Tashkent told of vast quantities of Chinese heroin smuggled into Russian Turkestan. He estimated the number of addicts in his district as over ten thousand and growing rapidly, with drug addiction so severely affecting the area's economy that production goals could not be met. The Russian insisted that the Chinese were flooding his district with "cut-rate" heroin in order to soften it up for eventual Chinese occupation.

It is not known where Soviet heroin goes, although some intelligence agents believe a portion is sold to criminal groups operating in the U.S. Chinese heroin is easier to trace. Much of it is consumed in Hong Kong (which has over 100,000 addicts). A surprising amount is exported to Latin America where the market price of heroin has been rising steadily. The prime target may now be our own country since dollars are scarce in China, and with coming Sino-U.S. trade negotiations the Reds will need funds to purchase U.S. goods. Recognition of Red China and regularization of trade would also make it easier to export heroin to the United States, thus reducing economic costs and increasing profits above what can be made in Latin America and the Far East.

Heroin is unlike other economic goods: although the U.S. supply has gone steadily upwards, demand and price have also increased. The major factor limiting the number of U.S. addicts ("officially" estimated at 60,000, but known to be *at least* three times that number) is supply. With Red China and the Soviet Bloc increasing their trade and diplomatic contacts we can expect to see a lot more red heroin.

ANNUAL STYLE CHANGE IN THE AUTOMOBILE INDUSTRY

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Wednesday, August 4, 1971

Mr. MOSS. Mr. President, as controversy in the auto industry intensifies—over pollution standards, over safety conditions, over its size and structure—a valuable new voice has contributed to the discussion. In an article published in the Yale Law Journal written by a graduating law student, Bradford Snell, and entitled "The Annual Style Change as an Unfair Restraint of Trade," a new theory on the origin of the shared monopoly in the auto industry is presented. Basically, Mr. Snell argues that annual style competition introduced in 1923, by so increasing the costs of production and economics of scale in the industry, caused the drastic decline in the number of competitors in the industry. While there were 88 domestic firms in the industry in 1923, there are today 3½, generously considering American Motors as the half compared to its Brobdingnagian brothers. The issue is presently being investigated by the FTC, which received the Yale Journal article in a petition form from the Journal student editors and from Ralph Nader.

The article is both timely in its appearance and substance and significant in its genre. Recent studies of American industry in general with a focus on autos—including America, Inc., by Morton Mintz and S. Jerry Cohen and Ralph Nader's study "The Closed Enterprise System"—have raised serious questions about the consumer costs of noncompetition among the auto firms. The Nader study quotes one economics professor then an aide to antitrust chief Richard McLaren, as estimating that the restoration of some competition in this industry "would save GM's customers 1.3 billion and Ford and Chrysler 15 million each."

This writing genre is in itself significant as law students apply their skills to public policy issues rather than devoting them solely to the esoterica law schools often nourish. As such, it is a model for other activist students and professionals to follow, a blend of scholarship and argument which fuels an informed Government. For those who "turn off" at such discussions of industrial economics and antitrust enforcement it is well to recall the observation of Author-Economist Robert Heilbroner:

> A man who thinks that economics is only a matter for professors, forgets that this is a science that has sent men to the barricades.

As the consumer costs of our shared monopolies are increasingly exposed, these economic issues will become important public issues. Many of us will begin to ask, as does the last line of the Nader study, "whatever happened to antitrust?" Mr. President, I think that this Yale Law Journal article begins to answer that question.

I ask unanimous consent that the article, the letter from Mr. Nader to Chairman Kirkpatrick, and the petition to the FTC be printed in the Extensions of Remarks.

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

APRIL 16, 1971.

Hon. MILES KIRKPATRICK,
Chairman, Federal Trade Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: The most recent issue of the Yale Law Journal (Vol. 8, No. 3) contains an article by a third-year law student which effectively argues that the annual model year style change practiced by the American automobile industry is an "unfair" trade practice under Section 5 of the Federal Trade Commission Act. Based on the excellence of the research and reasoning of this article, I am joining with the editors of the Journal in signing the attached petition to the Federal Trade Commission, requesting an immediate investigation of the anticompetitive effects of the annual restyling practices in the American automobile industry.

This law journal article has significant and simultaneous impact in two independent areas. First, the subject of the article and petition affects us all. The automobile industry's annual style change has had its intended effect: all competitors but four have been forced out of American industry, while the impenetrably high cost barriers created by frequent restyling have excluded lasting new entrants for almost 50 years. Although foreign companies have recently encroached on the United States domestic market—15.3 percent of all cars sold in this country in 1970 were foreign-made (although over 10 percent of these were from United States-owned companies)—it has not altered the persistent fact of concentration: three American firms still account for about 83 percent of all auto sales in the United States last year and about 90 percent since 1935. It must also be emphasized that foreign sales have been limited mostly to either small, low-priced models (Volkswagen and Toyota) or to luxury types (Mercedes, Jaguars and Rolls Royce). The vast middle range of intermediate models remains virtually unchallenged by foreign manufacturers.

The styling issue is especially timely now, given recent statements by the Chairmen of the two largest American auto manufacturers. James Roche of General Motors blames his critics for destruction of the free enterprise system when, in fact, that system lost out in the automobile marketplace shortly after initiation of the annual model year change introduced by General Motors in 1923. And Henry Ford II has stated with unaccustomed candor: "(O)ur customers are increasingly interested in reliability, safety, utility, and economy more than in styling novelty." So much for the oft-repeated industry myth that the public demands three-pronged fins and grinning grille patterns.

In an industry where competition has been centered on petty styling distinctions, sales are heavily dependent on industry advertising to transform trivia into deceptive significance. The huge advertising expenditure, which broadcasts annual style changes and their psycho-sexual associations, push the barriers to entry yet higher.

Not only is the dominant advertising of style changes costly and displacing of functional production information to the consumer; it is also inherently deceptive. Your "totally new Impala" is nothing of the sort; it is a warmed-over version of last year's "all new Impala", graced by the rhetoric of a complete change to induce new and trade-in sales. It is a scarcely changed Impala sold in a "new" model year. And you are not told that the cost of repairing your 1971 Impala after a five mile per hour front or rear crash is almost double the cost of similar repairs on last year's new Impala (see March 10, 1971 testimony by the Insurance Institute for Highway Safety before the Senate Commerce Committee). Thus, consumers are persuaded to accept styling changes because they believe they are getting a basically new product with the style change merely the indicia of that newness. They are manipulated into thinking they are getting something when they are not—when, indeed, they are losing the added quality, safety, and durability which styling expenses and promotion displace. Believing the lies consumers are then hoist on their own trust.

Moreover, the consumer has little choice in his preferences, since this tight oligopoly has imposed very limited options with stylistic features (like fins) as "standard equipment" without their distinct cost disclosed, while safety features are offered as optional, extra cost equipment. One could easily imagine wider choices and combinations around function (cheaper cars without these so-called styling changes and cars with significant product improvements instead of expensive styling), if styling were *not* a strategy to perpetuate a tight oligopoly, aftermarket sales, and barriers to entry. The economies of scale of the Big Three more than afford such functional rather than stylistic product differentiation.

The annual model change has other detrimental by-products: (1) The billions spent on design (estimated by Senator Gaylord Nelson at $1.5 billion per year just for new

dyes and tooling) is money, talent and ingenuity withheld from important performance innovations (performance changes are estimated at three per cent of style expenditures by the Bureau of Labor Statistics (BLS)). As former Ford Vice President Donald Frey told an engineering audience in 1964: "The automatic transmission (adopted in the late Thirties on a limited mass production basis) was the last major innovation of the industry."

(2) It has become a basic deterrent to rapid implementation of needed safety and pollution regulations. The Department of Transportation, for example, from the beginning has adjusted the effective dates of new rulemaking to the model year style change, allowing two, three and even four years lead time because *designs* are "locked up" several years in advance of production. Thus, while 56,000 people annually are killed and millions injured in auto crashes, vision-obscuring fastbacks are constructed, the wheel base is extended two inches, the antenna is molded into the windshield, and windshield wipers are hidden in sharp crevices which slice through passengers in frontal crashes.

(3) The styling changes *themselves* are often dangerous to pedestrians and occupants. The stylistic demons produced for annual model showing continue to incorporate pointed bumper weaponry which increases the toll of 10,000 vehicle/pedestrian deaths and half a million injuries each year. Hood ornaments, absent from American vehicles for the past several years, are now returning to their prominent frontal position at about the level of a five-year-old's head. The notorious horn ring and dashboard slicers have severely injured vehicle drivers and passengers, while the hard top model has weakened the side and rollover protection for occupants. A violent stylistic pornography prevails over humane engineering integrity.

(4) Constant body and parts alterations to accommodate new exterior and interior designs often result in safety defects. By the time a design is perfected, new style changes sufficiently alter the structure to create new defects, *ad infinitum*. The car model does not endure long enough to benefit from manufacturing and usage experience. Only new safety and durability features justify such annual changes.

(5) Focusing on pollution, a three-firm oligopoly can resist public and governmental pressures to be innovative on anti-pollution implementation. With a huge capital investment in existing manufacturing equipment, any such change is viewed with hostility. The illegal collusion uncovered and described in the 1969 Justice Department "smog" complaint is an example of how an oligopoly can rest on its conspiratorially-orchestrated oars until challenged by the law. And the introduction of a wholly new propulsion system—whether steam, electricity, turbine, freon or hybrid—is made impossible by the entry costs of large plant economies, advertising outlays and vertical integration which annual styling change requires.

(6) Annual style change buttresses the industry's profiteering in "aftermarket" (replacement parts) sales. Frequently redesigning parts, many of which will need repair, and then coercing the car buyer to return to the franchised dealers for replacement under the warranty system, guarantees the companies a lucrative return. Sculpturing the sheet metal slightly differently from year to year, for example, insures a captive parts aftermarket. Only Chevrolet can afford to sell a replacement part for the 1969 Chevy and a differently-shaped part for the 1970 Chevy. Style leads to fragile ornamental bumpers, which permit the aftermarket sales of enormous quantities of crash parts, as is widely acknowledged within auto insurance circles. A recent Ph.D. thesis argues that General Motors' 20% average rate of return on capital is due largely to its parts sales (R. W. Crandell, Vertical Integration in the United States Automobile Industry).

The *Yale Law Journal* article emphasizes Section 5 of the Federal Trade Commission Act as the preferred statutory vehicle for legal attack. It is understandable why the author is pessimistic about the prospects for a "shared monopoly" suit in the auto industry. The basic problem of such a suit, however, is *not* that adequate legal doctrine does not exist to support it. By combining the size *per se* language of *Alcoa* (1946) with the oligopolistic parallelism found in *American Tobacco* (1946), *Cement Institute* (1948), motion picture cases (1948), and motion picture advertising case (1954), and by utilizing the ignored "retroactivity" principle of *General Motors-DuPont* (1957), a shared monopoly suit to divest the auto companies vertically and horizontally could be instituted. Such a theory has been discussed at the Justice Department and proposed by repeated high level staff studies as a basis for a complaint in the auto industry (among others), but it has never been favorably acted upon by an Antitrust Assistant Attorney General. The Section 5 approach presently appears the most favorable statutory route, but only until the Antitrust Division summons up its courage to utilize the ample precedent which exists.

One relief alternative mentioned in the Yale article would declare a "fixed term moratorium" on style changes—but not performance changes. The Bureau of Labor Statistics (BLS) presently makes such a distinction in computing the price indexes. But before a BLS or similar system is relied on to make such judgments, two things must be stressed: (1) engineers, not only economists, must help in the analysis of quality vs. styling changes; and (2) there must be independent sources of information on automobiles—sources other than the auto firms themselves. Since BLS presently lacks both, being largely tied to the industry for its source of information, it is an inadequate toll for judging what are styling changes.

This petition is an important example of citizen involvement in our legal enforcement system. In the field of discrimination, *Brown* v. *Board of Education* and *Jones* v. *Mayer*, two private suits, established the most innovative precedent on racial discrimination in the last two decades. The policing of our corporations is also too important to be left merely to government agencies—agencies which have often adopted the principle that least is best. This petition, however, is not a lawsuit (which the federal regulations do not permit in this case) but a request for an investigation pursuant to a complaint. It is now incumbent on the Federal Trade Commission to break the perennial failure of antitrust enforcement in the auto industry. The task is large but the return to consumers and a competitive economy is immense, both in economic and safety-health terms.

A second and related contribution is made by publication of this article and filing of this petition. It adds to the trend that law schools and law journals are no longer content to count angels on pinheads. Attentive to problems of policy as well as procedure, eager to have an impact beyond classroom recitation, law students are beginning to devote their skills to serious contemporary problems. The utilization of this reservoir of energy and creativity cannot be underestimated, for it is often the student-scholar who can best illuminate the difficult legal issues which the legal profession is too busy, or too financially jaundiced, to confront. Industrial corporations have for too long evaded the scrutiny of legal scholarship, often by coopting their potential critics. That is now and here changing.

Sincerely,

RALPH NADER.

[From the Yale Law Journal]

CHANGE IN STYLE OF AUTOMOBILES

Annual change in the style of automobiles has become an accepted way of life in this country, but now such change is under attack as a violation of the federal antitrust laws.

The attack against the style change policies of the Big Three automobile manufacturers appears in a complaint by Ralph Nader and members of *The Yale Law Journal* which was filed with the FTC on April 19, 1971. The complaint is based on a new antitrust doctrine developed in a special study that appears in the latest issue of *The Yale Law Journal*, a publication edited by Yale Law students.

The study describes a new antitrust theory under which annual style change may constitute an antitrust violation. Currently, annual restyling in the automobile industry is considered immune from prosecution under conventional Sherman and Clayton Act doctrine because of the absence either of monopoly or of explicit agreement among the Big Three. The *Journal* report adopts a new approach and demonstrates that Section 5 of the Federal Trade Commission Act empowers the FTC to investigate and to bring suit against this practice. Style change, the article concludes, is an "unfair method of competition" under the Act because it prevents new firms from entering the automobile industry.

For nearly fifty years, General Motors, Ford and Chrysler have annually changed the styles of their automobiles. The study suggests that this practice has occasioned an exit by more than 80 smaller automobile producers and barred future entry into the industry. As a result, since 1935, the Big Three have accounted for about 90 per cent of automobile sales in the United States. This concentration of sales in three firms, the report notes, is generally considered to be inimical to competitive conduct in an industry.

The article demonstrates that "concentration-increasing" practices such as annual style change were what Congress sought to prohibit when it passed the Federal Trade Commission Act in 1914 and calls upon the FTC to fulfill the role that Congress had originally designed for the agency.

The report urges that "the broad legislative mandate and judicial development" of Section 5 of the Act compels the FTC to strike down annual restyling by the Big Three as an "unfair method of competition." Breaking the automobile manufacturers into several autonomous companies, it adds, would be the most appropriate and effective remedy.

The study, "Annual Style Change in the Automobile Industry as an Unfair Method of Competition," written by Bradford C. Snell, a third year law student and an editor of *The Yale Law Journal*, is contained in the *Journal's* most recent issue (Vol. 80, no. 3, pp. 567–613) which was released today. The *Journal*, published monthly, carries articles by students, faculty and other legal experts.

"Industrial competition is the unequivocal premise of free market economic theory and of antitrust doctrine," the study begins. "Automobile manufacturing is one of the least competitive industries in the American economy."

Ninety-seven per cent of domestic automobile production is centered in three firms; four firms account for all passenger vehicles produced in this country. Such a highly concentrated structure, the report says, precludes effective competition and satisfactory performance.

As a result, "the industry is characterized by inflated selling costs, product imitation, higher than competitive prices, collusive

suppression of technological innovation, and persistently high rates of return." The study notes, for example, that pollution-free electric and steam vehicles can now be produced which would cost half as much to own and even less to operate than conventional gasoline automobiles. Yet the introduction of these new vehicles has been suppressed by the Big Three.

Annual restyling required four activities which small producers could ill-afford to undertake: in-house production of body and engine components, formidable advertising campaigns to accompany new model introduction, a nationwide network of franchised dealers, tremendous capital resources.

"Whether by design or mere accident," the report states, GM's introduction of annual style change in 1923 "eliminated smaller producers unable or unwilling to restyle their products every year." There were 88 American automobile manufacturers in 1921. In the course of three years, from 1923 to 1926, 43 left the market. By 1935, only 10 firms remained, with the Big Three holding 90 per cent of the market.

"Style change has proved to be as effective a market weapon" in discouraging newcomers as it had been in eliminating earlier automobile companies, the study observes. It constitutes an insuperable barrier to new entry. As the report points out, "not a single firm has entered and survived in the automobile industry since 1923."

A prospective firm would need nearly a billion dollars to break into passenger car manufacturing, the study estimates. Had annual restyling not restructured the industry, it calculates that a firm could enter today for less than one-tenth of this cost.

This Big Three may also employ style change as a substitute for cost savings innovations. "By introducing a restyled model each year," the report says, "they provide consumers with the illusion of progress" yet avoid making improvements which might extend the life of automobiles.

A sharp distinction is drawn in the study between style and performing changes. Smaller producers, it notes, were able to develop significant automotive innovations. But the style change race ultimately eliminated all but those with huge facilities and tremendous capital resources.

According to the report, the annual change of automobile models has consisted predominantly of style rather than performance alteration. It says that in the past four years the Big Three have spent about $1½ billion annually to change their models, but that less than 3 per cent of this amount was expended on performance improvements.

Annual style changes by the Big Three has never been attacked under the antitrust laws. The law journal study suggests, however, that Section 5 of the Federal Trade Commission Act prohibits practices which, like annual restyling, substantially increase industry concentration.

Thirty years ago, recalls the report, the FTC expressed concern that the "increasing importance of the style factor, the huge capital and equipment resources required to finance new models" might eliminate smaller though no less efficient competitors of the Big Three. Today all but one, American Motors, have vanished. "Only the FTC's political or administrative paralysis," the study says, "bars bringing a successful suit against the three automobile manufacturers."

If the FTC sues the Big Three, and wins, it would be entitled to far-reaching sanctions. As the fundamental impact of annual restyling was concentration of production in the hands of three firms, suggests the report, breaking these corporations into several autonomous producers would be most appropriate and most effective in restoring competition to the automobile industry.

APRIL 19, 1971.

REQUEST FOR AN FTC INVESTIGATION

Pursuant to 16 F.C.R. sections 2.1 to 2.2, the following named individuals and organizations request that the Federal Trade Commission institute an investigation of annual restyling practices by General Motors Corp., with offices and principal place of business at the General Motors Building, Detroit, Michigan, 48202; Ford Motor Co., with offices and principal place of business at The American Road, Dearborn, Michigan, 48121; and Chrysler Motors Corp., with offices and principal place of business at 12200 E. Jefferson Ave., Detroit, Michigan, 48231, for alleged violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. sec. 45 (1964). Supporting information regarding the alleged violations is attached to this request.

RALPH NADER.

LIST OF SIGNERS

Benjamin W. Heineman, Jr., David E. Kendall, Bradford C. Snell, Ron Gilson, John Rupp, David Cook, David Kaye, Jim Huntwork, David Schulte, and John Kuhns.

Barbara Brown, Eric Neisser, Nancy Gertner, Steve Hadley, Tom Jorde, John Crook, John Dystel, Mark Tushnet, Larry Lustgarten, Harold Kwalwasser, Jeff Glekel, Linda Tedeschi, Rick Block, Bill Kelly, Steve Oxman, and Steve Munzer.

David Schneider, Jerry Wilkerson, Reid Feldman, Al Wilensky, Jerry Siegel, Susan Goldberg, Henry Fields, Andy Hurwitz, Stan Jaspan, Dan Steinbock, Peter Hamilton, Stan Inghber, and Bob Carter.

Members of: The Yale Law Journal, Yale Law School, 127 Wall St., New Haven, Conn. 06520.

GENERAL MOTORS STATEMENT

APRIL 18, 1971.

The annual model change in the automobile industry is an example of competitive response to customer demand for improved product value and design changes. Such changes have no connection with the number of firms in the industry and in no way confirm monopoly control. Design changes are a fact of life in many fields, from women's fashions to housing to the "new model" created by the Yale Law Journal with each issue. The annual model change is an important means of delivering new product innovations and functional improvements to the customer in an orderly, efficient manner. It thus creates an opportunity for also making design changes. Eye appeal is important to car design because it is important to consumers. Motorists not desiring the new features, however, have ample alternatives—alternatives ranging from purchasing new cars which have not been restyled to retaining their present cars or purchasing used cars. Perhaps no other industry provides American consumers with such a variety of product choices tailored to all tastes and desires.

ANNUAL STYLE CHANGE IN THE AUTOMOBILE INDUSTRY IS AN UNFAIR METHOD OF COMPETITION

(By Bradford C. Snell)

Since 1935, General Motors, Ford and Chrysler have accounted for about 90 per cent of automobile sales in the United States. This Note will argue that such a concentration of sales in three firms is inimical to competition in this industry. Moreover, it will contend that these firms achieved and preserved undue concentration in violation of Section 5 of the Federal Trade Commission Act through their pursuit of an "unfair" trade practice: annual style change. Part I briefly sets forth the relevant economic and legal criteria for evaluating competition in the automobile industry. The preliminary economic analysis in Part II suggests the anticompetitive nature of annual style change which justifies a more searching analysis by the Federal Trade Commission. Part III argues the applicability of Section 5 of the Federal Trade Commission Act to annual automobile style change, and Part IV outlines some considerations regarding appropriate relief which the FTC could seek.

I. EVALUATING COMPETITION

Industrial competition is the unequivocal premise of free market economic theory and of antitrust doctrine.[1] It is generally evaluated in terms of three distinct market elements: structure, conduct and performance.[2] The competitiveness of an industry's structure depends upon market concentration (the number of firms and their individual shares of industry sales) and barriers to entry (obstacles that impose on newcomers higher costs per unit than those encountered by the established firms).[3] The competitiveness of an industry's conduct depends upon how constituent firms make price and output decisions (independently, interdependently or collusively) and with what purpose or effect (enhanced interfirm rivalry, exclusion of newcomers, or predation).[4] The competitiveness of an industry's performance depends upon the extent to which its conduct contributes to progressiveness (the number and importance of actual innovations as compared with what optimally could have been developed) and to efficiency (the reduction of costs and prices to absolute minima).[5]

A. Economic criteria: Market structure as the determinant of industry conduct and performance

Holding that structure determines conduct and conduct determines performance,[6] much antitrust economic theory posits that an anticompetitively structured industry precludes the long-run survival of effectively competitive conduct and performance.[7] In fact, empirical studies indicate that high market concentration and high barriers to entry (structural factors) engender price fixing, price leadership, product imitation and other forms of collusive and interdependent behavior (conduct), which lead to artificially inflated prices and diminished rates of innovation (performance features).[8]

More specifically, an impressive amount of economic data supports the judgment that concentration of more than 50 per cent of an industry's sales in four or fewer firms (i.e., a "tight oligopoly") gives rise to conduct and performance which approximate that of a monopolist or well-disciplined cartel.[9] This degree of concentration destroys the incentive for independent decisions on price and output, and encourages instead the development of "oligopolistic interdependence," a recognition that the profits of each firm are dependent on the decisions of each of the others.[10] As a result, these few firms collectively eschew price and product competition in favor of "joint-profit maximization": output is restricted and prices are set above competitive levels, albeit in a noncollusive fashion.[11] In effect, the industry is "collectively monopolized."[12]

Barriers to entry comprise the second structural criteria for evaluating industrial competition. Leading firms in a tight oligopoly can set higher-than-competitive prices and reap monopoly profits only if they are able to deter new entrants whose added output would push prices back to a competitive level.[13] The effectiveness of these barriers is reflected generally by the persistence of high concentration levels.[14]

More precise measurements of entry barriers, however, have been developed. Empirical investigations reveal that large economies of scale, high promotional expenditures, and enormous capital requirements are powerful deterrents to new entry.[15] If an industry is surrounded by any one of these barriers, the possibility of new entry is substantially re-

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duced. If it is protected by all three, entry is "effectively blockaded." [16] By preserving tight oligopolies from the deconcentration which would result if new firms were able to enter, barriers of such magnitude contribute to anticompetitive conduct and unsatisfactory performance.

Accordingly, some antitrust economists now urge divestiture of leading firms in industries with 4-firm concentration ratios of 50 per cent or more and with barriers which all but foreclose new entry.[17] They contend that deconcentrated industries would behave more competitively in making price and output decisions and would perform more satisfactorily by providing consumers with lower prices, reduced production and distribution costs, and an accelerated rate of technological innovation. In short, they argue that a larger number of competitors would provide a greater degree of competition.

B. Legal criteria: The gap between economic reality and antitrust laws in the automobile industry

As measured by either of the structural economic criteria, automobile manufacturing is one of the least competitive industries in the American economy. Its structural concentration is unprecedented. Ninety-seven per cent of domestic production is centered in three firms; four firms account for all passenger vehicles produced in this country.[18] This degree of concentration is twice that generally considered inimical to competitive conduct and performance.[19] Moreover, the condition of entry into automobile production has been described as "effectively blockaded." [20] Concentration has exceeded the 70 per cent threshold for presumptively high barriers to entry not only for 7 of the past 10 years, but for each of the past 40 years.[21] More precisely, the industry strikingly exhibits the indicia of high barriers to entry; large economies of scale, high promotional expenditures, and enormous capital requirements.[22]

Given its anticompetitive structure, the anticompetitive nature of the automobile industry's conduct and performance is not unexpected. In fact, the Big Three interpendently engage in price and product conduct which has the same anticompetitive impact as if it had been collusively planned.[23] As a result, the industry is said to exhibit the indicia of unsatisfactory market performance: inflated selling costs, product imitation, higher-than-competitive prices, collusive suppression of technological innovation, and persistently high rates of return.[24]

Just from available data, a strong presumption arises that in structure, conduct and performance, the automobile industry is, at least by comparison to other industries, markedly anticompetitive. Yet, it has escaped antitrust prosecution. It seems to represent, therefore, a striking example of the gap which exists between economic reality and antitrust remedies.

Unlike antitrust economic theory, the antitrust laws focus on the behavioral rather than structural element of the structure-conduct-performance triad. They are primarily concerned with outlawing offensive business conduct rather than with striking down anticompetitive structures which produce unsatisfactory performance.[25] Thus, the Sherman Act proscribes not structural monopoly but collusive activities "in restraint of trade" and activities that tend to "monopolize" trade.[26] Economists and antitrust officials generally agree, however, that while the Big Three's price and output conduct has an impact effectively equivalent to that of a Sherman Act conspiracy, these decisions are made interdependently, without any evidence of collusion.[27] Moreover, although the exclusion of nearly a hundred earlier producers and erection of insurmountable barriers to new entry were as effective as the conduct of a predatory monopolist, this result could not provide the basis for a Sherman Act charge of monopolization absent the emergence of a single monopoly firm.[28] Similarly, the Clayton Act reaches mergers or coercive practices such as exclusive dealing and tying arrangements.[29] Although the Big Three's conduct is analogous in anticompetitive impact to these forbidden practices, it is again distinguishable by its lack of agreement.[30]

For years, antitrust commentators have sought to stretch existing antitrust doctrine to reach the presumed anticompetitive aspects of the automobile industry. Professors Turner and Posner, for example, have argued that "agreement" under the Sherman Act might include or be redefined to include interdependent though non-collusive behavior by jointly-acting oligopolistis.[31] The broadest reading of conspiracy law holdings under the Sherman Act, however, would not permit such an elastic interpretation of agreement.[32]

Alternatively, Professors Turner and Sherwood have suggested that since the Sherman Act looks to substance rather than form, the conduct of jointly-acting oligopolists should be treated as that of a single monopolist when their effects are almost identical. Thus, they have urged that where oligopolists effectively "share monopoly power" and engage in predatory or exclusionary practices, they might be charged with having monopolized in violation of the Sherman Act.[33] Significantly, however, neither Turner nor Sherwood could cite a single precedent in support of the argument. Indeed, after considering both these approaches, a recent White House Task Force on Antitrust Policy rejected them and concluded that competition in highly concentrated industries could probably only be restored by enactment of new legislation empowering courts to dissolve leading firms in entrenched oligopolies.[34]

With respect to restoring competitive structure and performance to the automobile industry, however, there may be a viable alternative to either stretching the Sherman or Clayton Acts beyond the limits of precedent or relying upon new structural, antitrust legislation. A particular form of conduct, annual style change, may have largely determined this industry's anticompetitive structure and may as a result constitute an "unfair method of competition" under Section 5 of the Federal Trade Commission Act.[35] The Sherman and Clayton Acts, to be sure, proscribe several kinds of specific business behavior such as mergers and predatory or exclusionary practices by a dominant firm which can severely alter the structure of an industry, rapidly transforming an unconcentrated competitive structure to a concentrated oligopolistic one.[36] They fail, however, to reach other forms of "concentration-increasing" conduct which may amass most of an industry's total sales within a few firms and erect formidable entry barriers to newcomers.[37] Arguably, annual style change is conduct of this latter variety and should be condemned as "unfair" under Section 5.

The primary purpose of this Note, therefore, is to suggest strongly that the three leading firms in the automobile industry have engaged in conduct—annual style change—which ultimately transformed a competitive structure to an anticompetitive oligopolistic one in violation of Section 5 of the Federal Trade Commission Act. By way of a preliminary economic analysis, this Note will argue that annual style change has drastically increased market concentration, raised impenetrable barriers to entry, and directly contributed to this industry's record of noncompetitive market performance. Then, by analogizing the anticompetitive impact of annual style change to recognized antitrust violations, as Section 5 cases seem to require, a prima facie case of illegality under Section 5 will be established.

What follows, however, is no substitute for a full-scale economic investigation and legal assessment of this practice by the FTC. Rather this Note is designed to suggest on the basis of available evidence the anticompetitive implications of annual automobile style change and the compelling need for the FTC to undertake a more thorough inquiry of the possible illegality of annual automobile style change under Section 5 of the FTC Act.

II. ECONOMIC IMPACT OF ANNUAL STYLE CHANGE IN THE AUTOMOBILE INDUSTRY: A PRELIMINARY ANALYSIS

Before analyzing the anticompetitive impact of annual style change on structural concentration and barriers to entry and its impairment of this industry's competitive market performance, a distinction between style change and performance modifications must be drawn. As complex pieces of machinery, automobiles present manufacturers with practically unlimited opportunities for physical product modification in both appearance and performance. Their appearance may be drastically altered by varying the amounts of chromium and contour trim, changing the body shell patterns and radiator grill designs, and altering the range of colors and interior textures.[38] Their performance may be modified by structural changes which affect safety, durability, economy, reliability, carrying capacity, maneuverability, comfort, and convenience.

In this Note, "style changes" will refer solely to alterations in the appearance, as contrasted with modifications in the performance, of automobiles.[39] It is not unrealistic to distinguish style from performance changes, since the Bureau of Labor Statistics in the U.S. Department of Labor has for many years made this determination in compiling official consumer price indexes. Specifically, the BLS employs detailed criteria for evaluating annual automobile model changes in order to adjust quoted prices of new automobiles for changes in "quality." In making these quality adjustments, it is compelled to distinguish between structural changes which affect safety, reliability, durability, economy, and comfort and "[s]tyle, or changes in appearance design solely to make the product seem new or different." [40] The BLS adjusts new automobile prices only for changes of the former variety.[41] Thus, a distinction between style and performance changes would appear to be empirically justifiable.

Annual model change has presumably consisted of both style changes and performance modifications. The industry's persistent refusal to provide inquiring Congressional committees with cost data, however, precludes a precise dichotomy between annual expenditures for style as contrasted with expenditures for performance alterations.[42] Nonetheless, several economists have testified that annual model change is predominantly oriented to changes in style rather than improvements in performance.[43] Indeed, they emphasize that, before the 1920's, models were changed every few years to incorporate significant technological breakthroughs, but that since then the rate of technological progress has declined while model changes have become an annual phenomenon.[44] Of course, the performance of automobiles has improved since the 1920's, but arguably not at a rate justifying annual model change. For example, in 1969, the Big Three spent $1.56 billion or about $195 per automobile to change its models; the Bureau of Labor Statistics reported, however, a net reduction in performance improvements of $-3 per automobile, or approximately $-23.9 million for the Big Three's combined output. Consequently, they spent more than a billion and a half dollars to make their 1969 models seem "new and different" in appearance. BLS performance

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data, computed for every model year since 1968, moreover, indicated that the 1969 results were not exceptional. The value of performance improvements in 1968 through 1971 models average $5.50 per automobile each year, or less than 3 per cent of the Big Three's total model change expenditures during that period.[45] In short, it would be reasonable to assume that annual model change has consisted primarily of changes in styling characteristics.

A. Style change as a market weapon for achieving concentrated economic power

The trend toward concentration in the automobile industry is unequalled in the history of American manufacturing.[46] From the inception of this industry in the late 1890's, the number of independent producers grew steadily to a peak of 88 in 1921.[47] Then, suddenly, about 1923, the number of automobile producers began to decline rapidly. In the course of three years, from 1923 to 1926, 43 firms left the market.[48] By 1935, only 10 firms were producing automobiles.[49] Today, 4 producers remain, with 3 firms account for 97 per cent of all domestic car production.[50]

Economists generally agree that four factors were primarily responsible for the rapid demise of competitors since the 1920's: components integration, large-scale advertising, franchised distribution, and a tremendous increase in capital requirements.[51] Arguably, these four decisive factors resulted from the development of an even more fundamental industry practice: annual style change. Significantly, it was in 1923, a near high-water mark in terms of the number of active automobile producers, that General Motors introduced annual change.[52] By 1928, it had become the industry practice.[53]

Prior to the introduction of annual style change in 1923, entry into the automobile industry was relatively easy, exits were insubstantial in number, and concentration was consequently low.[54] Scale economies in components integration provided no significant deterrent to the large number of early entrants to this industry.[55] Similarly, entry was not precluded by a need to engage in massive advertising.[56] Moreover, the availability of standardized interchangeable replacement components up until the 1920's obviated any need for integration forward into extensive networks of franchised dealers with specialized maintenance capabilities.[57] Thus, capital requirements for entry prior to the 1920's were negligible. The industry's emphasis upon external economies of independent parts manufacturers rather than internal scale economies of integrated fabrication, for example, greatly reduced the amount of initial investment required for operation.[58] The Ford Motor entry was typical. The Company was incorporated in 1903 with only $28,000 in cash.[59] This ease of entry was reflected in industry concentration. Not until the 1920's did the three leading firms account for much more than half of total sales.[60]

Product variation was not new to the automobile industry in 1923. From the very beginning, it had served as a key element of competition among the many early producers.[61] But pre-1923 variations differed from subsequent product changes in two significant ways: they occurred less frequently, and they generally represented substantial improvements in performance capabilities rather than mere changes in style.[62] Thus, before 1923, the frequency of model change was closely geared to the rate at which technological breakthroughs were achieved; these occurred every four or five years.[63] Moreover, it will be demonstrated that this rate of product change enabled independent parts manufacturers to supply small volume assemblers with efficiently produced and improved components. The advent of annual product variation, however, drastically altered this process.

In 1923, General Motors introduced annual style change.[64] Whether by design or mere accident, GM's device accomplished much more than planned obsolescence: it eliminated smaller producers unable or unwilling to restyle their products every year. As the first company to employ this market weapon, GM increased its share of total industry sales dramatically from 13 to 43 per cent in the 5 years between 1922 and 1927.[65] Chrysler, after its well-financed entry in 1923, quickly imitated GM's restyling policy and increased its market share to 6 per cent by 1927.[66] Ford, at first ignoring the practice of changing styles annually, suffered an equally dramatic decline in its market share during this same period, falling from 51 per cent in 1922 to 9 per cent by 1927.[67] In 1928, it adopted an annual restyling policy which within two years boosted Ford's share of the market to 31 percent.[68] While aggressively pursuing annual style change, GM, Chrysler and Ford increased their collective share of industry sales from less than 65 per cent in 1923 to more than 90 per cent by 1935.[69]

An inevitable result of the drive to produce "all-new" cars annually was an industry trend toward components integration. Previously, producers had attained optimal efficiency at low output volumes by assembling basically interchangeable body and engine components purchased from external suppliers.[70] By contrast, after 1923 the annual need to produce uniquely styled vehicles, including redesigned bodies and rearranged (although not necessarily improved) engines, caused producers to integrate body and engine production within their own plants.[71]

This shift from assembly of body and engine components to their integrated fabrication had a substantial impact upon the scale of production necessary for optimum efficiency as measured in terms of lowest per unit production costs. For a firm engaged in both mass production and assembly of annually modified bodies and engines, the optimal output was from 3 to 5 times greater than that required for mere assembly operation.[72] After 1923, an integrated firm which changed its styles annually needed a volume of at least 250,000 cars a year to operate at maximum efficiency.[73] At lower outputs, it would experience production costs substantially higher than larger volume producers.

One of the most serious disadvantages for producers operating at below the optimal scale of output required for style changes was the premature scrapping of expensive tools and dies. Assume, for example, that prior to 1923 General Motors and firm X in Figure I had identical cost curves (AC) but dissimilar outputs.[74] GM's production exceeded 400,000 units; while firm X produced a little more than 50,000 vehicles a year. Both producers, therefore, had achieved the minimum level of output necessary for optimally efficient assembly operations (50,000 units in 1923). Assume also that prices were constant at p.

In 1923, when it initiated annual style change, GM purchased at great expense the special tools and dies required for completely restyling its products. It found, however, that after the production of approximately 250,000 cars this equipment was physically deteriorated and could be fully amortized.[75] In 1923, it exhausted three full sets of dies and tools in producing a record 775,000 automobiles (point GM_{1923} in Figure I).[76] Thus, it could replace the 1923 dies and tools with identical equipment or, at no extra cost, with dissimilar equipment. Consequently, GM changed the style characteristics of its 1924 models without increasing its costs, thereby remaining on AC in Figure I (point GM_{1924}).

In order to compete with GM's restyled 1923 models, firm X also purchased the expensive tools and dies necessary for the integrated production of uniquely styled vehicles. But unlike GM, it was unable to amortize this equipment over a year's production. Since dies and tools deteriorated only after the production of 250,000 units, its output in 1923 of 50,000 (point X_{1923}) consumed but one-fifth of their physical usefulness. Consequently, it could bring out a newly styled model in 1924 only by scrapping equipment which was not yet worn out and could only be partially amortized. As a result, it would experience higher average costs in 1924 (*i.e.* curve AC_1 in Figure I) for any level of output below 250,000 units. Assuming that its 1924 output did not exceed that of the prior year, its costs exceeded price at point X_{1924}, and it was forced out of the market.[77]

After 1923, therefore, survival as a style-change manufacturer required construction of a plant capable of producing at least 250,000 automobiles per year from internally manufactured and annually altered components. Significantly, only two of the 81 firms independent of Ford and GM which were operating at the beginning of 1923 ever reached the 250,000 minimum optimal integrated level of output.[78] These two companies, Chrysler and Hudson (which later merged with Nash to form American Motors), would become the sole competitors of Ford and GM by the 1960's. Neither Kaiser-Frazer nor Crosley, the only firms to attempt entry after 1923, ever achieved this production scale.[79]

Annual style changes imposed a second burden upon smaller automobile producers: large-scale annual investments in advertising. Before 1923, automobile designs remained basically unchanged for several years.[80] With the introduction of annual style change, however, producers were compelled to undertake annual advertising campaigns to impress consumers with the unique appearance of annually altered automobiles.[81] The style change race had engendered an advertising competition in which only the financially resourceful could remain.[82] Moreover, smaller producers were seriously disadvantaged because of the scale economies associated with extensive promotional efforts. To accomplish the same or even sparser market coverage, small volume producers spent considerably more per unit of output than did large volume manufacturers. For example, GM was able to obtain 10 times more advertising space in 1930 than did Nash, a lower volume firm, at half of the latter's per cost.[83] Returning to the analysis accompanying Figure I, therefore, it can be argued that the need to engage in large scale advertising annually, no less than the need to scrap expensive dies prematurely, increased average costs and consequently the slope of AC_1, thereby driving scores of smaller producers from the market.[84]

The annual style change policy begun by GM also required a national system of adequately financed and strategically located dealers with unique service facilities. Prior to the advent of periodic restyling there was little need for manufacturers to establish retail outlets with specialized maintenance capabilities.[85] Independent retailers provided adequate sales and service for a wide variety of automobiles.[86] By contrast, the need to differentiate the appearance of automobiles annually and the consequent decline in the interchangeability of components required the establishment of unique nationwide service organizations.

The need to establish nationwide service networks posed not only a great financial burden for smaller producers; it also involved significant economies of scale. The minimum volume sufficient to permit the maintenance of a nationwide system of dealerships with servicing facilities probably ranged from 100,000 to 150,000 units per year.[87] As a certain minimal sales volume was necessary to maintain a solvent dealer, producers with smaller annual outputs would have experienced severe difficulties in retaining an ade-

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quate number of dealers for national coverage. Significantly, few producers other than the Big Three ever reached this volume after 1923.[88] Consequently, their average distribution costs were substantially higher than those of GM, Ford and Chrysler. Moreover, as the Big Three expanded their dealer networks, smaller producers found it increasingly difficult to establish and maintain retail outlets without experiencing increased per unit costs.[89]

The need to integrate forward into retail distribution, therefore, was another factor attributable to style change that substantially raised the amount of capital necessary for successful entry and survival in the automobile manufacturing industry. Each of the three factors necessary for annual style change involved tremendous capital investments of hundreds of millions of dollars.[90]

This brief analysis indicates that the automobile industry became increasingly concentrated following the introduction of annual style change in 1923. There are, however, other hypotheses which might explain this phenomenon. For example, declining economic conditions and a rise in automobile mergers might have contributed to increased industry concentration.[91] But these developments could not have been the primary cause of the dramatic change in this industry's structure. For example, the rate of attrition for automobile firms during the depressed 1930's was only slightly greater than in the booming 1920's.[92] Moreover, the predominant number of firms which left the market did so because of failure rather than combination.[93]

Instead, this economic analysis suggests that factors (components integration, formidable advertising, franchised distribution, enormous capital requirements) were the direct cause of concentration and that each of these developments was linked in turn to the introduction of annual style change. Other hypotheses, however, could aid in explaining the emergence of these four factors. Substantial fluctuations in economic conditions following World War I, for example, may have contributed in part to the industry's movement toward captive production and distribution facilities.[94] On the other hand, these four developments cannot be accounted for, as some have urged, by a "drive for efficiency" in performance improvement.[95] The foregoing analysis demonstrates that without the need to restyle annually, optimal efficiency in the production of automobiles with increasingly improved performance capabilities had been reached by many firms in the industry. Once annual style change became the industry code of behavior, however, efficiency in the production of annually restyled vehicles made these four developments almost inevitable.

On balance, therefore, this brief analysis indicates that although other hypotheses might assist in the explanation of how this industry became highly concentrated in a short period of time, annual style change might well have been its fundamental cause.

B. Style change as a market weapon for preserving concentrated economic power: Barriers to entry

Style change has proved to be as effective a market weapon in preserving concentrated economic power in the automobile industry, it can be argued, as it had been in achieving it.[96] By causing formidable entry barriers to be raised, style insured that the vacancies created by the exit of nearly one hundred firms were not filled by newcomers.

The same four factors which by eliminating earlier producers led to concentration seem also to have erected insurmountable barriers to potential entrants. The magnitude of these barriers can be measured in at least three separate ways. First, the experience of the only firm seriously to attempt entry since 1923, Kaiser-Frazer, can be evaluated. Second, industrial studies of the automobile manufacturing process can reveal the minimum scale of operations, minimum promotional expenditures, and minimum capital resources necessary for entry today. Finally the estimates of firms which have recently contemplated (but decided against) entry must be examined.

Since 1923, a handful of attempts at entry, all unsuccessful, have been undertaken.[97] Of these, only the Kaiser-Frazer endeavor of 1945–1954 could be considered a serious challenge.[98] Kaiser had already successfully broken into two of the most highly concentrated industries in the American economy (aluminum and steel). Given a most propitious time of practically insatiable postwar demand, its venture into automobiles seemed assured of success. It commanded the talents of experienced executives, the backing of a multi-million industrial empire, and the acquired production and distribution facilities of an operative automobile organization (Graham-Paige Motors). Through stock offerings, loans from private and government agencies, and financial resources derived from other Kaiser enterprises, it raised more than $200 million. Within a record time of 11 months, it produced a car which was praised for both its engineering achievement and for its style.[99] Its market share rose to nearly 5 per cent of industry sales by 1948.[100] Yet, by 1949, the Kaiser venture was doomed to failure. Its share of sales fell back to a little more than 1 percent, and by 1954, it had ceased production.[101]

The reason for this sudden reversal in Kaiser's market position after 1948 has been succinctly stated by economists: its survival required the launching of a new model, yet it was unable to finance a restyled automobile for 1949.[102] Although sales in 1948 had reached 181,000 units, that volume was insufficient to finance formidable retooling and advertising costs.[103] As Kaiser Industries reported later:

> To stay in the market, Kaiser-Frazer now had to play the "new models" game for the first time; new models took tools; tools took major financing. An attempt was made to sell a third stock issue to the public in 1948, but that ran aground . . .[104]

Consequently, it was forced to sell its 1948 models again in 1949 and 1950. In 1951, it managed to produce a newly styled model; but by then its output was far below the minimum volume necessary for optimum efficiency.[105] As a result, higher per unit production costs forced its prices above those of the Big Three.[106] Thereafter, its sales plummeted, and it accumulated uninterrupted losses until it withdrew from the market in 1954, with an earned surplus deficit amounting to more than $100 million.[107]

Evaluation of the short-lived Kaiser entry suggests that it suffered in varying degrees all the disadvantages which had contributed to the elimination of the earlier producers.[108] Formidable scale economies in production and retail distribution, massive promotional activities, and enormous capital requirements were the principal factors accounting for its demise.[109] As evidenced by its inability to finance a 1949 model, its 1948 record volume of 181,000 units was below the minimum optimal scale for integrated production, which had been estimated at about 250,000 for the early 1940's.[110] During succeeding years, however, it suffered further scale economy disadvantages as its volume dropped below the minimum 100,000–150,000 unit volume required for optimal efficiency in retail distribution.[111] To meet the retooling and readvertising requirements of annual style change, moreover, Kaiser would have needed an additional $150 million, which would suggest a total capital resources entry barrier exceeding $350 million.[112] In fact, this $350 million estimate is probably too low for a potential entrant today since Kaiser enjoyed several advantages which are no longer accessible to a newcomer in the 1970's.[113] Reviewing the failure of Kaiser's automobile venture despite its sizeable resources and its record as one of the country's most formidable challengers of concentrated industries, one industrial economist concluded in 1966: "The idea of any further entry into the industry today seems preposterous." [114]

Subsequent studies of the Kaiser-Frazer attempt and the recent operations of the Big Three now afford a more precise determination of the actual magnitude of barriers to entry into this industry, barriers which may be largely attributable to annual style change. In 1970, it would cost a company $779 million to enter the automobile industry. The costs of annual style change capability, it is estimated, account for fully $724 million, or more than 90 per cent of this figure.[115] Moreover, to merely recapture its $779 million investment, an entering firm would need to secure from 4 to 8 per cent of total industry sales for an efficient scale of operations.[116] In addition, it would encounter for 5 to 10 years a net price disadvantage of at least 5 percent of factory price due to higher per unit countervailing advertising expenses and price commissions necessary to maintain a solvent national dealership system.[117]

By contrast, had the industry not been restructured by annual style change, it is estimated that entry in 1970 could have been achieved for $55 million, or less than one-tenth as much as the actual capital requirement.[118] Absent annual style change, an entrant could operate efficiently with an estimated 0.7 to 2.1 per cent of the market [119] without encountering promotional or distributional price disadvantages.[120] To the extent, therefore, that style change transformed the condition of entry into this industry, barring all but completely integrated firms able and willing to spend not merely $55 million but $779 million, it raised the capital costs of entry considerably more than tenfold.[121] To the extent that it required entrants to capture a formidable segment of industrial sales and to endure substantial price disadvantages and hence losses for up to a decade, it made the risks of entry prohibitive.

A large number of companies have recently developed alternative automobile propulsion systems utilizing gasoline, electricity, steam and freon; but, significantly, not a single firm has attempted entry. Representatives of these companies have generally agreed in their testimonies before Congress that absent major antitrust action or some form of government subsidization, entry by firms offering innovative alternatives is economically infeasible.[122] Estimates made by these prospective entrants suggest that style changes barriers today are higher than the foregoing analysis would suggest.[123]

General Motors, Ford and Chrysler reject any notion of "artificial" barriers to entry into the automobile industry. Instead, they contend that there are no obstacles which cannot be overcome.[124] In support of their position, they cite the possibility of conglomerate entry by General Electric and Westinghouse and the actual expansion of several foreign manufacturers into the market.[125] But conglomerate entry by either of these firms has failed to materialize despite the technological capability of both to produce reliable electric vehicles and the vast financial resources of the former.[126] The Big Three's second line of defense involves the successful expansion of standard styled foreign imports, particularly Volkswagen and Toyota, into the American market.[127] This comparison of foreign with domestic entry possibilities, however, is entirely inappropriate.[128] Moreover, it suggests that by simply not annually changing model styles a domestic firm could overcome all the structural

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obstacles occasioned by nearly five decades of annual restyling by the Big Three. This is demonstrably untrue.[129]

The foregoing analysis suggests that by pursuing annual style change the Big Three may have created an anticompetitive industry structure of three well-entrenched manufacturers. High market concentration may enable them to restrict output and raise prices above competitive levels. High barriers to entry may deter newcomers attracted by the tight oligopoly's greater-than-competitive profits. Again, pending a more exhaustive investigation by the FTC, annual style change appears to have been the underlying cause of these developments.

C. Style change and performance

For most antitrust economist, noncompetitive performance (*e.g.*, high prices, high costs, retarded innovation) is an inevitable result of anticompetitive structure.[130] It has been suggested, however, that due to their relative inexperience in the economics of industrial organization, the courts might be less willing to make this causal leap and might demand instead a showing of both anticompetitive structure *and* noncompetitive performance.[131] Some manifestations of unsatisfactory performance resulting from the automobile industry's anticompetitive structure have already been described.[132] To the extent, therefore, that annual style change was responsible for this structure, it indirectly impaired the industry's performance. This section briefly suggests, however, that annual style change itself may directly contribute to unsatisfactory market performance by reducing efficiency and retarding progressiveness.

Efficiency in terms of market performance is generally measured by comparing actual costs and prices with those that would obtain in a competitively structured market.[133] Annual style change has substantially inflated production and distribution costs, and hence prices, by vastly increasing selling and retooling costs. In 1969, as noted above, the Big Three spent $1.56 billion, or $195 per car, for restyling.[134] Advertising accounted for another $75 in per unit expenditures.[135] These costs amounted to several billion dollars in consumer expenditures for 1969. Yet buyers were never given a choice between purchasing the same model as last year's at a lower price and a new model at a higher price.[136]

Moreover, there is some evidence that the Big Three may employ annual style change as a surrogate for cost-saving innovations. By introducing a "new" model each year, they provide consumers with the illusion of progress and yet avoid the necessity of adopting technological improvements which would lower maintenance or initial purchase costs.[137] It has been argued, for example, that application of known metallurgical processes would permit doubling the life of an automobile for an additional cost of $36 per year, resulting in an annual savings to consumers of more than $2 billion.[138] Crash-absorption bumpers have been developed which could save the public an additional $1 billion a year.[139] Pollution-free electric and steam vehicles can now be produced which would cost half as much to own and even less to operate than conventional gasoline automobiles.[140] These developments, however, would increase automobile durability and thereby reduce demand, price and profits on new car sales. It is suspected, therefore, that the Big Three have repressed these cost-saving advances while offering consumers instead an annual restyling policy designed to bolster replacement demand through planned obsolescence.[141]

Similarly, annual style change may have retarded this industry's progressiveness as measured by the number and importance of actual innovations that have been developed as compared with what could have been achieved absent style change. It has been noted, for example, that the innovative characteristics of the industry began to decline shortly after annual restyling was introduced in the 1920's.[142] Moreover, there is evidence that since then an increasing proportion of the Big Three's resources have been shifted from research and development to restyling and related promotional activities.[143] Perhaps as a result, most recent innovations have come from outside the leading firms. Improvements such as new suspension systems and disc brakes were first introduced by small European firms.[144] Other advances, notably automatic transmissions and power steering, originated in small domestic concerns.[145] In short, an emphasis on style change may have supplanted the drive for technological progress in this industry.

Furthermore, it has been suggested that, paradoxically, annual style change does not result in a wide variation in the appearance of different automobile makes.[146] Instead, given their high degree of interdependence, the Big Three protectively imitate each other's designs.[147] Thus, Professor Bain has found that in this industry "the highly imitative product policies of rival oligopolists seem to lead to substantial uniformity of available products and to a suppression of the potential variety in products."[148] Annual style change, then, may only have increased the rate rather than the degree of style innovation.[149]

As a fundamental determinant of this industry's highly anticompetitive structure, annual style change may have been the primary factor accounting for what could be termed noncompetitive performance in automobile manufacturing. In addition to increasing concentration and raising barriers to entry, it appears to have substantially impaired industry market performance by reducing efficiency and retarding technological growth.

III. AUTOMOBILE STYLE CHANGE AS AN "UNFAIR METHOD OF COMPETITION" UNDER SECTION 5 OF THE FEDERAL TRADE COMMISSION ACT

As previously noted, annual style change is a form of oligopoly conduct apparently invulnerable to prosecution under conventional Sherman and Clayton Act standards. This, however, was the type of problem Congress sought to solve by enactment of Section 5 of the Federal Trade Commission Act in 1914. More than two decades had passed since its passage of the Sherman Act in 1890; but Congress believed that its earlier legislation had been largely ineffective in halting a widespread and growing concentration in industry.[150] To avert further concentration, it created the Federal Trade Commission as an administrative tribunal capable of undertaking intensive economic investigations and empowered under Section 5 to strike down "unfair practices" which, although lawful in themselves, nevertheless tended toward a suppression of the competition through the elimination of actual or potential rivals.[151] Congress deliberately left unspecified those practices which the FTC might proscribe as "unfair" in order to allow the Commission the widest latitude in dealing with novel methods by which concentration might be increased.[152]

In reviewing FTC findings of "unfair methods of competition" in cases brought under Section 5, the Supreme Court has complied with the intent of Congress by establishing flexible guidelines for illegality. It has deferred to the FTC's administrative expertise, holding that "[t]he precise impact of a particular practice on the trade is for the Commission, not the courts, to determine"[153] and limiting its function on review to "determining whether the Commission's decision has warrant in the record and a reasonable basis in law."[154] It has ruled that to be "unfair," conduct need not violate other antitrust laws, but must merely "conflict with the basic policies of the Sherman and Clayton Acts."[155] To give meaning to this general standard, the Court upheld FTC findings of "unfair" practices when their anticompetitive impact as determined by the Commission was characteristic of conduct already proscribed under Sherman and Clayton Act standards.[156] Thus, the Court could be expected to uphold an FTC finding that annual style change as interdependently pursued by the Big Three violated Section 5 if the Commission demonstrated that in the automobile industry this practice had accomplished the same anticompetitive ends as had recognized antitrust violations.

Part I of this Note established that the premise of antitrust legislation was unequivocally competition and that persistently high structural concentration and accompanying high barriers to entry are inimical to that objective. It suggested that certain forms of conduct could produce these anticompetitive structural features. Part II demonstrated that as pursued interdependently by the Big Three annual style change seemed to be conduct of this kind. As suggested above, the broad legislative mandate underlying Section 5 of the Federal Trade Commission Act was that concentration-increasing practices be identified and proscribed as "unfair." The case law under Section 5, however, requires analogy to antitrust violations. It will now be argued that the impact of animal style change upon industry concentration and entry barriers is sufficiently analogous to the structural impact of excessive promotional expenditures, predatory pricing and spending activities, and monopolistic practices to warrant a finding or illegality under Section 5.

The impact of any particular practice upon industry concentration can be factually demonstrated to a reviewing court by proving the extent to which it increases the market shares of the leading firms and increases the height of barriers to entry.[157] The issue of illegality, however, may pose a more difficult problem because it necessitates a determination of the threshold beyond which concentration and barriers to entry become clearly anticompetitive and the practices producing them may be termed "unfair." An abundance of economic evidence suggests that when 50 per cent or more of an industry's total sales is concentrated in four firms, and substantial barriers to entry are raised against newcomers, the survival of effectively competitive conduct and performance in that industry is highly improbable.[158] Consequently, while the question of threshold illegality might arise in other industrial contexts, it need not unduly concern a court reviewing competition in the automobile industry. As noted earlier, with three firms sharing 97 per cent of total domestic sales and without a successful newcomer in nearly fifty years, this industry is one of the most highly concentrated and entry-resistant enterprises in American manufacturing. In short, if it could be shown that annual style change produced a high level of concentration and engendered substantial entry barriers and that these two structural effects could be analogized to results arising from other practices proscribed under the antitrust laws, there would be no problem in deciding that the degree of concentration and the height of entry barriers in the automobile industry were sufficient to warrant a finding of Section 5 violation.

A. The analogy of style change to excessive promotional expenditures: The American Tobacco and Clorox cases

Excessive promotional expenditures, those which might increase concentration beyond the tight oligopoly threshold (i.e., four firms with persistently 50 per cent or more of industry sales), have been banned under the

Footnotes at end of article.

antitrust laws when they occurred in the context of collusion or merger. By vastly increasing the countervailing selling costs required for entry or survival in the market in which they are employed, promotional expenditures of large magnitude may threaten the existence of actual competitors and deter potential entrants.[159] Arguably, annual style change has an analogous impact upon actual and potential competitors in the automobile industry. Indeed, it has been suggested above that annual restyling may not only raise selling costs by requiring massive readvertising and retooling each year, but it also may increase distribution costs by requiring the establishment of a nationwide retail network and may increase production costs by requiring higher volumes of output.

Although the Supreme Court has never explicitly held that heavy promotional expenditures *per se* constitute an antitrust violation, it has recognized their anticompetitive implications when undertaken as a result of collusion or merger in Sherman and Clayton Act cases, respectively. As early as 1946, the Court noted that "tremendous advertising" outlays had been used by the Big Three cigarette manufacturers to foreclose new entry.[160] In *American Tobacco*, it affirmed the convictions of American, Liggett and Reynolds for conspiracy to monopolize in violation of Sections 1 and 2 of the Sherman Act.[161] Although these defendants had engaged in several exclusionary activities, including predatory price cutting and coercive purchasing programs, the Court placed substantial emphasis upon their $40 million annual advertising campaigns, finding that this activity required entrants to engage in equally massive and costly countervailing advertising. It concluded that to a considerable extent, the Big Three had preserved their two-thirds share of the tobacco industry by wielding a "powerful offensive and defensive weapon against new competition" which had served to warn any prospective competitor that it "dare not enter such a field, unless it be well supported by comparable national advertising." [162]

Of course, the practices condemned in *American Tobacco* are not precisely similar to the phenomenon of style change in the automobile industry. The former involved only advertising, whereas, the latter includes several additional activities which inflate entry costs. Moreover, conduct was pursued differently in these two cases. Unlike the leading automobile producers, the three largest cigarette manufacturers had acted in concert. Furthermore, the Court's statements concerning their promotional expenditures were dicta given the evidence of overtly predatory pricing practices.

Nonetheless, the concentration-increasing impacts of the cigarette and automobile firms' conduct are analogous. Although annual style change was pursued interdependently by the Big Three automobile companies, it could scarcely have served as a more effective deterrent to new entry had it been pursued in concert. In fact, annual restyling by the leading automobile producers very likely exceeded the deterrent capacity of the tobacco firms' advertising expenditures.[163] Thus, by analogy to the anticompetitive structural impact of advertising in *American Tobacco*, annual style change in the automobile industry would seem to constitute an "unfair method of competition" under Section 5.

In 1967, this time in the context of a Clayton Act Section 7 merger case, the Court reiterated its concern that advertising resources might be used by dominant firms in a tight oligopoly to increase and/or preserve high concentration. In *FTC* v. *Procter & Gamble Co.*, it upheld a Commission finding that Procter & Gamble's conglomerate acquisition of Clorox Chemical Co., the leading manufacturer of household liquid bleach, might substantially lessen competition or tend to create a monopoly in the production and sale of liquid bleach.[164] At the time of the acquisition, Clorox and one other firm accounted for 65 per cent of industry sales, and with four other firms, for almost 80 per cent.[165] In this already tightly concentrated industry, the Court held that Procter's acquisition of Clorox might increase concentration further or at least prevent possible deconcentration by raising barriers to entry. It is specifically held that Procter's postmerger ability to divert a large portion of a promotional budget exceeding $120 million to meet the short term threat of attempted entry created a formidable obstacle to newcomers.[166] Moreover, it intimated that the substitution of the powerful Procter for the smaller but dominant Clorox might lead to promotional competition which would eliminate the remaining smaller firms in the industry.[167]

Although the Court's acknowledgement in *Clorox* of the anticompetitive implications of excessive promotional expenditures arose in the context of a merger, the holding might best be explained in terms of tight oligopoly structure. The Clorox-Procter merger had not been a horizontal merger of competitors but instead a conglomerate product extension. The Court was primarily concerned not with the elimination of competition by merger but with the postmerger impact that Procter's advertising resources might have upon concentration in the tightly oligopolistic bleach industry. Regardless of how the giant Procter had entered this industry, *i.e.*, whether *de novo* or via merger, its enormous promotional resources threatened to increase concentration by eliminating smaller firms and raising barriers to entry.

Viewed from this perspective, the situation the Court feared in *Clorox* begins to approach the factual setting of annual style change in the automobile industry. In both situations, competitive industry structure is threatend by the concentration-increasing conduct of dominant firms. Annual style change by the Big Three, no less than Procter's advertising advantages, might have raised selling costs above the level tolerable for smaller actual and potential competitors. In fact, the former conduct seemed to produce the greater anticompetitive impact. For example, were Procter to have devoted its entire $120 million promotional budget to thwarting attempted entry, a newcomer to the liquid bleach industry would have confronted a barrier one-third as costly to surmount as that erected by the Big Three's collective advertising efforts.[168] Moreover, annual style change arguably occasioned more than massive advertising in the automobile industry; it might very well have led to the several other entry-deterring developments described earlier. Finally, in the automobile industry, unlike in *Clorox*, the anticompetitive impact quite possibly was real rather than merely potential. Annual style change may have actually eliminated nearly one hundred smaller producers. By contrast, the Court ordered Procter's divestiture of Clorox on the basis of a concentration-increasing impact that could *potentially* result were Procter to employ its promotional resources as a weapon against actual and prospective competitors. By reason of its arguably real and more formidable impact upon the competitive structure of the automobile industry, annual style change would seem to warrant condemnation as "unfair" under Section 5.

In *American Tobacco and Clorox*, the Court acknowledged that in highly concentrated industries excessive promotional expenditures whether actually undertaken by collusive oligopolists or merely threatened by a merger partner could seriously impair competitive strucure. More recently, antitrust commentators have argued that excessive advertising *per se* by leading firms in a tight oligopoly would be proscribed under Section 5 because it can vitiate competitive structure and performance to the same extent as more common forms of concentration-increasing activities such as mergers.[169] One study has concluded:

To be sure, there can no longer be any serious doubt about the capacity of certain kinds of advertising, pursued with sufficient intensity, to bring about a massive restructuring of an industry, to "concentrate" its sales volume in the hands of two or three firms and thus to impose on the consuming public all the ills the law has long recognized as being associated with inordinately high concentration ratios. In a situation where advertising has *in fact* been used to achieve this kind of result, it should enjoy no more immunity from the antitrust laws than any other kind of concentration-increasing behavior.[170]

This argument would seem to apply with even greater force to the concentration-increasing activities engendered by the Big Three's annual automobile restyling policy.

B. The analogy of style change to predatory price cutting: Standard Oil and "Predatory Spending"

The anticompetitive impact of annual restyling on industry structure is also similar to that produced by the recognized antitrust violations of predatory pricing and spending. Of course, these latter violations differ by nature from style change in that they involve some form of "predatory intent," whereas no such element has been discovered in various studies of the automobile industry.[171] Nevertheless, the effects of all three practices on competitive structure are fundamentally analogous.

Prolonged sales by powerful firms at prices below out-of-pocket costs are banned as predatory when they drive out competitors or bar new entry. This practice is illegal because it enables firms with vast financial resources to outlast smaller competitors and ultimately to reap the abnormally high profits associated with high industry concentration. Such "predatory price cutting" has been proscribed as an attempt to monopolize by the Sherman Act since the landmark *Standard Oil of New Jersey v. United States* decision of 1911 [172] and has been recently condemned as a Robinson-Patman Act violation in *United States v. National Dairy Products Corp.*[173]

Similarly, excessive spending by huge manufacturers which requires countervailing expenditures that are unprofitable for smaller competitors has been regarded as predatory when it results in heightened concentration by excluding actual or potential competitors.[174] Predatory spending is an even more effective exclusionary weapon than predatory price cutting. Market strategies predicted upon price cutting are economically viable only if the surviving firm can recoup its losses through excessive profits obtained by pricing well above the competitive level. But these abnormally high profits will very likely bring new competition back into the field. A predatory price-cutter, therefore, might not be free from new entry for the length of time necessary to permit recovery of its original losses.[175] By contrast, a predatory spender not only drives out competitors unable to keep up, it also deters new competition by raising barriers to entry.[176]

Significantly, annual style change appears to be more closely analogous in anticompetitive impact to predatory spending than price cutting. As indicated earlier by the preliminary analysis of the automobile industry, this practice seemed responsible both for the elimination of smaller producers and the deterrence of firms attracted to the industry's extraordinary high rates of return. In short, annual restyling is similar to predatory spending in that both practices increase con-

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centration by setting expenditure rates at levels in excess of what either smaller producers or newcomers could afford.

Although the Supreme Court has never explicitly dealt with a case involving only allegations of predatory spending,[177] it has implied that this practice might violate the Sherman Act since its decision in the early *United States v. American Tobacco Co.* case of 1911.[178] In that case, it found as evidence of predatory intent American Tobacco's "persistent expenditure of millions upon millions of dollars in buying out plants, not for the purpose of utilizing them, but in order to close them up and render them useless for the purposes of trade"; the Court held that this firm had attempted to monopolize and had in fact monopolized the tobacco industry in violation of the Sherman Act.[179]

In *Tobacco*, the Court found that expenditures for the purchase and scrapping of plants helped achieve and preserve an extreme degree of concentration by eliminating potential as well as actual competition. Unable to acquire existing tobacco facilities, prospective entrants were compelled to invest in the construction of new plants. Indeed, a similar form of predatory spending characterized the *United States v. Aluminum Co. of America* case.[180] There, Judge Learned Hand ruled that Alcoa's anticipation of increases in demand for aluminum by doubling and redoubling its capacity excluded new competition in violation of the Sherman Act.[181] In both *Tobacco* and *Alcoa*, the costs of survival and entrance were heightened by the established firms predatory spending programs.

Of course, *Standard Oil*, *Tobacco* and *Alcoa* all involved monopolists; automobile manufacturing is dominated by oligopolists. But this difference in the degree of structural concentration achieved does not negate a basic similarity in the anticompetitive impact of the conduct involved. By excluding competitors and raising barriers to entry, annual style change by the Big Three may have been as effective in creating a tight oligopoly in the automobile industry as price cutting by Standard or predatory spending by American and Alcoa were in establishing monopolies in the oil, tobacco and aluminum industries, respectively. Indeed, the Big Three's annual $400–$600 million advertising campaigns, their $1.5 billion annual restyling expenditures, and their past investment of billions of dollars in backward and forward integration might approach if not equal the anticompetitive structural consequences of the spending programs proscribed in *Tobacco* and *Alcoa*.[182] The predatory pricing and spending programs of the monopolists in these three cases resulted in Sherman Act violations. Accordingly, the similarity in anticompetitive impact of annual automobile style change with that of predatory pricing and spending provides another justification for the FTC declaring this practice "unfair" under Section 5.

C. The analogy of style change to monopolistic practices: The motion picture advertising decision

The implication of annual restyling by the Big Three for competitive industry structure is also analogous to that of monopolistic practices which have been declared "unfair methods of competition" under Section 5. When pursued interdependently by firms effectively sharing monopoly power, both forms of conduct tend to preserve if not increase high concentration by eliminating competitors with smaller market shares.

In *FTC v. Motion Picture Advertising*, for example, the Supreme Court held that an advertising film company with 40 per cent of the relevant market, together with its three major nondefendant competitors, had collectively monopolized 75 per cent of the advertising film industry by jointly, although noncollusively, negotiating similarly exclusive contracts with theater owners.[183] Since the theater owner was paid to display these films, the exclusive dealing prohibition of Section 3 of the Clayton Act was inapplicable.[184] Moreover, respondent's less-than-dominant market position precluded a charge of monopolization under the Sherman Act. Instead, the Court treated the four jointly-acting firms as one and weighed the collective impact of their conduct on the advertising film industry's structure. It accepted the FTC's finding that this shared conduct had foreclosed to competitors all but 25 per cent of the available outlets for this business in the country and had resulted in the exit of several smaller film distributors.[185] Consequently, it held that "a device which has sewed up a market so tightly for the benefit of a few" constituted an "unfair method of competition" within the meaning of Section 5.[186]

In effect, the Court in *Motion Picture Advertising* analogized the anticompetitive impact of the four oligopolists' exclusive contracts to that which would have resulted had the contracts been unilaterally undertaken by a single monopolist. The latter situation, of course, would have provided the basis for a Sherman Act monopolization charge. Given this similarity in the collective concentration-increasing effects of the advertising firms' conduct, therefore, with that of a recognized antitrust violation, Motion Picture Advertising's contracts were held "unfair" under Section 5.

Annual style change by the three leading automobile companies, like the exclusive contracts of these four advertising film firms, arguably excludes competitors and increases concentration. It would thus seem to fall well within the analysis employed in *Motion Picture Advertising*. If General Motors, for example, managed to increase its current market share to monopoly proportions and to preserve this position by accelerating the rate and extent of its style variations, a charge of monopolization under the Sherman Act would lie. Yet, if GM, Ford and Chrysler effectively share monopoly power and jointly deter new competition through annual variations in automobile styles, the consequences are as anticompetitive as if any one of these firms alone possessed monopoly power. Here, as in *Motion Picture Advertising*, the similarity in impact with that of a Sherman Act monopolization can be demonstrated. The results, therefore, should be the same: annual style change should be declared an "unfair method of competition" in the automobile industry.

The anticompetitive, concentration-increasing impact of annual style change by the Big Three in the automobile industry matches and surpasses that of several practices proscribed under the Sherman and Clayton Acts when undertaken by dominant firms: excessive promotional expenditures, predatory pricing and spending, monopolistic conduct. This analogy in terms of the comparable structural consequences of style change to recognized antitrust violations is all that is required for a Section 5 violation.

For over thirty years, the FTC has been aware that annual automobile restyling was impairing the competitive structure of this industry. In 1939, an FTC report recounted the marked decrease in the number of passenger car manufacturers and noted that the "introduction of yearly models, and the increasing importance of the style factor, the large amount of capital required to finance new models in good and bad years, all favored the large manufacturing company with huge capital and equipment resources."[187] Detailed examination of annual restyling practices undertaken by GM, Ford and Chrysler as an unfair method of competition under Section 5 would appear long overdue. Only the FTC's political or administrative paralysis would seem to stand in the way of bringing a well-founded antitrust suit against the automobile manufacturers.[188]

IV. SOME CONSIDERATIONS REGARDING RELIEF

In antitrust, providing an adequate remedy is as important as proving the antitrust violation. Were style changing by automobile manufacturers found to violate Section 5, the formidable task of devising appropriate relief would still remain. Two different approaches suggest themselves which will be only briefly outlined here: structural dissolution of the Big Three or a moratorium on their annual style changes.

A. The appropriateness of structural dissolution

If the preliminary economic analysis proves to be correct, restoration of competition to the automobile industry would require structural dissolution of the Big Three into independent assembly, manufacturing and distribution facilities. As discussed in Part II, GM's 1923 introduction of annual style change revolutionized this industry's structure. By giving rise to components integration, heavy advertising, franchised distribution and enormous capital requirements, it transformed an industry of numerous assemblers to one dominated by three completely integrated firms. In their drive to achieve full integration backward into manufacturing and forward into distribution, the Big Three have either acquired or eliminated the vast majority of companies which assembled cars, the manufacturers of automotive parts, and the independent wholesale/retail distributors. Dissolution would reverse this process. It might undo what more than four decades of annual style change have accomplished: a fully integrated, highly concentrated, anticompetitive industry structure.

The remedy of divestiture as applied to the automobile industry raises two important issues; is it economically feasible in an oligopoly setting and is it legally justifiable under Section 5?

Divestiture in oligopoly is no less feasible than in monopoly.[189] In both cases, feasibility depends upon the absolute size of the firm relative to economies of scale. Absent annual restyling requirements of integrated components production, technical efficiencies in the assembly of automobiles could be achieved at any level of output greater than 60,000 units per year. At this volume, performance capabilities could still be efficiently improved through the purchase and assembly of specially tooled parts from external suppliers. Significantly, the average annual output of the Big Three's 45 assembly plants is approximately 177,000 cars per plant.[190] Divesting GM, Ford and Chrysler of all but one of their respective assembly facilities, therefore, would provide plants with capacities well in excess of the efficiency threshold for 42 new producers.[191] Spin-off of the Big Three's parts and distribution facilities, moreover, would enable these competitors to assemble automobiles with improved performance capabilities from components supplied by a variety of independent parts manufacturers and sold through independent distributors. Consequently, economists have generally concluded that dissolution would not lessen the efficiency with which automobiles are produced.[192] On the contrary, they argue that it would lead to increased efficiency.[193]

Divestiture would also appear to be legally justifiable under Section 5. The Supreme Court has apparently sanctioned the FTC's use in Section 5 proceedings of this and other remedies designed to effect structural reorganization.[194] Although in the past, courts rarely imposed this drastic sanction, more recently the Supreme Court has indicated that such reluctance is unwarranted when other remedies alone could not adequately dissipate undue market concentration resulting from a proscribed activity.[195] Accordingly, if impact of annual style change on the structure of the automobile industry has been as profound as suggested above, structural reorganization through divestiture might be warranted.

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Dissolution of the Big Three along the lines suggested would not only be economically feasible and legally justifiable, it would also be competitively beneficial. It would substantially reduce entry barriers by weakening the market power of the leading producers. Under these eased entry conditions, economists have estimated that more than 100 additional firms could enter and compete effectively in the automobile industry.[196]

B. A moratorium on annual style change

Although economically feasible and legally justifiable, dissolution of the Big Three might nevertheless be precluded by political considerations. In that case, the FTC might wish to devise less drastic remedies specifically directed at the "unfair" practice. It might, for example, order a fixed term moratorium on all automobile style changes by the Big Three. Presumably, it would except performance modifications from its decree. As noted in Part I, the Bureau of Labor Statistics currently distinguishes between style changes (such as varying amounts of chromium and contour trim, changing body shell patterns and radiator grill designs) and performance changes (modifications of safety, efficiency, comfort or durability).[197] By framing its injunctive relief in terms of BLS criteria, the FTC could interdict anticompetitive annual style changes without affecting safety modifications or technological innovations.

A moratorium on style changes, however, might not be sufficient. Absent dissolution, new competition will emerge in the automobile industry only as a result of new entry. But proscribing annual restyling by the Big Three would not eliminate all the obstacles to entry which have resulted from more than four decades of this practice. It would not, for example, re-create the independent distributors and parts manufacturers which no longer exist but which are indispensable to entry by nonintegrated firms. Consequently, additional relief would be necessary to provide prospective entrants with access to these facilities.

In fashioning supplemental relief to encourage the re-emergence of parts manufacturers and nonfranchised or factory owned distributors, the FTC could rely on ample precedents. It is well settled that in order to restore competitive conditions, the Commission may under Section 5 forbid acts lawful in themselves or compel affirmative acts of compliance.[198] To facilitate the growth of parts suppliers, for example, it could impose purchasing requirements upon the Big Three similar to those commonly contained in antitrust consent decrees. Such a requirement was included in a consent judgment entered in 1964 against American Cyanamid, a manufacturer of laminated melamine products which had integrated back into melamine production and with several co-conspirators had restrained competition in violation of Sherman and Clayton Act provisions.[199] To enhance entry opportunities for prospective non-integrated laminators, the decree encouraged the development of new sources of melamine supply. It did this by ordering American Cyanamid to purchase a specified amount of melamine from external suppliers.[200] Moreover, it imposed limitations upon the defendant's own production of this material.[201]

Similarly, the FTC could order the Big Three to freeze components production at current levels and purchase additional parts necessary for anticipated increases in automobile demand from external suppliers. Since industry sales forecasts indicate that demand should rise by more than 40 percent by 1975, future orders from the Big Three would constitute a certain and sizeable market for new parts manufacturers.[202] A reappearance of independent components firms would reduce, in turn, the backward integration requirements that bar entry by new automobile producers.

Alternatively, the FTC might simply order the Big Three to sell parts to entering firms on a nondiscriminatory basis. Presumably, this entry of new automobile producers would be soon accompanied by the emergence of independent parts manufacturers seeking to supply the entering assemblers. When this occurred, the order could be rescinded.

With respect to other obstacles arguably occasioned by style change, the Commission could devise similarly specific relief. It could greatly alleviate the problem of achieving nationwide distribution, for instance, by requiring that the Big Three's franchised dealers carry the products of entering firms.[203] Moreover, it could reduce countervailing advertising requirements by setting limitations on the amount of annual advertising expenditures that the Big Three may undertake.[204]

Ideally, a style change moratorium accompanied by supplemental equitable relief would attract new firms formerly incapable of overcoming the obstacles established by annual restyling. In any event, jurisdiction could be retained by the court to permit either the FTC or the defendants to move for modification of the decree. If for example, a substantial number of producers entered the market sooner than anticipated, the court might set aside certain portions of the injunctive relief. Conversely, if no entry was forthcoming, it might prolong the decree or take more drastic corrective steps, perhaps of a structural nature.[205]

If annual style change in the automobile industry is an unfair method of competition under Section 5 of the Federal Trade Commission Act, only the FTC can sue for relief.[206] This Note calls upon that agency to investigate and, if appropriate, to bring suit against this practice.

FOOTNOTES

[1] The most thorough treatment of the combined legal and economic implications of industrial competition is that of C. Kaysen & D. Turner, Antitrust Policy: An Economic and Legal Analysis (1965). That competition is the fundamental premise of antitrust doctrine was proclaimed early by the Supreme Court in Standard Oil Co. v. United States, 221 U.S. 1, 52 (1911); and more recently in Northern Pacific Ry. v. United States, 356 U.S. 1, 4–5 (1958): "the unrestrained interaction of competitive forces will yield the best allocation of our economic resources, the lowest prices, the highest quality and the greatest material progress . . ."

[2] For a lucid economic analysis of the structure-conduct-performance analysis, see R. Caves, American Industry: Structure, Conduct, Performance (2d ed. 1967). A more exhaustive description of this analytic framework is provided in J. Bain, Industrial Organization (2d ed. 1968) [hereinafter cited as Industrial Organization]. For a general application of this analysis to antitrust problems, see C. Mueller, *The New Antitrust: A Structural Approach*, 1 Antit. Law & Econ. Rev. 87 (Winter 1967); S. Smith, *Antitrust and the Monopoly Problem*, 2 Antit. Law & Econ. Rev. 19 (Summer 1969). This framework has also been recently employed in the courtroom. *See, e.g.*, transcript excerpts from Columbia Broadcasting System, Inc. (FTC 1967), reported by Hiura, *Economics in the Courtroom: A Structural Defense in a Monopoly Case*, 1 Antit. Law & Econ. Rev. 45 (Summer 1968); Golden Grain Macaroni Co. (FTC 1969), reported by Scanlon, *"Technology" of Antitrust Litigation*, 3 Antit. Law & Econ. Rev. 43 (Fall 1969).

[3] The competitive significance of market concentration is said to lie in the fact that, as the number of firms decreases and the percentage of total industry sales held by each increase, the probability of their recognizing their "mutual interdependence," *i.e.*, starting to price like collective monopolists rather than independent competitors, begins to increase significantly beyond a critical point. Mueller, *supra* note 2, at 89.

Barriers to entry are generally treated in three separate categories: (1) scale economy barriers (cost disadvantages resulting from inefficient levels of production) (2) product differentiation barriers (relating to promotional disadvantages), and (3) absolute cost barriers (primarily cost disadvantages encountered by entrants in securing essential input factors, *e.g.*, patents or capital). For a detailed explication of these various concepts, see J. Bain, Barriers to New Competition (1956) [hereinafter cited as Barriers].

[4] As distinguished from structure or performance, "conduct" refers to those actions taken by the individual firm as part of its competitive strategy. It involves two dimensions: (1) whether price and output decisions are made independently or collusively (collusion in the economic sense, thereby including interdependent oligopoly behavior as well as conspirational overt or tacit agreement), and (2) the intent (*i.e.* predation) or effect

[5] "Performance" refers to the appraisal of competitors). Mueller, *supra* note 2, at 90.

[5] "Performance" refers to the appraisal of how much the economic results of an industry's conduct deviate from the best possible contribution it could make to achieving the general goals of a free market economic system, particularly efficiency in production, distribution and progressiveness in the development and application of technological innovation. *See* Caves, *supra* note 2, at 96–115.

[6] Mueller, *supra* note 2, at 89–90.

[7] *Id.* at 91. "[A]n industry which does not have a competitive structure will not have competitive behavior." United States v. du Pont (Cellophane), 351 U.S. 377, 426 (1956) (dissenting opinion).

[8] *See, e.g.* Erickson, *The Economies of Price Fixing*, 2 Antit. Law & Econ. Rev. 94 (Spring 1969); Mueller, *supra* note 2, at 90–91; Weiss, *Average Concentration Ratios and Industrial Performance*, J. of Indus. Econ. (July 1963); Collins & Preston, *Concentration and Price Margins in Food Manufacturing Industries*, J. of Indus. Econ. 226 (July 1966); Stigler, *A Theory of Oligopoly*, 72 J. Pol. Econ. 44 (1964); Mann, *Seller Concentration, Barriers to Entry, and Rates of Return in Thirty Industries*, 1950–1960, Rev. of Econ. & Stat. 296–307 (August 1966). *See generally* Machlup, *Oligopoly and the Free Society*, 1 Antit. Law. & Econ. Rev. 11 (July-August 1967) A voluminous compilation of economic studies concerning the effect of high industry concentration on market competition and performance is contained in *Hearings on Economic Concentration, Before the Subcomm. on Antitrust and Monopoly of the Senate Comm. on the Judiciary*, 89th Cong., 1st Sess. (1965).

[9] Mueller, *supra* note 2, at 116–117.

[10] *Id.* at 112–16. Galbraith refers to this form of price and output behavior as "oligopolistic rationally." *Hearing on Planning, Regulation and Competition in the New Industrial State, Before Subcomm. of the Select Comm. on Small Business*, 90th Cong., 1st Sess. 8 (1967). In ruling on mergers, the Supreme Court has acknowledged the problem of mutual interdependence in highly concentrated industries. It has noted that as industries become more highly oligopolistic ". . . the greater is the likelihood that parallel policies of mutual advantage, not competition, will emerge." United States v. Aluminum Co. of America, 377 U.S. 271, 280 (1964).

[11] Kaysen & Turner, *supra* note 1, at 195; Mueller, *supra* note 2, at 114–116. *See also* Report of the White House Task Force on Antitrust Policy 5 (released May 21, 1969) [hereinafter cited as The Neal Report].

[12] Mueller, *supra* note 2, at 115.

[13] *See* Caves, *supra* note 2, at 22–23; note 3 *supra*. Established firms in persistently con-

centrated industries have accomplished this by erecting obstacles that impose on newcomers higher costs per unit than those encountered by firms already in the industry. Mueller, *supra* note 2, at 89 n.7.

[14] Thus, it his been suggested that where an industry's concentration ratio has been at 70 per cent or more for 7 of the past 10 years, substantial barriers can be presumed. THE NEAL REPORT, *supra* note 11, at 5–7, 15. *But see* Brozen's criticism that the NEAL REPORT fails to deal explicitly with entry barriers. *The Antitrust Task Force*, 13 J. LAW & ECON. 279, 284 (1970).

[15] *See generally* BARRIERS, *supra* note 3. In his intensive survey of 20 American industries, Professor Bain for example found that entry was extremely unlikely in concentrated industries with significant economies of scale up to 5 per cent or more of national sales volume *Id.* at 81. Tremendous promotional expenditures which compel newcomers to outspend established firms by an additional 5 per cent of unit retail price in countervailing promotion represented a further impediment to new competition *Id.* at 127. Moreover, when the initial capital required for entry into an industry at an efficient level of production and distribution exceeded $100 million, entry was highly improbable. *Id.* at 158.

[16] Mueller, *supra* note 2, at 124. *See* BARRIERS, *supra* note 3, at 170.

[17] *See, e.g.*, KAYSEN & TURNER, *supra* note 1, at 266–72; Smith, *supra* note 2, at 20–21. Other economists set the critical 4-firm concentration ratio for divestiture purposes at 70 percent. THE NEAL REPORT, *supra* note 11, 12–15.

[18] STANDARD & POOR, INDUSTRY SURVEYS: *Autos—Basic Analysis* (October 1, 1970) at A161. The market shares by producers for 1969 were as follows: General Motors—53.7%, Ford—26.3%, Chrysler—16.9%, American Motors—3.0%. Although generally not considered a passenger car producer, Checker Motors accounted for the 0.1% remainder of 1969 production. *Id.* The Big Three continued to hold 96.6% of the market during the first half of 1970. STANDARD & POOR, INDUSTRY SURVEYS: *Autos—Current Analysis* (August 13, 1970) at A152.

[19] *See* note 9 *supra*.

[20] L. WEISS, ECONOMICS AND THE AMERICAN INDUSTRY 375 (1966). Bain concludes that obstacles to entry into the industry are "insuperable." INDUSTRIAL ORGANIZATION, *supra* note 2, at 287. Economists Schupack and Carroll describe the wall surrounding the automobile industry as "insurmountable" and "impregnable," respectively. *Hearings before Subcomm. of the Senate Select Comm. on Small Business on Planning, Regulation, and Competition in the American Industry*, 90th Cong. 2d Sess. 907, 920 n.6 (1968) [hereinafter cited as *1968 Hearings*]. *But see* note 124 *infra*.

[21] The Big Three (GM, Ford and Chrysler) have accounted for more than 70 percent of industry sales since 1929. FEDERAL TRADE COMMISSION, REPORT ON THE MOTOR VEHICLE INDUSTRY 29 (1939) [hereinafter cited as FTC REPORT]; AUTOMOTIVE NEWS, ALMANAC ISSUES, for each of the years since 1937.

[22] Economics of scale in this industry require that, merely to survive, a firm must capture from 4 to 8 per cent or more of total sales. These percentages were derived from Bain's minimum scale economy estimates of 300,000–600,000 unit production per year, as applied to 1969 industry sales of 8.38 million. INDUSTRIAL ORGANIZATION, *supra* note 2, at 286; STANDARD & POOR, *supra* note 18, at A159. This scale economy disadvantage was found by Bain to be one of the most formidable of its kind in American industry. *See* note 15 *supra*. Promotional losses, resulting particularly from price concessions necessary to maintain a solvent national dealership system, would likely average at least 5 per cent of factory price over the first 5 to 10 years. INDUSTRIAL ORGANIZATION, *supra*, note 2, at 285–86. This represents the severest of promotional disadvantages revealed in Bain's studies. *See* note 15 *supra*. The absolute minimum amount of capital required for efficient production and distribution has been estimated at $779 million, or more than 7 times larger than the amount considered by Bain as making entry highly improbable. *See* note 15 *supra* and p. 588 *infra*. Significantly, not a single firm has entered the automobile industry since 1923. *See generally* Vatter, *The Closure of Entry in the American Automobile Industry*, 4 OXFORD ECON. PAPERS 213 (1952).

[23] *See, e.g.*, BARRIERS, *supra* note 3, at 216; Galbraith, *supra* note 10, at 8.

[24] *See* WEISS, *supra* note 20, at 350–68; Lanzillotti, *The Automobile Industry*, in W. ADAMS, THE STRUCTURE OF AMERICAN INDUSTRY 338–46 (1961); Loescher in *1968 Hearings*, *supra* note 20, 913–17. The industry's protective imitation of product designs has been underscored by Bain in INDUSTRIAL ORGANIZATION 425; Lanzillotti, *supra* at 329–30. Its failure to develop durable and pollution-free vehicles is emphasized in J. ESPOSITO, VANISHING AIR: THE NADER REPORT ON AIR POLLUTION ch. 2 (1970); and by Sen. Nelson in *Hearings on the Role of Giant Corporations Before the Subcomm. on Monopoly of the Senate Select Comm. on Small Business*, 91st Cong. 1st Sess. 538–39 (1969) [hereinafter cited as *1969 Hearings*]. *See also* the complaint filed by the Antitrust Division of the Department of Justice in January of 1969 charging that the Big Three had conspired in violation of section 1 of the Sherman Act to suppress the development of automotive emission control devices. United States v. Automobile Mfrs. Ass'n, Inc. (D. Cal. January 10, 1969). A consent decree was entered enjoining the conspiracy in October. (1969 Trade Cases ¶ 72,907). But fifteen states subsequently have sued *parens patriae* in the Supreme Court asking for a mandatory injunction compelling the auto makers to develop a pollution-free engine at the earliest possible date. State of Washington v. General Motors, 5 TRADE REG. REP. ¶ 50,285, at 55,613 (August 17, 1970). Indeed, within the past few months GM, Ford and Chrysler have joined in a major counter-attack against government agencies and consumer protection groups which complained that the industry was refusing to produce safer, pollution-free cars. Ford, for example, has sent brochures which term automotive air pollution a myth to its 7,000 dealers for re-distribution to the public. Similarly, Chrysler has sent its chief emission expert around the country to argue that the elimination of automotive emissions "cannot be justified during most of this decade." N.Y. Times, November 18, 1970, at 6, col. 1. Meanwhile, GM has set a new trend in automotive safety by seeking a court injunction against a Department of Transportation recall order regarding serious safety defects in the wheels of 200,000 GM pickup trucks. NEWSWEEK November 23, 1970, at 112. *But see* recently enacted federal legislation encouraging the production of pollution-free automobiles. Pub. L. No. 91–604 (Dec. 31, 1970).

[25] Mueller, *supra* note 2, at 105–06; Smith, *supra* note 2, at 41. It has been suggested, however, that the Supreme Court's merger opinions since 1962 reflect a growing judicial acceptance of the critical role of market structure. Brodley, *Oligopoly Power Under the Sherman and Clayton Acts—From Economic Theory to Legal Policy*, 19 STAN. L. REV. 285, 298 (1967). *See, e.g.*, Brown Shoe Co. v. United States, 370 U.S. 294 (1962); United States v. Philadelphia Nat'l Bank, 374 U.S. 321 (1963); United States v. Aluminum Co. of America, 377 U.S. 271 (1964); Federal Trade Commission v. Proctor & Gamble Co., 386 U.S. 568 (1967). The influence of the "structuralist" approach in the merger area can also be seen in the heavy reliance placed on concentration ratios in enforcement guidelines by the Department of Justice and the Federal Trade Commission.

[26] 15 U.S.C. §§ 1, 2 (1964).

[27] WEISS observes, for example, that the automobile industry "avoids formal collusion" and that "(t)here is no evidence that blockaded entry was intentionally sought by members of the industry," *supra* note 20, at 375; BARRIERS, *supra* note 3, at 216.

[28] *But see* note 33 *infra*.

[29] 15 U.S.C., § 15 (1964).

[30] *See* pp. 605–07 *infra*.

[31] Posner argues that noncompetitive oligopoly pricing behavior results from "tacit collusion" which can be proceeded against under section 1 of the Sherman Act. *Oligopoly and the Antitrust Laws: A Suggested Approach*, 21 STAN. L. REV. 1562 (1969). Turner urges that although interdependent oligopoly pricing should not be prosecuted under section 1, interdependent oligopoly nonpricing conduct is arguably reachable under that section. *The Definition of Agreement Under the Sherman Act*, 75 HARV. L. REV. 655, esp. at 677–84 (1962).

[32] Although Turner interprets conspiracy language in Interstate Circuit, Inc. v. United States, 305 U.S. 208 (1939), as reasonably including interdependent conscious parallelism, note 31 *supra* at 683, no subsequent antitrust decision has so held. *See also* A. NEALE, THE ANTITRUST LAWS OF THE UNITED STATES 171–72, 180–82, 445–46 (1960).

[33] Turner, *Economic Regulatory Policies*, 82 HARV. L. REV. 1207, 1225–31 (1969); Sherwood, *Separate Statement: White House Task Force Report*, 2 ANTIT. LAW & ECON. REV. 61 (Winter 1968–69). *See also* S. Smith, *supra* note 2, at 58.

[34] The White House Task Force proposed a new statute, the "Concentrated Industries Act," which would prohibit any market structure in which, for a prescribed period of years, four or fewer firms had an aggregate market share of 70 per cent or more and industry sales exceeded $500 million. Relief would take the form of dissolution to the point where no single firm would hold more than 12 per cent of total sales. THE NEAL REPORT, *supra* note 11.

[35] 15 U.S.C. § 45 (1964).

[36] Mueller, *supra* note 2, at 110.

[37] *See* Smith, *supra* note 2, at 51–52 (advertising), Mueller, *supra* note 2, at 110 n. 39 (exclusive distributorships).

[38] J. KEATS describes this process pithily:

> The basic shell is bent a little bit this way, this year, and is bent slightly that way next year. The headlights are higher one year, lower the next, or grow in double . . . The door knobs are hidden, or recessed, or turned into buttons or bars . . . Tail fins grow higher, or maybe, grow in sidewise.

THE INSOLENT CHARIOTS 54–55 (1958). Annual style change may be accomplished either by altering existing models or by annually introducing "entirely new" model lines.

[39] This distinction is not always easily drawn. *E.g.*, has the migration of the gear shift from floor to steering column and, recently, back to floor again affected performance or appearance? INDUSTRIAL ORGANIZATION, *supra* note 2, at 423–24.

[40] U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, GUIDELINES FOR ADJUSTMENT OF NEW AUTOMOBILE PRICES FOR CHANGES IN QUALITY OF PRODUCT (July 19, 1968).

[41] The BLS does make adjustments, however, for those style changes previously offered as options and purchased by the majority of consumers, *id.* Presumably, this exception allows for explicit consumer preference.

[42] *See* S. REP. No. 627, 91st Cong., 1st Sess. 48–51 (1969).

[43] SENATE SUBCOMM. ON ANTITRUST AND MONOPOLY OF THE COMM. ON THE JUDICIARY, STUDY OF ADMINISTERED PRICES IN THE AUTOMOBILE INDUSTRY, 85th Cong., 2d Sess. 81–87

[hereinafter cited as ADMINISTERED PRICES]; Lanzillotti, *supra* note 24, at 342–43.

[44] ADMINISTERED PRICES, *supra* note 43, at 81–87; Lanzillotti, *supra* note 24, at 342–43.

[45] 1969 combined retooling figure for the Big Three obtained from STANDARD & POOR, *supra* note 18, at A170. Their combined output amounted to 7.98 million units in 1969. *Id.* at A161. The BLS reported a net performance increase in the 1969 models of $1 which included, however, a $4 expenditure to meet higher federal safety standards. Non-mandated performance changes, therefore, amounted to $3. U.S. DEPARTMENT OF LABOR PRELIMINARY REPORT ON PRICES OF NEW PASSENGER CARS, USDL–9994 (October 7, 1969). Per unit average performance improvement figure of $5.50 for model years 1968–71 derived from the following BLS data: 1968 (Statement of Peter Henle, Chief Economist, Bureau of Labor Statistics, in *Prices of Motor Vehicle Safety Equipment, Hearings Before the Subcomm. on Executive Reorganization of the Senate Comm. on Government Operations*, 90th Cong., 2nd Sess. 122–24 (1968)); 1969 (USDL–9994, October 7, 1969); 1970 (USDL–10–818, November 18, 1969); 1971 (USDL–11–535, November 6, 1970). Given annual sales by the Big Three at about 8 million units and average model change expenditures at about $1.5 billion per year for the 1968–71 period, a $5.50 performance increase represents 2.9 per cent of estimated total model change costs (8 mil. × $5.50/$1.5 bil. = 2.9%). See also Ralph Nader's criticism that as a result of industry pressures the BLS overstates quality improvements and that industry expenditures attributed to safety features actually include the costs of styling changes. *Prices of Motor Vehicle Safety Equipment*, *supra*, at 60–70.

[46] Lanzillotti, *supra* note 24, at 312.

[47] R. EPSTEIN, THE AUTOMOBILE INDUSTRY 176 (1928). The depression of 1921–1922 and consequent decline in automobile demand brought this figure down to 83 by the end of 1922. *Id.* at 176, 187.

[48] *Id.* at 176.

[49] ADMINISTERED PRICES, *supra* note 43, at 8–9.

[50] *See* note 18 *supra*.

[51] *See, e.g.* WEISS, *supra* note 20, at 331–32, 336–39; Lanzillotti, *supra* note 24, at 321–34; Vatter, *supra* note 22 at 224–27.

[52] A. SLOAN, MY YEARS WITH GENERAL MOTORS 167 (1964); L. SELTZER, A FINANCIAL HISTORY OF THE AUTOMOBILE INDUSTRY 212 (1928). *See also* GM's account of its introduction of a "new dynamic product concept" in the early 1920's, *i.e.*, annual style change. GENERAL MOTORS, THE AUTOMOBILE INDUSTRY: A CASE STUDY IN COMPETITION 4–7 (1968).

[53] Menge has argued that since the mid-1920's "[s]lowly and inexorably a code of behavior based upon rapid periodic style change" drove "the small producers from the industry." *Style Change Costs as a Market Weapon*, 76 Q.J. of ECON. 632, 634 (1962).

[54] *See generally* Lanzillotti, *supra* note 24, at 314. In 1915, 3-firm concentration stood at approximately 50 per cent. FTC REPORT, *supra* note 21, at 29. In only one year (1910) did the rate of failure greatly exceed the rate of entry. It has been argued that this deviation from an otherwise uniformly positive entry-exit ratio up until the early 1920's was due to the refusal of many producers to change from 1- and 2-cylinder engines to the 4-cylinder version. ADMINISTERED PRICES, *supra* note 43, at 4.

[55] INDUSTRIAL ORGANIZATION, *supra* note 2, at 296. Automobile producers were primarily "assemblers" of bodies and engines purchased from firms specializing in automotive parts production. *Id.*; Vatter, *supra* note 22, at 216–17. Since producers had access to parts from external suppliers, they were not compelled to integrate backward into components production. Consequently, most of them engaged exclusively in assembly operations, which required only minimal levels of output for optimal efficiency (*i.e.*, lowest per unit production costs). INDUSTRIAL ORGANIZATION, *supra* note 2, at 296.

[56] Since the designs of most automobiles produced before 1923 remained basically unchanged for substantial periods of time, the public became familiar with them. Thus, there was little to be gained by calling the public's attention to the outstanding features of unchanged models. *See generally* ADMINISTERED PRICES, *supra* note 43, at 96. Total magazine advertising expenditures by all passenger car manufacturers in 1915, for instance, amounted to less than $3 million. EPSTEIN, *supra* note 47, at 147.

[57] In fact, automobile manufacturers during this period generally distributed their products to independent wholesalers and retailers who resold to the public. FTC REPORT, *supra* note 21, at 106–10.

[58] Engaged only in the assembly and sale of completed vehicles, early producers were therefore able to shift the financial burdens of automobile production to owners of already existing capital equipment: the specialized parts manufacturers. SELTZER, *supra* note 52, at 19; Lanzillotti, *supra* note 24, at 314. The assemblers were able to reduce their capital requirements further by purchasing parts on credit and then selling cars to dealers on a cash basis. SELTZER, *supra* note 52, at 20–21; FTC REPORT, *supra* note 21, at 108. Many of these firms were able to lower start-up costs even further by leasing rather than purchasing assembly facilities. Vatter, *supra* note 22, at 217.

[59] Of the $100,000 in stock originally subscribed to by a dozen people, $72,000 was paid in the form of patents, machinery and supplies. SELTZER, *supra* note 52, at 88 n.5.

[60] EPSTEIN, *supra* note 47, at 163–64, 176. Three-firm concentration derived from FTC REPORT, *supra* note 21, at 29. In 1911, General Motors and Ford accounted for only 38 per cent of passenger car production. By 1929, they shared 64 per cent of sales, and together with Chrysler (which entered in 1923), 72 per cent of the industry. *Id.*

[61] *See, e.g.*, EPSTEIN, *supra* note 47, at 87–93; Lanzilotti, *supra* note 24, at 314–15.

[62] *See* p. 576, *supra*. There was a substantial variation in performance alternatives prior to 1923. In 1910, for example, consumers could choose among electric, steam and gasoline vehicles, which offered widely divergent performance capabilities. Among gasoline powered cars, for instance, there were one, two, three, four and six cylinder engines available. EPSTEIN, *supra* note 47, at 87–88; SELTZER, *supra* note 52, at 18.

[63] *See* notes 43–44 *supra*. *See also* WEISS, *supra* note 30, at 342–43.

[64] By 1920, the demand for new automobiles had been largely saturated and had become a replacement demand initially sensitive to the alternative supply of used cars and costs of repairs. Accordingly, price reductions were less effective in generating increased purchases as new car demand became less elastic. WEISS, *supra* note 30, at 332–34; Vatter, *supra* note 22, at 218. A new market device was required to coax additional purchases from consumers by persuading them that their present cars were obsolete

[65] Computed from data contained in SELTZER, *supra* note 52, at 213; FTC REPORT, *supra* note 21, at 29; Lanzillotti, *supra* note 24, at 319.

[66] FTC REPORT, *supra* note 21, at 29; 549–51. Chrysler's successful entry was a function both of its sizeable financial resources and its early acquisition of a large integrated plant and powerful dealer organization. WEISS, *supra* note 20, at 338.

[67] Lanzillotti, *supra* note 24, at 319; FTC REPORT, *supra* note 21, at 29.

[68] BARRIERS, *supra* note 3, 298 (1962). Ford has frozen the design on its "Model T" since 1909 and had concentrated its energies on mass production at low cost. Until the early 1920's, its efforts were completely successful as measured by its increase in market share from 9 per cent in 1909 to 55 per cent in 1921. With the introduction of its "Model A" in 1928, Ford managed briefly to regain its leading position in 1929–30; but then GM took and kept the lead thereafter. SELTZER, *supra* note 52, at 120–24; Lanzillotti, *supra* note 24, at 318–20.

[69] FTC REPORT, supra note 21, at 29.

[70] As significant technological breakthrough were achieved, performance modifications had been made by ordering from independent components manufacturers specially-tooled parts which were then added to the basic body and engine assemblies. *See* Lanzillotti, *supra* note 24, at 314; Vatter, *supra* note 22, at 216–17.

[71] This is not intended to suggest that all backward integration occurred after 1923. On the contrary Ford through internal growth and General Motors by merger had early begun integration of components production. *See* SELTZER, *supra* note 52, at Ch. 3 and 4. What it does imply, however, is that whereas before 1923 components integration did not affect entry or survival conditions appreciably, after 1923 it became an absolute necessity. Consult INDUSTRIAL ORGANIZATION, *supra* note 2, at 296.

[72] The critical stage in plant economies is found in the production of body and engine components, not in assembly operations. Optimal size for assembly purposes ranges from 60,000 to 180,000 units per year. Integrated optimal production scale requires volumes of from 300,000 to 600,000 units per year. BARRIERS, *supra* note 3, at 245.

[73] Estimate by Paul Hoffman of Studebaker Corp., 21 TNEC HEARINGS 11218 (1941).

[74] This graphic analysis draws heavily from Menge, *supra* note 53, at 634–43.

[75] The average life of dies and special tools during this period approximated 250,000 units. *See* note 73, *supra*. Of course, if GM had produced 300,000 cars that year, it would have only partially exhausted a second set of equipment. nonetheless the premature scrapping costs could have been spread over a larger volume of automobiles than if it had produced less than 250,000. Hence, its per unit scrapping costs would have been substantially lower if it exceeded rather than fell below this production level.

[76] General Motors output amounted to 442,-981 units in 1922; 774,617 in 1923. EPSTEIN, *supra* note 47, at 328.

[77] The slope of AC, was of critcal importance for small volume producers and potential entrants after 1923. A steeper slope relative to AC indicated higher average costs due to style change expenses for every level of output below 250,000 units, the minimal scale for optimal efficiency in integrated production. Primarily, the slope of AC, was the product of additional costs incurred in the premature scrapping of special tools and dies. These costs, of course, were directly related to the expense of procuring new equipment. Significantly, the costs of special tools, dies and jigs have risen dramatically since 1923. Although about the same number of cars were sold in 1923 and in 1940, for example, special tools cost ten times as much in 1940. Again, about twice as many cars were sold in 1957 as in 1923, but tooling costs had increased 100 times. WEISS, *supra* note 20, at 336. As noted, by 1970, the Big Three were spending $1.5 billion each year for special tools and dies. Combined expenditures for special tools, dies, jigs and fixtures by the Big Three amounted to $1.559 billion in 1969. STANDARD & POOR, *supra* note 18, at A170. Sen. Nelson estimated the cost of annual style changes at $1.5 billion. N.Y. Times, Aug. 5, 1970, at 28, col. 3.

[78] Chrysler has exceeded this sales volume for every year since 1928 with but one exception, in 1932; Hudson attained this output from 1924 through 1929, but then dropped below it during the 1930's. In 1954, Hudson merged with Nash to form the American

Motors Corporation. AUTOMOTIVE NEWS, ALMANAC ISSUE 72 (1951).

It should be emphasized that after General Motors introduced annual restyling, abstention from this practice was apparently not perceived as a realistic alternative by smaller automobile producers. Menge, *supra* note 53, at 643. A possible explanation is that once all three leading companies began saturating the market after the 1920's with annually restyled cars, a small volume of standard-styled vehicles by comparison might have appeared obsolete.

[79] AUTOMOTIVE NEWS, ALAMANAC ISSUE 60 (1970).

[80] *See* note 56 *supra*.

[81] *See* ADMINISTERED PRICES, *supra* note 43, at 96.

[82] Advertising expenditures increased dramatically as producers attempted to convince consumers of the obsolete character of older models which only a year earlier had been advertised as the ultimate in new design. *Id.* Consequently, industry promotional expenditures rose rapidly during the 1920's from approximately $5 million in 1922 to nearly $25 million by 1930. Nor was this increase due to an expansion in automobile sales. Output remained about the same for both years. AUTOMOTIVE NEWS, ALMANAC ISSUE 1931. By 1969, industry advertising expenditures amounted to approximately $400–$600 million. *See* note 163 *infra*.

[83] In 1930, GM secured nearly $20 million worth of advertising coverage at a per car cost of $17. By comparison, Nash obtained less than $2 million in coverage at a cost of $34 per car. FTC REPORT, *supra* note 21, at 714–15; WEISS, *supra* note 20, at 359.

[84] Smaller producers were unable to spread advertising and retooling expenses over the large volumes of output enjoyed by the Big Three. Consequently, their advertising and retooling costs per unit of output (i.e. average costs) were substantially higher than those of GM, Ford and Chrysler. Compelled to charge higher prices to cover higher average costs, these smaller firms found themselves priced out of the market. WEISS, *supra* note 20, at 340–47.

[85] *See* p. 578 *supra*.

[86] *See* note 57 *supra*.

[87] Although this estimate was derived during the early 1950's it is most likely also applicable to periods before and after. BARRIERS, *supra* note 3, at 301–06. WEISS, *supra* note 20, at 343.

[88] Of the 21 producers other than the Big Three operating during the years 1931–41, for example, only Studebaker reached this output for two years (1940–41). AUTOMOTIVE AND AVIATION INDUSTRIES, March 15, 1946, at 88.

[89] As one economist has observed: "[b]y saturating an area with dealers handling their own respective products exclusively," the Big Three "can effectively deny their smaller existing and potential competitors access to the best sites and most efficient retailers, thus raising the per-unit sales and distribution costs of these actual and potential competitors. . . ." Mueller, *Sources of Monopoly Power: A Phenomenon Called "Product Differentiation,"* 2 ANTIT. LAW & ECON. REV. 59, 80 (Summer 1969).

[90] "The most important factor that caused the defunct companies to fail was the lack of capital to meet the increasing emphasis and staggering cost of frequent product changes and other product differentiation policies and practices of the Big Three." Lanzillotti, *supra* note 24, at 348.

[91] *See*, e.g., ADMINISTERED PRICES, *supra* note 43, at 8–9; EPSTEIN, *supra* note 47, at 187.

[92] Lanzillotti, *supra* note 24, at 321.

[93] *Id.*

[94] *See* SELTZER, *supra* note 52, at 114–20, 191–97.

[95] *See, e.g.*, GENERAL MOTORS, *supra* note 52, at 71–75 (1968). GM argues that these developments resulted from a drive for efficiency in the production of automobiles. Yet it admits that the concept of efficiency is not fixed and depends, *inter alia*, upon "product characteristics," *Id.*, at 73 n.36. In short, these developments were engendered not by any vague pursuit of "efficiency" but rather by a fundamental change in product policy, *i.e.*, the introduction of annual restyling.

[96] *See* Vatter's account of closure of entry into this industry, *supra* note 22.

[97] Unsuccessful attempts were made, for example, by Durant Motor Co. of Indiana (1924), Rollin Motors Co. (1924), Klieber Motor Co. (1926), Falcon Motors Corp. (1927), Crosley Motors, Inc. (1939), and Kaiser-Frazer Corp. (1945). EPSTEIN, *supra* note 47, at 377–82; ADMINISTERED PRICES, *supra* note 43, at 82.

[98] WEISS, *supra* note 20, at 338–39. For a general account of the Kaiser venture into automobiles, see also Lanzillotti, *supra* note 24, at 328–29; Vatter, *supra* note 22, at 230–33; *Kaiser-Frazer: "The Roughest Thing We Ever Tackled,"* 44 FORTUNE 74 (July 1951).

[99] FORTUNE, *supra* note 98, at 156, 158.

[100] AUTOMOTIVE NEWS, ALMANAC ISSUE 60 (1970).

[101] *Id.*

[102] *See* Lanzillotti, *supra* note 24, at 328–29.

[103] *Id.; see also* note 72, *supra*.

[104] KAISER INDUSTRIES CORP., THE KAISER STORY 45 (1968).

[105] After failure of the public issue in 1948, Kaiser went to the banks which had helped fund its breakthrough into aluminum and steel, but they considered the risks prohibitive and refused further participation. Lanzillotti, *supra* note 24, at 329.

[106] FORTUNE, *supra* note 98, at 161. In 1950, it lost $13 million on its sale of 151,000 automobiles. *Id.*

[107] MOODY'S INDUSTRIAL MANUAL 1616 (1955).

[108] INDUSTRIAL ORGANIZATION, *supra* note 2, at 285–87.

[109] *Id. See also* Lanzillotti, *supra* note 24, at 328–29.

[110] *See* note 73 *supra*.

[111] AUTOMOTIVE NEWS, ALMANAC ISSUE 60 (1970).

[112] As sales fell, Kaiser's dealers were unable to meet their overhead costs and declined from a high of 4700 in 1948 to 2700 in 1951, scarcely 200 more than the number considered minimally necessary for national coverage. WEISS, *supra* note 20, at 343; FORTUNE, *supra* note 98, at 158. With regard to capital required for annual restyling and advertising, Kaiser later concluded conservatively that it needed at least $150 million more in equity resources. FORTUNE, *supra* note 98, at 161. When added to the more than $200 million Kaiser actually raised, this would indicate a capital requirement of more than $350. *See* p. 586 *supra*.

[113] For example, through its acquisition of Graham-Paige Motors, it was able to obtain an operational manufacturing and dealer organization. By contrast, today's entering firm would have to construct both *de novo*. The production facilities of the earlier independents have either been sold to the four domestic producers or scrapped; their retail networks have long since disappeared. ADMINISTERED PRICES, *supra* note 43, at 14. Absent the opportunity to acquire existing facilities, however, newcomers would require from an estimated $779 million to $2 billion to build both systems at the minimum optimal volume necessary for annual style changes (*i.e.*, 300,000 units). *See* notes 115, 123 *infra*.

[114] WEISS, *supra* note 20, at 339.

[115] Yearly restyling requires efficient assembly and integrated components production facilities at a minimum plant investment of $250 million. Bain estimates that efficient production and assembly of body and engine components would require a minimum plant capacity of 300,000 units, at a cost of $250 million. INDUSTRIAL ORGANIZATION, *supra* note 2, at 286. Annual restyling also necessitates integration forward into a nationwide distribution network costing no less than $326 million. This was Romney's estimate of the capital required by a 250,000 unit firm in 1958 to establish a national distribution system. ADMINISTERED PRICES, *supra* note 43, at 16 n.28. Finally, annual style change would compel retooling and readvertising at a minimum annual rate of $180 million and $23 million, respectively. This annual retooling figure assumes output at the minimum efficient level of 300,000 units. It was obtained by multiplying the per unit full factor costs for style change (i.e. including the actual added production costs of producing the redesigned vehicle) as calculated at $600 by Fisher, Griliches & Kaysen, *The Costs of Automobile Model Change During a Decade*, 70 J. POL. ECON. 453, 450 (1962), by the output (300,000 × $600 = $180 million). The readvertising amount was obtained by multiplying the current $75 per car advertising expenditure of the Big Three (*see* Lanzillotti, *supra* note 24, at 343) by the minimum efficient output level at 300,000 units = $22.5 million. Realistically, a new firm would probably expend at least twice that amount overcoming consumer loyalty to current automobile models engendered by decades of advertising by established sellers. In 1958, Romney then president of American Motors, estimated that a plant with a 250,000 unit output would require $35 million for annual advertising. ADMINISTERED PRICES, *supra* note 43, at 17, table 1. The costs of annual style change capability are $779 million less $55 million, or $724 million. *See* note 118 *infra*.

[116] *See* note 22 *supra*.

[117] *Id.*

[118] Absent the need for an entering firm to restyle annually and assuming the existence of independent parts manufacturers and independent distributors, the formidable costs of components production and of distribution would have been borne not by the entrant but by these specialized independent enterprises. Thus, an assembler of automobiles could have accomplished entry under these hypothetical conditions by merely constructing an assembly plant at a cost of $50 million and by spending an additional $5 million for introductory promotion. On the basis of the Kaiser experience and from studies of the Big Three's manufacturing operations, Bain has estimated that an assembler could operate with optimal efficiency at a minimum output of 60,000 vehicles per year. BARRIERS, *supra* note 3, at 245. *See also* ADMINISTERED PRICES, *supra* note 43, at 14. The cost of an assembly plant one-fifth as large as that minimally required for annual restyling (*i.e.*, 300,000 units) has been assumed to be one-fifth of the cost of the latter facility, or $50 million. *See* note 115 *supra*. Assuming that a new entrant would engage in countervailing advertising at a rate equal to that of the Big Three, the cost of such advertising for the first year may be computed by multiplying the average Big Three per car advertising expenditure of $75 (*see* note 115 *supra*) by the minimum efficient level of output for an assembler of 60,000 units: $75 × 60,000 = $4.5 million. Assuming further, however, that the assembler's product would remain basically unchanged pending major technological breakthroughs, subsequent advertising expenditures should decline as the public becomes acquainted with the characteristics of the assembler's unchanged model. *See* note 56 *supra*. But these conditions no longer obtain; entry as an assembler has not been feasible since the 1920's.

[119] These percentages were derived by calculating the share of total industry sales in 1969 (8.38 million per note 18 *supra*) represented by the minimum efficient scale for assembly operation, estimated at from 60,000 to a high of possibly 180,000 units per year. BARRIERS, *supra* note 3, at 245.

[120] *See* note 22 *supra*.

[121] This is a conservative estimate of the

entry barriers attributable to annual style change. For example, Bain argues that an entering firm would probably encounter break-in losses of $15 million annually for a ten year period, or $150 million. INDUSTRIAL ORGANIZATION, *supra* note 2, at 286. Romney's estimate of the first year capital requirements necessary for a 250,000 unit integrated operation in 1958 amounted to $902.2 million. This figure included $326.2 million to establish a national dealer system. ADMINISTERED PRICES, *supra* note 43, at 16 n.28. *See also* Sen. Morse's statement as to a subsequent increase in Romney's estimate to roughly $2 billion. *Hearings Before the Senate Select Comm. on Small Business on the Status and Future of Small Business in the American Economy*, 90th Cong., 1st Sess., pt. 2, at 431 (1967).

[123] *See, e.g., Joint Hearings on the Automobile Steam Engine and Other External Combustion Engines* [hereinafter cited as *J. Hearings—Steam*], 90th Cong., 2nd Sess. (1968); *Electric Vehicles and Other Alternatives to the Internal Combustion Engine, Joint Hearings Before the Senate Comm. on Commerce and the Subcomm. on Air and Water Pollution of the Senate Comm. on Pub. Works*, 90th Cong., 1st Sess. (1967) [hereinafter cited as *J. Hearings—Electric*]. For suggestions regarding "major antitrust action" to restructure the industry, see testimony of Arkus-Duntov in *1969 Hearings, supra* note 24, at 404–06. Regarding the alternative need for government subsidization of entry, see testimony of Ayres in *J. Hearings—Steam, supra* at 10–12.

[124] Prospective automobile firms place the minimum optimal scale for integrated production at 500,000 instead of 300,000 units. Arkus-Duntov, *1969 Hearings, supra* note 24, at 406. They also state that an annual sales volume of 500,000 or more vehicles is minimally required to maintain a national dealer system. Wyman, *Can the Steam Automobile Come Back*, 9 STEAM AUTOMOBILE #2 (1967). The initial capital investment required merely to build an integrated plant with this annual capacity has been estimated at $1 to $2 billion. Arkus-Duntov, *1969 Hearings, supra* note 24, at 406.

Moreover, there are indications that the Big Three are pursuing programs which will raise entry barriers even further. While their trend toward more complete backward integration has continued unabated, *see, e.g.*, STANDARD & POOR, INDUSTRY SURVEYS: *Auto Parts—Basic Analysis* A138 (October 8, 1970), these firms have begun to place major emphasis on greater forward integration into retail distribution and are buying up formerly franchised outlets. Until recently, the Big Three distributed their automobiles through a large number of franchised dealers who although pressured to accept a policy of exclusivity might have been at least theoretically accessible to new automobile producers. *See* Ralph Nader's testimony in *1968 Hearings, supra* note 20, at 155. Now, however, they are rapidly eliminating dealerships and replacing franchised outlets with factory-controlled operators or "house dealers." *See* Note, *Antitrust Law and The New Industrial State: An Application to Automobile Distribution Practices*, 4 UNIV. OF SAN FRANCISCO L. REV. 78, 111 (1969). As a result, the number of active dealerships has declined from 49,173 in 1949 to 27,486 in 1969, or by more than 44 per cent. *See* testimony of Hammond in *1969 Hearings, supra* note 24, at 19. In addition, franchised dealers who have not yet been replaced by factory operators, increasingly are being bypassed by direct "fleet sales" made by the manufacturers to retail customers at below dealer or even production cost. *Hearings Before the Special Subcomm. on Automobile Marketing Practices of the Senate Comm. on Commerce*, 90th Cong., 2d Sess. 5–8 (1968). These developments, however, will not only absolutely foreclose retail outlets from new entrants, it will also deprive those few remaining independent parts manufacturers of the outlets they require for survival. Furthermore, the elimination of components producers will augment existing barriers to entry by new automobile manufacturers.

[124] General Motors suggests, for example, that "entry into the business is open to all who are willing to assume the risks: there are no artificial barriers." GENERAL MOTORS, *supra* note 52, at 81. It concedes, however, that there are "certain critical requirements for entry" including large capital investment and substantial economies of scale. *Id.*, at 83. But it implies that these entry requirements are compelled in part by the "competitive necessity" of engaging in annual style change. *Id.*, at 83–84, 29. Thus, it argues that annual restyling is a form of efficiency mandated by consumer preference and that any barriers resulting therefrom are inherently "natural" rather than "artificial." *Id.*, at 29, 52–53, 71–75, 84–85. This argument assumes implicitly, however, that consumer acquiescence in the Big Three's policy of planned obsolescence is equivalent to consumer preference for that policy. Upon closer examination, such an assumption appears to be wholly unwarranted. *See* note 141 *infra*. Moreover, there is evidence that by substantially inflating production and distribution costs and by discouraging technological innovation, annual style change has actually led to a net reduction in efficiency. *See* note 136 *infra*.

[125] General Motors, for example, relies on the rumored possibilities of electric car entry by General Electric or Westinghouse to support its argument that entry into the industry remains possible. General Motors, *supra* note 52, at 83–84. For a similar suggestion regarding the possibility of conglomerate entry into the industry, see Shubik, *A Game Theorist Looks at the Antitrust Laws and the Automobile Industry*, 8 STAN. L. REV. 594, 624–25 (1956).

[126] *See J. Hearings—Steam, supra* note 138, at 205–06; *J. Hearings—Electric, supra* note 138, at 486–87. Moreover, as the nation's fourth largest industrial corporation, General Electric in particular should have no financial entry difficulties—if access is as open as General Motors suggests. For GE's sales rank, *see* FORTUNE, May 1970, at 184.

[127] GENERAL MOTORS, *supra* note 52, at 81, 82 n.46.

[128] Unlike a prospective domestic entrant, foreign producers such as Volkswagen and Toyota relied upon large plant scale economies in Germany and Japan, respectively, and enormous world-wide sales to support their expansion into the American market. These companies marketed vehicles in America for nearly a decade before their sales volumes here reached the 60,000 unit level considered minimally adequate for efficient production of standard-styled cars. *See* Schupack, *1968 Hearings, supra* note 20, at 920. Indeed, even GM admits this distinction. GENERAL MOTORS, *supra* note 52, at 23. Volkswagen began producing automobiles in 1945 but did not begin selling in the United States until 1949. In that year, it sold two vehicles. Not until 1958 did its sales volume in this country exceed 60,000 units. FORTUNE, August 1957, at 106; FORTUNE, March 1969, at 116. Similarly, Toyota first began selling vehicles in this country in 1958, but only in 1968 did its sales here reach the 60,000 volume level. FORTUNE, December 1969, at 77. By the time that sales volume was achieved in America, Volkswagen was selling nearly half a million, and Toyota a million and a quarter, automobiles in more than 100 countries. FORTUNE, August 1957, at 106; FORTUNE, December 1969, at 78.

[129] Entry as an assembler is no longer feasible. The independent parts manufacturers and independent retail distributors of earlier years have largely vanished as the Big Three have moved toward complete vertical integration. *See* note 113 *supra*. Consequently, an entrant bent on producing a standard-styled vehicle in 1970 would need nonetheless to integrate backward into components production and forward into a nationwide distribution system, at a capital investment cost estimated at more than half a billion dollars. Backward integration would require a minimum of $250 million; forward integration could be achieved at a cost of no less than $326 million. Note 115 *supra*. Even were it able to raise this amount of capital, a firm offering standard-styled cars to consumers accustomed to annually restyled products would probably be compelled to undertake lengthy and expensive countervailing promotional campaigns and to sell its vehicles at a substantial price disadvantage for a decade or more. *See* p. 589 *supra*. Indeed, it took Volkswagen and Toyota that long; and unlike a domestic entrant, these firms were able to rely on substantial worldwide sales to subsidize their prolonged break-in losses in this country. Schupack, *1968 Hearings, supra* note 20, at 920 n.6.

[130] *See, e.g.*, Mueller, *supra* note 2, at 89–90; notes 2 & 5 *supra*.

[131] Smith, *supra* note 2, at 57–58.

[132] *See* note 24 and accompanying text *supra*.

[133] *See* note 5 *supra*.

[134] *See* p. 576 *supra*.

[135] *See* note 115 *supra*.

[136] Turner has framed the cost savings loss argument in the following manner: The major producers evolved a policy of annual model changes that, by accelerating the scrapping of expensive machine tools and dies, substantially increased the cost of automobiles. Since all of the major producers pursued this policy, and since the products of small producers were for a variety of reasons unappealing to most consumers, buyers were never given a choice between purchasing the same model as last year's at a lower price and a new model at a higher price.

Conglomerate Mergers and Section 7 of the Clayton Act, 78 HARV. L. REV. 1313, 1335 (1965). *See also* WEISS, *supra* note 20, at 364–65. The study by Fisher *et al.* estimated that the cost savings loss to consumers resulting from annual style and performance changes amounted to approximately $5 billion annually, *supra* note 115, at 433–51. BLS data indicate that nearly all of the $5 billion model change cost to the consumer is attributable to restyling rather than performance modification. *See* pp. 576–77 *supra*. To this figure must be added the cost savings loss due to the diversion of resources from technological improvements to style alterations. For example, had the Big Three spent $36 of the estimated $195 consumed in restyling (*see* p. 576 *supra*) for processing its sheet metal with a chrome over galvanized steel process, the resulting doubling in the automobiles longevity would have saved consumers $2.1 billion a year. *See* p. 594 *infra*.

[137] *See* testimony of Arkus-Duntov in *1969 Hearings, supra* note 24, at 402–03.

For example, if the chrome over galvanized steel treatment discussed at p. 594 *infra*, were utilized, automobiles would physically deteriorate less than twice as rapidly. Presumably, industry sales would therefore fall as the demand for replacements declined. The failure of this industry to adopt measures such as these which would improve the durability of its products, coupled with its promotion of psychological deterioration through annual style changes, has led many economists to charge the Big Three with "planned obsolescense." *See, e.g.*, Lanzillotti, *supra* note 24, at 344–45; Dowd in *1969 Hearings, supra* note 24, at 524. Moreover, it has been suggested that the Big

Three are reluctant to introduce steam or electric vehicles because the number of parts required for these propulsion systems is far less than those needed for conventional gasoline engines. Since these firms derive a substantial amount of profit from "aftermarket" (*ie.*, replacement parts) sales, they are unwilling to produce pollution-free vehicles which have a significantly smaller aftermarket. Esposito, *supra* note 24, at 35. There is perhaps another reason for this reluctance. It has been suggested that were the Big Three to produce electric vehicles, for example, industry barriers to entry would decline due to lower production costs and minimum scale economies. Ayres, *J. Hearings—Steam, supra* note 122, at 8.

[138] Testimony of Luntz in *1969 Hearings, supra* note 24, at 468–70.

[139] N.Y. Times, October 2, 1970, at 19. Sen. Nelson also cites the automobile industry for its failure to use energy absorbing bumpers and crash bars in its products. *1969 Hearings, supra* note 24, at 542. The U.S. Steel Corporation has developed an automobile body with complete perimeter crash protection including steel roll bars front and rear. N.Y. Times, October 12, 1970, at 37.

[140] *See, e.g.*, statement of Orr in *J. Hearings—Steam, supra* note 122, at 63; Federal Power Commission, *Development of Electrically Powered Vehicles* in *J. Hearings—Electric, supra* note 122, at 29.

[141] *See* note 137 *supra*. It might be suggested, nevertheless, that unless consumers were completely content with annual restyling they would not continue to purchase vehicles from the Big Three. *See* note 124 *supra*. This argument, however, is specious. It is tantamount to suggesting that whenever consumers willingly buy products from a monopolist or tight oligopolist, they are content with the price and quality of the goods purchased. In fact, the public pays higher-than-competitive prices for less-than-optimum-quality goods when there is an absence of alternative suppliers, *i.e.*, an absence of competition. Such is the condition of the automobile industry. Unless a consumer can utilize the less than standard-sized vehicles of the foreign automobile producers, he has little choice but to purchase an annually restyled car from the Big Three. Moreover, the substantial rate of depreciation engendered by annual restyling will encourage him to repurchase on an annual or semi-annual basis. The fact that consumers continue to purchase annually restyled vehicles, therefore, does not necessarily imply that they would not prefer a wider range of alternatives provided by a less concentrated automobile industry. *See* Dowd in *1969 Hearings, supra* note 24, at 540; Schupack in *1969 Hearings, supra* note 24, at 541.

Within the past few months, the Big Three have introduced "subcompact" vehicles to compete with the imported standard-styled automobiles of foreign manufacturers, particularly Volkswagen and Toyota. Whether these subcompacts will be annually restyled is still an open question. Ford has suggested that its subcompact entry, the *Pinto*, might remain as basically unchanged as its earlier *Model T*. New York Times, November 6, 1970, at 42. Nevertheless, the Big Three's earlier introductions of "compacts" in the early 1960's were accompanied by similar overtones of standard-styling. Yet, the compacts were in fact restyled annually. Moreover, even if the subcompacts do remain unchanged, they will not encourage *de novo* entry into the automobile field by other firms. To meet the short-term threat of attempted entry into the subcompact market, the Big Three could rely on profits from their sales of restyled, regular-sized vehicles to subsidize increased promotion and near-cost sales of their subcompacts. To survive, a new domestic entrant would require a share of the regular-sized car market, but that larger field is still very much influenced by the Big Three's annual restyling policies.

[142] *See* Lanzillotti, *supra* note 24, at 345.

[143] Testimony of Arkus-Duntov, *1969 Hearings, supra* note 24, at 402–03. GM, for example, reported that in 1967 it spent $664 million for R&D, as compared with $881 million for annual restyling. *1968 Hearings, supra* note 20, at 736, 746.

[144] Lanzillotti, *supra* note 24, at 344. Disc brakes were mass produced by smaller European automobile manufacturers for more than a decade before they appeared on American cars. Nader in *1968 Hearings, supra* note 20, at 212.

[145] Lanzillotti, *supra* note 24, at 344.

[146] *See, e.g.*, Industrial Organization, supra note 2, at 240–42, 423–25; Mueller, *supra* note 89, at 90–91. *But see* Jacoby's testimony in *1969 Hearings, supra* note 24, at 541.

[147] *See* note 24 *supra*.

[148] Industrial Organization, *supra* note 2, at 425.

[149] For example, the migration of the gear shift from floor to steering column and, recently, back to floor again affected the rate but not the net amount of change. Note 39 *supra*.

[150] *See* Federal Trade Commission v. Gratz, 253 U.S. 421, 432 (1920) (Brandeis, J., dissenting).

[151] *Id.* at 442–43.

[152] *Id.* at 423; S. Rep. No. 597, 63d Cong., 2d Sess. 13 (1914). The Conference Report stated: "It is impossible to frame definitions which embrace all unfair practices. There is no limit to human inventiveness in this field." *Id.* By enacting Section 5, Congress hoped to establish an expert body which by "careful study of the business and economic conditions of the industry affected" could detect and condemn concentration-increasing conduct which was impossible to reach under the Sherman Act or the recently enacted Clayton Act. Federal Trade Commission v. Keppel & Bros., 291 U.S. 304, 314 (1934); S. Rep. No. 597, *supra*, at 9, 11.

The legislative history clearly evinces the intent of Congress to provide the FTC with a flexible weapon against novel forms of anticompetitive conduct. *See* H.R. Rep. No. 1142, 63d Cong., 2d Sess. (1914); Rep. No. 597, 63d Cong., 2d Sess. (1914). For commentaries on this history, see Henderson, The Federal Trade Commission (1927); Austern, *The Parentage and Administrative Ontogeny of the Federal Trade Commission*, 1955 N.Y.S.B.A. Antitrust Law Symposium 83; Baker & Baum, *Section 5 of the Federal Trade Commission Act: A Continuing Process of Redefinition*, 7 Vill. L. Rev. 517 (1962); Votaw, *Antitrust in 1914: The Climate of Opinion*, 24 A.B.A. Antitrust Section 14 (1964). But *see* Posner, *The Federal Trade Commission*, 37 U. Chi. L. Rev. 47 (1969).

[153] FTC v. Motion Picture Adv. Co. 344 U.S. 392, 396 (1953). *See also* FTC v. Texaco, 393 U.S. 222, 225 (1968).

[154] Atlantic Rfg. Co. v. FTC, 381 U.S. 357, 367–68 (1965).

[155] FTC v. Brown Shoe Co., 384 U.S. 316, 320–321 (1966). *See also* similar statements in FTC v. Motion Picture Advertising Serv. Co., 344 U.S. 392, 394–95 (1953); Atlantic Ref. Co. v. FTC, 381 U.S. 357, 369 (1965). The judicial application of Section 5 falls into five separate categories (1) Sherman Act violations: *see, e.g.*, FTC v. Beech-Nut Packing Co., 257 U.S. 441 (1922) (resale price-maintenance); FTC v. Pacific States Paper Trade Ass'n, 273 U.S. 52 (1927) (price fixing conspiracy); Fashion Originators' Guild v. FTC, 312 U.S. 457 (1940) (group boycott); FTC v. Cement Institute, 333 U.S. 683 (1948) (delivered pricing conspiracy). (2) Section 3 Clayton Act violations: *see, e.g.*, Fashion Originators' Guild v. FTC, 312 U.S. 683 (1940); Times-Picayune Publishing Co. v. United States, 345 U.S. 594 (1953) (tie-in); Oppenheim, *Guides to Harmonizing Section 5 of the Federal Trade Commission Act with the Sherman and Clayton Acts*, 59 Mich. L. Rev. 821 (1961). (3) Practices characteristic of but falling short of Sherman Act violations and Section 3 Clayton Act violations: *see, e.g.*, FTC v. Motion Picture Advertising Service Co., 344 U.S. 392 (1953) (quasi-monopolistic exclusive contracts); Atlantic Ref. Co. v. FTC, 381 U.S. 357 (1965) (quasi-tying arrangements); FTC v. Brown Shoe Co., 384 U.S. 316 (1966) (quasi-exclusive dealing franchise agreements); Comment, *Per Se Rules and Section 5 of the Federal Trade Commission Act*, 54 Calif. L. Rev. 2049 (1966). (4) Practices characteristic of but not explicitly prohibited by the Robinson-Patman Act: *see, e.g.*, Grand Union Co. v. FTC, 300 F.2d 92 (2d Cir. 1962) (customer induced promotional allowances); R. H. Macy & Co. v. FTC, 326 F.2d 445 (2d Cir. 1964) (coerced contributions from vendors); Rahl, *Does Section 5 of the Federal Trade Commission Act Extend the Clayton Act?* 5 Antitrust Bull. 533 (1960). (5) Practices characteristic of but not explicitly proscribed by Section 7 of the Clayton Act: *see, e.g.*, Beatrice Foods Co. 1965–1967 Transfer Binder Trade Reg. Rep. ¶ 17.244 (FTC 1965) (non-corporate acquisition); Dean Foods Co. 1965–1967 Transfer Binder Trade Reg. Rep. ¶ 17,765 (FTC 1966) (purchase agreement an unfair method of competition).

[156] In *Brown Shoe* and *Atlantic Refining*, for example, it upheld the FTC's proscription of practices which accomplished the same anticompetitive end as exclusive dealing and tying arrangements, respectively (*i.e.*, market foreclosure), but which violated neither the Sherman nor Clayton Act. In Atlantic Ref. Co. v. FTC, 381 U.S. 357 (1965), the Supreme Court held that the FTC was warranted in finding a sales-commission plan between a gasoline distributor and a major tire manufacturer an unfair trade practice because although not a tying agreement, "the effect of this plan is similar to a tie-in." 381 U.S. at 371. The arrangement condemned here involved Atlantic's sponsoring of Goodyear supplied tires, batteries, and accessories to Atlantic's wholesalers and retail dealers. This arrangement has been termed a "quasi-tying agreement" because Atlantic did not manufacture the tied product, although it received a commission on dealers' purchases. *See* Comment, *Per Se Rules and Section 5 of the Federal Trade Commission Act*, 54 Calif. L. Rev. 2049, 2055–63 (1966). In FTC v. Brown Shoe, 384 U.S. 316 (1966), the Court found that respondent's franchise program, by effectively foreclosing competitors from selling to a substantial number of retail shoe dealers, "obviously conflicts with the central policy" of the Sherman and Clayton Acts. 384 U.S. at 321. Here a franchise agreement, whereby Brown agreed to give valuable services to independent retail stores in exchange for the latters' contractual promise to deal "primarily" in Brown shoes, was held an unfair method of competition. This agreement has been termed a "quasi-exclusive dealing" arrangement because of the absence of the usual promise from the dealer not to handle any goods which compete with those of the seller. *See* Comment, *supra*, at 2066–68. *But see* FTC v. Sperry & Hutchinson Co., 432 F.2d 146 (5th Cir. 1970), *cert. granted*, 39 U.S.L.W. 3424 (U.S. Mar. 30, 1971) (No 1278).

[157] *See* note 3 *supra*.

[158] *See* p. 569 *supra*.

[159] *See* Smith, *supra* note 2, at 51–52; Turner, *Advertising and Competition*, 26 Fed. Bar. J. 93 (1966); Mueller, *supra* note 89.

[160] American Tobacco Co. v. United States, 328 U.S. 781, 797 (1946).

[161] *Id.*

[162] *Id.*

[163] Assuming, for example, that the costs of countervailing promotion might equal the established firms' collective promotional efforts, a newcomer would be at least ten times more able to meet the entry costs generated

by the three tobacco firms' $40 million expenditures than those resulting from the Big Three's $400–$600 million advertising campaigns. The upper range of advertising expenditures was obtained by multiplying Lanzillotti's $75 per car figure (*see* note 115 *supra*) by the Big Three's current collective output of 7.98 million vehicles. STANDARD & POOR, *supra* note 18, at A161. The lower advertising estimate was based on advertising expenditures in selecting media for 1968 reported by STANDARD & POOR, *id.* at A170. Moreover, a firm contemplating entry into the automobile industry would encounter the additional costs and risks associated with requisite backward and forward integration as well as annual retooling expenditures.

That annual style change may have actually exerted a greater anticompetitive impact on the structure of the automobile industry than that of heavy advertising on the structure of the cigarette industry may be seen in the concentration trends of the two markets. From 1931 until the time of suit in 1939, the three cigarette firms' collective market share dropped from 91 to 68 percent. 328 U.S. 781 at 795. During that same period, the leading three automobile companies' share rose from 81 to 90 percent. FTC REPORT, *supra* note 21, at 29, 1058.

[164] FTC v. Proctor & Gamble Co., 386 U.S. 568 (1967).

[165] *Id.* at 571.

[166] *Id.* at 573, 579.

[167] *Id.* at 578.

[168] *See* note 163 *supra*.

[169] S. Smith, *supra* note 2, at 51.

[170] *Id.*

[171] *See* note 27 *supra*.

[172] Standard Oil Co. of New Jersey v. United States, 221 U.S. 1 (1911).

[173] United States v. National Dairy Products Corp., 372 U.S. 29 (1963). For recent manifestations of concern regarding predatory pricing, see Reynolds Metals Co. v. FTC, 309 F.2d 223 (D.C. Cir. 1962); Foremost Dairies, Inc. v. FTC, 348 F.2d 674 (5th Cir. 1965), *cert. denied* 382 U.S. 959 (1965); Forster Mfg. Co. v. FTC, 335 F.2d 47 (1st Cir. 1964), *cert. denied* 380 U.S. 906 (1965).

[174] *See* Turner, *Conglomerate Mergers and Section 7 of the Clayton Act*, 78 HARV. L. REV. 1313, 1345–46 (1965); P. AREEDA, ANTITRUST ANALYSIS 519–20 (1967). Indeed, careful study of the *Standard Oil* case revealed no evidence of that predatory tactic. *See* McGee, *Predatory Price Cutting: The Standard Oil (N.J.) Case*, 1. J. LAW & ECON. 137 (1958). Predatory promotional spending, however, is beginning to be recognized by the courts. An allegation that "excessive advertising expenses" and rapid product modification has been employed to drive out competition survived a motion to dismiss in Bailey's Bakery, Ltd. v. Continental Baking Co., 235 F. Supp. 705 (D. Hawaii 1964), *aff'd per curiam*, 401 F.2d 182 (9th Cir. 1968), *cert. denied* 393 U.S. 1086 (1969). By "predatory" nothing more is meant than the effect of unnecessarily impairing competition by raising barriers to new entry. No specific intent to exclude is implied, although it may very well exist. *E.g.*, refer to the monopolization cases of *United Shoe* and *Alcoa* where practices "natural and normal" and "honestly industrial" were found nevertheless to discourage new entry unlawfully. United States v. United Shoe Machinery Corp., 110 F. Supp. 295, 344–45 (D. Mass. 1953), *aff'd per curiam*, 347 U.S. 521 (1954); United States v. Aluminum Co. of America, 148 F.2d 416, 431 (2d Cir. 1945).

[175] *See* note 174 *supra*.

[176] *Id.*

[177] *But see* Bailey's Bakery, Ltd. v. Continental Baking Company, 235 F. Supp. 705 (D. Hawaii 1964), *aff'd per curiam*, 401 F.2d 182 (9th Cir. 1968), *cert. denied*, 393 U.S. 1086 (1969).

[178] 221 U.S. 106 (1911).

[179] *Id.* at 183.

[180] 148 F.2d 416 (2d Cir. 1945).

[181] *Id.* at 431.

[182] See note 163 *supra* for advertising computation. Regarding the Big Three's annual restyling expenditures, see note 45 *supra*. Their combined investment in integrated production and distribution facilities as of 1970 has been reported as amounting to nearly $30 billion. STANDARD & POOR, CORPORATION RECORDS 1454, 1468, 2471 (June 1970).

[183] 344 U.S. 392 (1953).

[184] This section makes unlawful a lease, sale, or contract for sale which substantially lessens competition or tends to create a monopoly. 15 U.S.C. § 14 (1964).

[185] 344 U.S. at 399, 396.

[186] *Id.* at 399.

[187] FTC REPORT, *supra* note 21, at 26.

[188] For a recent attack upon the FTC's failure to divest GM, with the consequent loss in consumer savings of several billion dollars a year in lower automobile prices, see *Foreword* to 2 ANTIT. LAW & ECON. REV. 13–15 (Summer 1969). The Justice Department has also been severely criticized for its unwillingness to prosecute the passenger car industry. Indeed, it has failed to take any action despite its preparation of a 104 page complaint in 1966 charging GM with having violated sections 1 and 2 of the Sherman Act and section 7 of the Clayton Act. Significantly, the proposed suit alleged among other items that the effect of GM's annual restyling since the 1920's upon competitors was "obvious and dramatic." It declared further that "[t]ools and dies for new models are high-cost items that GM's smaller competitors can less easily afford." Wall Street Journal, October 31, 1967, at 24, col. 3. *But see* the FTC's recent complaint against the nation's five leading tire manufacturers charging that their similar leasing agreements with bus companies enabled respondents to dominate the bus-tire market. In a significant break with precedent, however, the tire manufacturers were accused not of collusion, but of interdependently pursuing "parallel courses of business conduct constituting unfair methods of competition" under Section 5. 3 Trade Reg. Rep. ¶ 19,381 at 21,511. Moreover, the FTC is currently engaged in an investigation of the structure, conduct and performance of the automobile industry. 3 ANTIT. LAW & ECON. REV. 14–15 (Winter 1969–70).

[189] Turner, *supra*, note 33, at 1231 n.45.

[190] General Motors operates 23 assembly plants; Ford operates 15 and Chrysler 7 such facilities, AUTOMOTIVE NEWS, ALMANAC ISSUE 68 (1970). Given the Big Three's current (1969) production at 7.98 million (note 45 *supra*), each assembly plant produces an average of 177,000 units per year.

[191] The Big Three would each operate a single assembly facility thereby freeing their other 42 plants for operation by new competitors.

[192] Schupack, *1968 Hearings*, *supra* note 20, at 921. *See also*, ADMINISTERED PRICES, *supra* note 13, at 15.

[193] *See, e.g.*, Loescher, *1968 Hearings*, *supra* note 20, at 915.

[194] Whatever doubts may have existed concerning the extent of the Commission's remedial authority under section 5, they seem to have been firmly resolved in favor of according this agency the complete array of powers of a court of equity "including divestiture and other remedies designed to effect structural reorganization." Ekco Prods. Co. [1963–65 Transfer Binder] TRADE REG. REP. ¶ 16,879, at 21,904 (F.T.C. 1964), *aff'd* 347 F.2d 745 (7th Cir. 1965). See the Supreme Court's apparent recognition and sanction of this position in Pan American World Airways v. United States, 371 U.S. 296, 312 n.17 (1963) and United States v. Philadelphia National Bank, 374 U.S. 321, 339–40 n.17 (1963).

[195] *E.g.*, United States v. du Pont & Co., 366 U.S. 316 (1961); United States v. Aluminum Co. of America, 377 U.S 271 (1964); Maryland & Virginia Milk Producers Ass'n v. United States, 362 U.S. 458 (1960).

[196] Loescher in *1968 Hearings*, *supra* note 27, at 915. New companies could enter more easily and compete with those formed through dissolution of the Big Three's assembly facilities. *See* note 191 *supra*. These new producers, like those created by divestiture, would be able to obtain components and accessories from the independent suppliers created through spin-off. *See* p. 609 *supra*. They would be able to dispose of their products through dealers who were no longer pressured to deal exclusively with a single dominant firm. Finally, they would not need to undertake massive retooling and readvertising expenditures annually. *Id.*

By breaking up existing firms and encouraging new ones to enter, divestiture would improve competitive market performance. If a dozen firms of similar size replaced the current industry structure, there is evidence that the average ratio of price to cost would be substantially reduced, thereby enhancing efficiency. Loescher in *1968 Hearings*, *supra* note 20, at 915. Likewise, it has been suggested that an industry of from 15 to 30 firms would greatly advance the rate of technological innovation and result in a wider variety of automobiles. Schupack, in *1969 Hearings*, *supra* note 24, at 541. On the basis of these expectations, an automobile industry of perhaps 100 or more producers would contribute immeasurably to this industry's performance. This is the industry which dissolution would engender.

[197] *See* pp. 575–76 *supra*.

[198] *See, e.g.*, Ekco Prods. Co. [1963–65 Transfer Binder] TRADE REG. REP. ¶ 16,879, at 21,995 (F.T.C. 1964).

[199] United States v. American Cyanamid Co., 1964 Trade Cas. 79,628 (S.D.N.Y.). *See also* marketing orders used in lieu of divestiture in Simpson Timber Co., 60 F.T.C. 43 (1962) and Gulf Oil Corp., 56 F.T.C. 688 (1960). *But see* a criticism of such orders when used as a substitute for structural relief. Elzinga, *The Antimerger Law: Pyrric Victories*, 12 J. LAW & ECON. 43, 66–71 (April 1969).

[200] 1964 Trade Cas. 79,628, 79,635.

[201] *Id.* at 79,631.

[202] STANDARD & POOR, *supra* note 18, at A159.

[203] Apparently, dual or multi-line retail automobile distribution is common in Europe where it is referred to as "the supermarket approach." *Hearings Before the Select Committee on Small Business on the Status and Future of Small Business*, 90th Cong., 1st Sess. at 431 (1967).

[204] Turner has argued that extensive advertising by tight oligopolies create formidable barriers to entry and substantially increase concentration. He suggests that it would be quite appropriate to impose, for a limited time, absolute or percentage limitations on promotional expenditures of firms that have obtained undue market power through antitrust violations. Turner, *supra* note 159, at 93–96. *See also* p. 602 *supra*. A similar suggestion has been recently advanced by two antitrust economists. Asch & Marcus, *Returns to Scale on Advertising*. 15 ANTIT. BULL. 33, 39–40 (1970). Mueller contends that government limitations of advertising expenditures by oligopolists would not raise first amendment problems. Mueller, *supra* note 2, at 89–90. Subsection (e) of the proposed Concentrated Industries Act of the White House Task Force on Antitrust Policy also suggests possible limitations on advertising expenditures. THE NEAL REPORT, *supra* note 11, at 66.

[205] In United States v. United Shoe Machinery Corp, 391 U.S. 244 (1968), the Supreme Court made it clear that an antitrust decree which has failed to accomplish its intended purpose of restoring effective competition may be modified to provide additional structural relief. The district court in the earlier United States v. United Shoe Machinery Corp. case, 110 F. Supp. 295 (D. Mass. 1953) had rejected the government's request for divestiture. Following the Supreme Court's ruling that the initial decree was inadequate, the district court has recently entered a divesti-

ture order. United States v. United Shoe Machinery Corp., 1969 Trade Cas. 86,444 (D. Mass.).

Annual style change has been a characteristic of numerous other durable goods industries since the late 1940's. Significantly, concentration has increased more rapidly in this sector than in any other area of manufacturing. By 1966, style-changing industries exhibited the following 4-firm concentration ratios: home freezers—82%, typewriters—79%, washing machines—79%, vacuum cleaners—78%, refrigerators—72%, cameras—67%, computers—67%, and televisions—58%. *Hearings Before the Subcomm. on Antitrust and Monopoly of the Senate Comm. on the Judiciary on Economic Concentration*, S. 89th Cong., 1st Sess., 1901–1905 (1965); U.S. DEPT. OF COMMERCE, ANNUAL SURVEY OF MANUFACTURERS; 1966, at ch. 11. In light of this Note's findings with respect to the automobile industry, an economic and legal investigation of annual restyling in these concentrated industries might also be in order. Significantly, the FTC is currently studying "style or nonfunctional" model changes in household appliances and other consumer products for evidence of "planned obsolescence." The Commission suggested that "the practice might run afoul of Federal antitrust laws as well as those against unfair or deceptive trade practices." N.Y. Times, March 28, 1971, at 40, col. 2.

[206] The Federal Trade Commission has exclusive jurisdiction to enforce Section 5. 15 U.S.C. § 45 (1964). As a result, the Department of Justice cannot bring suit against alleged violations of that section. Marquette Cement Mfg. Co. v. Federal Trade Commission, 147 F. 2d 589 (7th Cir. 1945), *rev'd* on *other grounds sub nom.* Federal Trade Commission v. Cement Institute, 333 U.S. 683 (1948). Apparently, private antitrust suits cannot be brought under Sections 4 (treble-damage actions) or 16 (injunctive relief) of the Clayton Act (15 U.S.C. §§ 15(a), 15(b), 26) for alleged violations of Section 5 of the Federal Trade Commission Act. *See* Nashville Milk Co. v. Carnation Co., 355 U.S. 373, 376 (1958); Atlanta Brick Co. v. O'Neal, 44 F. Supp. 39 (E.D. Tex. 1942); Rader v. Balfour, 1968 Trade Cas. ¶ 72,709 (N.D. Ill. 1968). This does not prevent private parties, however, from calling upon the FTC to investigate and, if appropriate, to bring suit against the Big Three automobile manufacturers. See FEDERAL TRADE COMMISSION, PROCEDURES & RULES OF PRACTICE, 16 C.F.R. § 2.2: "Any individual . . . may request the Commission to institute an investigation in respect to any matter over which the Commission has jurisdiction" as long as the application sets forth "the alleged violation of law with such supporting information as is available. . . ."

TEMPORARY RESPITE

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. HARVEY. Mr. Speaker, an editorial in today's edition of the Wall Street Journal, commenting on the agreement between the United Transportation Union and the carriers presents an identical message that I and a great number of other Members of this body have been echoing for months and, yes, for years—the need for permanent legislation.

As one realizes the tremendous price paid by our workers, farmers, consumers, and businesses for the 18-day-old "selective strikes," it was natural for all of us to greet the announcement of settlement with great relief. Yet, as I mentioned in a news statement, "peace in the rail industry may be short lived."

I submit that the need for enacting permanent legislation in this area continues to be as great as if the selective strikes were continuing. Unless this Congress is prepared to continue its unwanted and ineffective role as a mediator in settling rail disputes, as it has in the past, or can accept selective strikes that create as much damage and chaos as a nationwide strike, I sincerely hope that on our return in September we can bring this legislative matter to a successful conclusion.

The editorial follows:

LIMITED RELIEF FOR THE RAILROADS

The agreement between the United Transportation Union and the railroads ends the dreary series of "selective" strikes and promises the railroads some relief from the union's costly make-work work rules. The settlement, however, does little to improve the outlook for the industry and its tangled labor relations.

Included in the pact, of course, was the 42% wage increase over 42 months, a huge increase in labor costs for an industry already deep in financial trouble. Added to this will be the expensive aid to workers who are laid off or moved to lower-paying jobs because of adoption of more reasonable work rules.

Even if the industry can absorb these costs, its labor future looks far from rosy. The UTU itself is still insisting that the industry re-create jobs for many firemen displaced years ago when it was apparent—to everyone but the union—that the jobs were no longer needed. Beyond that, the fragmented labor structure of the industry insures that one or more of the many unions will be back soon with new, and heavy demands.

Some observers in Washington seem to think that the latest episode proves that collective bargaining, under present laws, really can work on the railroads. As a consequence Congress, which hasn't exactly been setting speed records on proposed rail labor law revision, may now move even more slowly.

In the circumstances, such a reaction appears a little silly. In the latest dispute the provisions of the Railway Labor Act were exhausted last year. After extended legal maneuvers won the union the right to stage selective strikes, union officials did agree to talk, but only after the industry agreed to substitute a committee of railroad presidents for its usual bargainers.

While it's true that Congress this time did not have to pass a special law to settle the dispute, agreement was reached only after extended administration intervention. Somehow it's hard to see either the process or the product as proof of a revival of traditional collective bargaining.

As Labor Secretary James Hodgson said, "The kind of severely damaging strike to the nation's commerce that we have had as a result of the recent rail stoppages certainly dictates that Congress must come to grips with legislation to preclude these kinds of strikes."

HOLD BUSING TO A MINIMUM

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. LENT. Mr. Speaker, at this opportunity, I want to commend President Nixon for his timely announcement yesterday, in which he once again put forth this administration's opposition to forced busing to achieve a racial balance in the Nation's public schools.

I believe the President's announcement truly reflects the wish of Americans to maintain their neighborhood schools with a minimum of disruption.

While certainly adhering to the courts' interpretations of the law, the President had made it clear that communities should not be coerced into arbitrary delineations and that the welfare of students must remain the primary consideration.

I applaud the President's farsightedness, Mr. Speaker, for I know he feels as I do that any system that assigns children to a particular school on the basis of their race only intensifies racial distinctions by imposing artificial quotas on local school systems.

FARMING: STILL A BIG BUSINESS

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. SCHERLE. Mr. Speaker, the United States thinks of itself, and is thought of by others, as the world's foremost technological nation. Our No. 1 industry, however, is still civilization's oldest occupation, agriculture. Although the number of Americans engaged in farming has diminished, the agrarian industry as a whole has not declined. Following are some revealing statistics from the leading newspaper in my district, the Council Bluffs Nonpareil, which help to place the important contribution of American agri-business in proper perspective:

FARMING: STILL BIG BUSINESS

Farming, though the number of persons directly involved decreases each year, is still Iowa's No. 1 industry.

Feeding the United States and exporting many of our agricultural products throughout the world is a tremendous operation in America. Just how large it is may be a surprise to some persons. Statistics from the United States Department of Agriculture will provide what proof may be needed:

The total agriculture plant in the United States consists of some 2.7 million farms containing 335 million acres of crop and summer fallow, plus 900 million acres for the grazing of livestock.

To operate this plant takes 6.7 billion man-hours of labor each year.

The farmers are pretty good customers for their city cousins. They spend:

$7.1 billion for feed.
$4.3 billion for livestock.
$3.4 billion for hired labor.
$2.1 billion for fertilizer and lime.
$10.5 billion for seed, interest on non-real estate loans and a variety of other inputs.

From this gigantic agricultural industry, the farmers sold:

$4.5 billion worth of hogs.
$13.1 billion worth of cattle.
$6.5 billion worth of dairy products.
$2.2 billion of eggs.
$2.1 billion worth of poultry.
$6.6 billion worth of hay and grains.
$3.2 billion in oilseeds.
$2.1 billion in fruits and nuts.
$2.8 billion worth of vegetables.

$2.8 billion worth of other crops and lesser livestock.

And farming has a tremendous impact on the balance of the industrial economy.

Some 392 million tons of products must be hauled from the nation's farms each year—and most of it requires further handling by the food marketing system before it reaches the consumer.

The food marketing system numbers around 700,000 firms, which provide jobs for 5.3 million full-time workers. This includes:

32,000 processing firms with 1.4 million employes.

40,000 wholesale firms with some 600,000 employes.

294,000 retail stores with 1.4 million workers.

334,000 eating establishments that provide jobs for 1.9 million persons.

It requires a tremendous transportation network to make the system work: 200,000 miles of railroads, 3.3 million miles of intercity highways and 26,000 miles of improved waterways.

Each one of us consumes about 1,450 pounds of food during the year. The farm value of this package was $32.1 billion, with another $63.2 billion added for the marketing system which brings it to our cities and towns.

About $1 out of every $9 in gross national product is accounted for by the food-farm industry. Total food expenditures of $114 billion were just over 16 percent of the disposable consumer income.

Iowans can well recall these figures when any question arises as to the state's No. 1 industry.

REPORT OF THE DECENNIAL CENSUS REVIEW COMMITTEE

HON. HIRAM L. FONG

OF HAWAII

IN THE SENATE OF THE UNITED STATES

Wednesday, August 4, 1971

Mr. FONG. Mr. President, during recent years a number of groups and individuals have raised pertinent questions concerning the scope of our national decennial census questionnaires. Because of this questioning, Secretary of Commerce Maurice Stans in late 1969 appointed a 16-member Decennial Census Review Committee to review the procedures and the types of questions asked in the census.

The committee's first meeting was held on December 5, 1969. Five other full committee meetings were held in addition to those of smaller groups formed to look into special aspects of the committee's work. These included the need for and use of decennial census data by Federal, State, and local governments, and by business; the problem of privacy and confidentiality in the census; the frequency of census inquiries and the role of sampling in the census.

As a member of the Decennial Census Review Committee, I was very much impressed with the sincerity and knowledge of the committee. Mr. Ira T. Ellis, committee chairman, is to be commended for the excellent guidance he gave the committee in all of its deliberations. The other members of the committee are also to be thanked for their contributions to this indepth review of our decennial census.

The Bureau of the Census and the Office of the Assistant Secretary of Commerce for Economic Affairs were also most helpful.

The committee's report to the Secretary of Commerce has just been released. I ask unanimous consent that it be printed in the RECORD.

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

THE DECENNIAL CENSUS

(Report to the Secretary of Commerce of the Decennial Census Review Committee)

INTRODUCTION

The decennial census is one of the few processes of the U.S. Government that reaches out to make direct contact with the entire population. The procedures of the Bureau of the Census are designed to enumerate every person and collect information on his characteristics; the purposes are to provide a basis for legislative representation, and to furnish statistical data to aid government and the private sector in formulating and executing policies. The data are used extensively by business firms, labor unions, trade organizations, educational institutions, and many other groups in our society as well as by economists and other social scientists.

The complexity of an industrialized society in the second half of the twentieth century demands statistics of the highest quality. The usefulness of information obtained through the decennial census has been fully established.

The number and variety of questions included in the decennial census, and the fact that respondents are required by law to answer all questions, have given rise over the years to some objections to the scope of the decennial census and to its mandatory features. This criticism of the census has been linked with the rising criticism of the development of computer data banks and the increasing use of credit information, opinion polls and other surveys, widening use of Social Security numbers for identification, and exchange of income data reported to the Internal Revenue Service with both law enforcement agencies and State tax authorities. None of these developments has had much connection with the decennial census.

While there was no evidence during the planning period that the 1970 census would be substantially different from past censuses in the questions asked or the procedures used to safeguard confidentiality of information about individuals, a review of the decennial census seeemd appropriate in view of the public expressions of disquietude. Besides, all major Goverment operations should be subject to review occasionally by an independent body since vigilance is one of the safeguards of individual liberties.

Secretary of Commerce Stans stated early in 1969 that he would appoint a committee to examine the issues that had been raised about the decennial census. "What is needed," he said, "is a careful, objective, and dispassionate evaluation and review of such issues as the purpose and scope of the census inquiries, the public obligation to respond, the rights and freedom of individual respondents, the accuracy and completeness of the census counts, the confidentiality of individual responses, and such other matters as the Committee may consider relevant."

Secretary Stans appointed the Decennial Census Review Committee in late 1969 and the first meeting was held December 5. The members are:

Ira T. Ellis, Chairman, Wilmington, Delaware

Earl L. Butz, Vice President, Purdue Research Foundation, Purdue University, Lafayette, Indiana

Kenneth B. Clark, President, Metropolitan Applied Research Center, New York City

The Honorable Hiram L. Fong, United States Senator, Hawaii

Martin R. Gainsbrugh, Senior Vice President, The Conference Board, New York City

John J. Gunther, Executive Director, U.S. Conference of Mayors, Washington, D.C.

Philip M. Hauser, Professor of Sociology and Director, Population Research Center, University of Chicago, Chicago, Illinois

Carl H. Madden, Chief Economist, Chamber of Commerce of the United States, Washington, D.C.

Arthur R. Miller, Professor of Law, University of Michigan Law School, Ann Arbor Michigan

Don M. Muchmore, Senior Vice President, California Federal Savings and Loan Association, and Chairman, Board of Directors of Opinion Research of California, Los Angeles, California

Howard A. Newman, Chairman of the Board, the Western Pacific Railroad Company, New York City.

Arthur C. Nielsen, Jr., President, A. C. Nielsen Company, Chicago, Illinois.

Alexander B. Trowbridge, President, The Conference Board, New York City.

Alan F. Westin, Professor of Public Law and Government, Columbia University, New York City.

The Honorable Charles H. Wilson, Congressman, 31st District, California.

Theodore Yntema, Oakland University, Rochester, Michigan.

The Committee held six general meetings, one of two days, the others of one day. Working groups were formed to look into particular aspects of the Committee's work, namely, the need for and use of decennial census data by the Federal Government, by State and local governments, and by business; the problem of privacy and confidentiality as it is encountered in the decennial census; the frequency with which inquiries like the decennial census should be made; and the role sampling does and can play in the census.

Throughout its deliberations, the Committee had the advice and assistance of the Director of the Census who made available written materials as well as the time and expertise of members of his staff. The Office of the Assistant Secretary of Commerce for Economic Affairs was also very helpful to the Committee in its study.

FINDINGS AND RECOMMENDATIONS

I. The Federal Government needs detailed and comprehensive information about the population of the United States, its characteristics, its housing, and its pursuits, for the design and execution of public policy.

A. The basic population count is required by Article I, Section 2 of the Constitution for apportionment among the States of seats in the House of Representatives.

B. Information from other questions is used by the Congress in assessing problems and designing legislation.

C. Census data are also used by Executive agencies in administering programs and allocating funds.

D. In the "census process" questions are subjected to meticulous technical examination for feasibility and usefulness and to searching scrutiny for public acceptability. The Census Bureau has developed sound criteria against which questions are judged. It has also worked out clearance procedures that provide opportunities for Federal agencies, the Congress, and the general public to express views on the propriety of questions and the suitability of enumeration methods. These procedures should be retained.

E. Information collected for Federal Government purposes is often useful also to State and local governments, the general public and private business and labor. It is there-

fore appropriate to tabulate and analyze census results in many different ways so long as there is no violation of the confidentiality of individual reports.

F. For effective planning of the census, and the most efficient allocation of funds for it, better information is needed about the great variety of uses to which census data are put. The Committee therefore supports the recommendation of the National Academy of Science's Advisory Committee on Problems of Census Enumeration that the Census Bureau prepare and maintain an up-to-date register or catalog of all uses of census data provided for by statute, and that the register gradually be expanded to include all uses of census statistics by Government.

II. Some of the information needed by the Government can be obtained only by enumeration of the population. Moreover, the Constitution requires an enumeration for apportionment of seats in the House of Representatives.

A. The most appropriate means of obtaining an enumeration—or complete count—of the population is through a periodic census.

B. For technical reasons, a census designed to achieve a complete count should be mandatory. Effective penalties for nonresponse should be retained.

(1) Achieving a complete count would be difficult if not impossible without a requirement that everyone be counted.

(2) The requirement to answer questions truthfully minimizes biases that would result from nonresponse or from false answers.

(3) The requirement that everyone be counted and that everyone answer truthfully is more equitable than a voluntary-response procedure.

(4) The knowledge that answers are required encourages enumerators to persist in finding hard-to-enumerate persons.

C. A mandatory count of the population is within the power of the Congress to require and within the duty of the citizen to answer.

D. The Government should continue to take the strongest possible measures, legal and administrative, to assure that answers to questions, whether mandatory or voluntary, will be held in absolute confidence.

The Committee recognizes that, in collection of census data, the name of the person must be obtained to assure accurate enumeration. There is no need for names, however, on the magnetic computer tapes used to prepare statistical data and the Bureau excises the names when the information is transferred to the computer tapes. The Committee recommends that a similar separation be made on the microfilms retained as a permanent record. In these records, the name should be separated from the main body of information, and should be attached only to a limited number of items needed for certification of the person's age, citizenship, and relationship to the household.

III. Planning and execution of the census must remain sympathetically sensitive to the American public's apprehensions over invasion of privacy.

A. The individual has no right to refuse to provide information reasonably related to legislative purposes and functions. As a practical matter, however, the questions asked and the manner of asking them must accord with the public's sense of propriety; otherwise, lack of cooperation may greatly increase the expense of taking the census and reduce comprehensiveness and reliability.

B. The widely publicized misgivings about possible invasion of individual privacy apparently were aroused by developments that had little or no connection with the 1970 census or the Census Bureau. The misgivings can be attributed in major part to reports of data collection, storage, and interchange activities of other groups—public and private. Among things that aroused fears of the "Big Brother society" or "Dossier State" were reports of military, police, and private surveillance, use of tax records for purposes other than tax collection, exchange of unverified and unevaluated police dossiers and credit bureau data, sale of information from public records as mailing lists, and discussions of the dangers of comprehensive, continuing "data banks."

A great deal of the public disapproval resulting from these varied sources was directed unfairly at the decennial census. As a large-scale, mandatory inquiry, the census was a convenient target. Furthermore, a few of the questions proposed for the 1970 census were misquoted or taken out of context.

C. To provide additional assurance to the public that the Census Bureau is not engaged in the kinds of activities that give rise to such apprehensions, an Advisory Committee on Privacy and Confidentiality should be established to assist the Director of the Census on matters relating to protecting the right of citizens against disclosure of census data for individuals. This committee should represent a broad cross-section of society and should devote its attention to achieving the proper balance between the Government's need for information and the individual's right of privacy.

To this end, it would take account of the rapid changes taking place in enumeration methods, data-handling technology, and the needs of government and other data users as well as changes in the attitude of the general public on the privacy issue.

IV. Experience has demonstrated that the census statute has worked well in ensuring the confidentiality of individual responses. The Census Bureau's record of living up to the statute and preserving the inviolability of individual responses must be maintained.

The statute must be kept under review to assure that it retains its capacity to preserve privacy and confidentiality in the face of developments in data-handling methods and changes in public attitudes.

A. An individual should never be required by the census to provide information that could be integrated with any data system not operated exclusively by the Census Bureau under the provisions of the census statute on confidentiality. This applies to items, such as Social Security number, that might be used to match other records with census records.

B. Legislation governing the Archives of the United States was amended in 1949 and 1950 in order to make records of the Federal Government available for public inspection after 50 years or after a period agreed upon by the Archivist and the head of the agency supplying the records. The effect of this legislation on the confidentiality of census questionnaires of 1900, 1910 and 1920 is not clear.

If the integrity of the census is to be maintained, individual responses must remain confidential; release through the Archives must not be allowed to occur. If necessary, the relevant statutes should be amended so that the law will state explicitly that answers to census questions shall not be disclosed.

V. Planning and execution of the decennial census is carried on at a commendably high level of technical competence and with proper concern for comprehensiveness, accuracy, and economy. The procedures used have been refined and developed over time through a blend of experience, analytical examination of that experience, and imaginative innovation.

VI. No one can know with certainty the precise population of the United States. Evidence from the three sources mentioned below, however, indicates that the census enumeration comes close to finding the true number.

A. The procedures used in making the enumeration are well designed to count the population completely, with a minimum of duplication or omission.

B. When areas have been recanvassed as a result of suspicions of inaccuracies, the errors found have been small.

C. Independent demographic analysis produces estimates of the population at census dates that are close to the enumerated totals.

VII. However full the effort, inevitably there would be some people who would not be counted and some who would be counted more than once. It is our impression that the former would exceed the latter. Demographic analysis and similar tools have enabled the Census Bureau to develop special techniques to deal more effectively with both these problems. Although there will always be individuals who do not want to be counted, and who will succeed in avoiding the count, continuing application of resources to analysis, to community relations efforts, and to publicity will go far toward reducing this problem to a practical minimum.

VIII. There is a temptation to conclude that the enumeration figures should be adjusted upward so that they will conform with the results obtained through demographic analysis. Knowledge of the extent and distribution of inaccuracies, however, is not precise enough to commend this course.

IX. Concern about inaccuracies in census counts have been rising in a period when inaccuracies themselves have probably been declining.

A. This rising concern about inaccuracies appears to stem from increased use of census data for distribution of governmental benefits to small political jurisdictions, and from the fact that some such jurisdictions have been losing population in recent decades.

B. If there seems to be evidence of inaccuracy in the census counts sufficient to produce appreciable inequity in distribution of benefits, the various formulas for the distribution of benefits—not the data—should be adjusted.

X. A mid-decade census, designed to collect basic population data, is desirable.

A. The rapidity of economic and social change in the United States makes desirable more frequent information of kinds that can best be obtained by census techniques.

B. A mid-decade census should be developed and designed by the same "census process" as is used for the decennial census, and should entail a complete head count. It should be taken in years ending in "5".

C. A mid-decade census should be less extensive in subject matter than the decennial census, and it should give first priority to demographic elements, such as population count, basic population characteristics, and migration patterns and behavior. The Committee recommends that

1. There should be a complete-count mid-decade census; and

2. The list of questions asked of the entire population should be as brief as possible.

D. Sample surveys should be used to develop other economic and social characteristics.

CHAPTER I—DECENNIAL CENSUS PROCEDURES

The case of the 1970 census

Administrative and governmental problems in an industrialized society are massive and complex, and problem-solving demands a variety of techniques. There must be accurate and precise methods of measuring and defining problems; of determining the effects of various social and economic policies and programs; of finding whether solutions are having the desired effect.

It is no longer desirable or even possible to leave governmental decisions merely to short-term pragmatic considerations—to what a former Government official termed in another context ". . . a process of trial and error in which policy zigs and zags, reverses itself and

then moves forward in a series of incremental steps." [1]

There is little argument that in dealing with a wide variety of the problems of industrialized society, zigging and zagging must be supplmented or even replaced by consciously and rationally planned programs.

The need for such programs implies and entails a need for data. For the planning to be effective, the data that are relevant must be reasonably accurate and complete. Thus, in all industrialized countries there is an ongoing need for wide-scale statistical programs. In the United States, the linchpin of such statistical programs is the decennial census.

At the same time, however, American society has other vital needs. One that is frequently seen as conflicting with data requirements is the need for (or the right of) privacy.

Whatever the statistical requirements of American society, it is clear that there must be a thorough-going guarantee for each individual that he be free from unwarranted invasion of his personal privacy by government. Because of the vital need for both data and privacy, provision must be made for securing necessary data from citizens, all the while securing to the people complete guarantees against government-implemented or government-sanctioned intrusions.

The census in history

Although a variety of statistical information has been collected by governments throughout the recorded history of man, it was not until the mid-18th century that census-taking in the modern sense really began. Sweden was the first modern nation to initiate what can fairly be called a census, but the real impetus toward obtaining a national count of inhabitants occurred at the end of the eighteenth century, concurrent (more or less) with the American, French and Industrial revolutions.

Largely as a response to widespread interest developed by economic writings (e.g., Smith's "Inquiry into the Nature and Causes of the Wealth of Nations," and Malthus' "Essay on the Principle of Population"), Britain's first national census was taken in the year 1801.

At present, all developed nations and many developing nations are highly dependent on a variety of governmental statistical programs, for which national census programs inevitably provide the foundation. A wide range of statistical data has come to be regarded as appropriate for government compilation, publication, and use.

The census in U.S. history

More than almost any other of the world's nations, the United States can lay claim to census pioneering. Alone among census pioneers, this country specifically provided for a census procedure in its basic instrument of government; but the census tradition hardly began with national government. The basis of a statistical enumeration of inhabitants (and of other statistics gathering procedures) was laid long before nationhood was achieved.

The IXth of the Articles of Confederation specifically provided for a census among all the states. Although the Article received insufficient support on the part of the Continential Congress to be effectively implemented, censuses were effectively carried out in several of the States of the Confederation and in some cities (among them Philadelphia, Baltimore, and Charleston, South Carolina). The principle of a census of housing was clearly established in this period.

Thus, the foundation for a census was laid before the decennial census procedure was formalized in Article I, Section 2 of the Constitution:

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct."

Even the first census in 1790 involved more than a mere head count. It included information on the number of free males above and below 16 years of age, free females, and slaves. The call for free males over 16 years of age obviously was motivated by the desire of the Federal Government to have information on potential military manpower for defense purposes. From that census onward, the census inquiries, which were formulated by the Congress itself until the census of 1900, proliferated in response to increased needs felt by the Federal Government. By 1850, the inquiries included age, sex, color; whether deaf and dumb, blind, insane or idiotic; value of real estate owned; profession, occupation or trade for each male person over 15; place of birth; whether married within the year; whether attended school within the year; unable to read and write for persons over 20; and whether pauper or convict. The census inquiries by 1850 reflected the growing need of government for information with which to set policy and design programs for the problems generated by a more complex society.

The elaboration of the census schedule may be viewed and traced as a function of the new problems with which the nation was faced. For example, in 1910, a question was added on "mother tongue" to provide information on ethnic origin at a time when problems of the "melting pot" were becoming acute. In 1930, questions were added on rent or value of home and on presence of a radio set. The first of these questions was designed to get information on the social and economic status of families in the late 1920's. The purpose of the question on whether the household had a radio was to measure the diffusion of this new medium of mass communication with great significance for national defense as well as many other aspects of contemporary life, ranging from education to marketing.

By 1940 the census population schedule included the following: home owned or rented; value or monthly rental; whether on a farm; name, relationship to head of household; sex; race; age; marital status; school or college attendance; educational attainment; place of birth—if U.S., state, territory or possession—if foreign born, country in which birthplace was situated on January 1, 1937; citizenship of foreign born; country and state of residence five years earlier and whether on farm or in place of 2,500 or more inhabitants; employment status during week of March 24–30, 1940 if at work, whether in private or nonemergency government work, or in public emergency work (WPA, NYA, CCC, etc.); if in private or nonemergency government work, number of hours worked during week of March 24–30; if seeking work or on public emergency work, duration of unemployment up to March 30; occupation, industry, and class of worker; number of weeks worked in 1939; wage or salary income in 1939 and whether received other income of $50 or more; place of birth (state, territory, possession, or foreign country) of father and mother; language spoken in home in earliest childhood; veteran status, or whether wife, widow or under-18 child of veteran; whether has Social Security number, and if so whether deductions were made from all or part of wages or salary; usual occupation, industry, and class of worker; of women ever married—whether married more than once, age at first marriage, and number of children ever born.

The questions relating to internal migration reflected the drastic changes in internal migration flows and their attendant problems produced by the depression. Interest shifted from problems of immigration to problems of internal migration and, in consequence, some questions on immigration were dropped to make room for the new questions on internal migration. The new questions on years of school completed were added in response to the need for a better measurement of educational level. The old question on illiteracy had become almost meaningless because almost the entire population had become "literate" by 1940. The disastrously high level of unemployment in the 1930's generated great pressures for facts about the number and characteristics of the unemployed. The question on Social Security coverage was a sequel to the establishment of the Social Security System.

In addition to the new population questions, the 1940 census included for the first time a Census of Housing. The Congress, concerned with the growing problem of the slum and substandard housing, called for an inventory of the nation's housing supply and quality. The 1940 housing schedule included the following questions: number of dwelling units; occupancy status; tenure; color of household head; value of owner-occupied units; monthly rent of rental units; type of structure; exterior material of residential buildings; year built; conversion status of structure; state of repair; water supply; toilet facilities; bathtub or shower; number of rooms; lighting equipment; size of household; persons per room; radio; refrigerator equipment; cooking fuel; heating equipment and fuel; mortgage status; inclusion of furniture in rent.

Each of the censuses since 1940 has followed the above pattern with some modification of the inquiries listed, some omission of questions, and very few additional questions. In the census of 1950, questions related to income were extended to larger proportions of the population to meet demands from government agencies for public policy formation and administrative purposes. In the census of 1960, in response to increasingly severe problems of urban decentralization and suburbanization, transportation, and population mobility in general, new inquiries were added relating to place of work, means of transportation to work and length of residence in the dwelling unit.

The census of 1970 was in the main similar to the census of 1960 and added only a few questions on a sample basis, including those relating to occupational change, and population of Spanish origin or descent, vocational education and disability.

Methodology and processing

The rest of this chapter describes the salient features of a modern census, using the 1970 census as illustrative. A point that comes through with great clarity is the importance of methodology in assuring the accuracy of the count, and the role played by processing technology in monitoring the application of the methodology. No longer is the census conducted as an extra activity of the Federal marshals. Rather, every place that seems likely to be a dwelling place is identified, and in the mailout-mailback areas this is done *before* the census date. Enumeration of the population is essentially a process of determining how many and what kinds of persons each of these dwelling places does in fact contain on Census Day.

The methodology also explains, in a meas-

[1] Hilsman, Roger, To Move a Nation, Doubleday and Company, Inc., 1967, p. 5.

ure, the inclusion in the questionnaire of some of the housing items that critics have questioned. Under the modern methodology, even if no housing data were wanted, as such, the items needed to identify dwelling places in structures would have to be obtained for adequate enumeration of the population.

Census procedures: 1970 as prototype

One of the critically important discoveries of Western man is that many facets of the human socio-economic experience can be quantified. Governments accomplish this through their public statistical programs. In the United States, it is the national census that provides the frame of reference for such programs.

As of April 1, 1970, the United States conducted its Census of Population and Housing—the Nineteenth Decennial Census and the latest in an unbroken string of censuses taken in every year ending in zero, beginning with 1790.

Preparations for the 1970 census entered the "dress rehearsal" stage in the middle of 1967. Thus, almost 3 years before the scheduled date of enumeration, final decisions began to be reached. The goal of the Census Bureau was to develop overall plans and basic methods and materials with the expectation that they would be utilized unchanged in the 1970 census itself unless unanticipated problems or changed conditions required revisions to be made. The three test censuses that made up the dress-rehearsal program were conducted in 1968. The need for an early dress-rehearsal derives from the complexity of the operation.

The dress-rehearsal censuses were the culmination of an extensive pretest program which began in 1961, i.e., when the processing of the 1960 census results were perhaps only half completed.

In the Congress, the House Committee on Post Office and Civil Service and its Subcommittee on Census and Statistics held hearings on various phases of the 1970 census over a number of years. Hearings were also held in connection with legislative proposals that would have placed strict limitation on the questions that could be asked under the mandatory provisions of the census law (Title 13, United States Code).

In 1960, and again in 1970, supplemental surveys were conducted as part of the decennial census operation. In 1960 there were two such surveys. One was a special study of the components of change in the Nation's housing inventory (additions, demolitions, conversions from residential to commercial use, and single- to multiple-unit structures, and the reverse, etc.). The second study was a special analysis of the sources of financing for the housing inventory as it existed in 1960 to provide information on the value of units owned outright; the use of family loans, conventional loans (banks, savings and loan associations, insurance companies, etc.), and Government-insured loans; the terms and rates of financing; the use of multiple source of financing, and similar subjects.

The supplemental surveys are distinguished from the regular census by the fact that they are not conducted precisely on April 1 of the decennial year. In addition, field staff is specifically recruited for this purpose. Moreover, these surveys cover a much smaller sample of households than the regular census. The mandatory and confidentiality requirements of the census apply to the supplemental surveys. In the 1970 census, the survey of components of change in housing and the residential finance surveys were repeated. In the former, 300,000 housing units were included and the latter involved 65,000 properties. In addition, a special supplemental survey dealing with barriers to employment, involving about 210,000 households was developed. This survey was designed to meet the special needs of Government agencies concerned with problems of people residing in areas with substantial poverty in the Nation's larger cities and in some rural areas, The subjects included educational history and training for work, specific barriers to employment, aspirations and attitudes towards work, as well as information on work experience and general demographic and economic characteristics.

The questions in the supplemental surveys were reviewed and discussed with several Advisory Committees and the Inter-Agency Committee on the 1970 Census of the Office of Management and Budget. They also were discussed at the hearing conducted by the Subcommittee on Census and Statistics of the House Committee on Post Office and Civil Service.

Technically, the 1969 Census of Agriculture also was part of the 1970 Decennial Census although the purposes and methodology are quite different. The Census of Agriculture, taken every five years, collects data on farming as an economic activity.

Subject content

The inquiries included on the 1970 questionnaires were selected by the Census Bureau under the supervision of the Secretary of Commerce. The questions were selected after lengthy consultation and careful deliberation, and with special emphasis on the needs of the Federal Government. The Bureau invited suggestions from users everywhere. The Bureau also made direct effort to obtain suggestions and comments through intensive discussion with many individuals, organizations, and Federal agencies, and in a series of locally sponsored public meetings in 23 cities across the country. In addition, recommendations were obtained from the several advisory committees with which the Bureau consults periodically on various aspects of the Bureau's program.

These committees, which average about a dozen members and meet several times a year, are established by professional organizations such as the American Statistical Association; or by the Bureau itself, e.g., a committee of population specialists drawn largely from universities. They provide an organized and regular channel of communication between the Bureau staff and professional experts in the relevant fields. The Committee members receive no salary from the Bureau and recognize clearly that their role is advisory, not decision-making.

Within the executive branch of the government, close liaison has been maintained on all census matters with the interested agencies through the Federal Council on the 1970 Census. This is a group representing about 40 agencies with a considerable interest in the census results, established and chaired by the Office of Statistical Policy in the Office of Management and Budget. Cabinet members and high-ranking members of the White House and Executive Office staffs devoted a great deal of time to resolving interagency differences.

From the beginning, it was recognized that there would likely be many proposals that would not be feasible. The Bureau felt, however, that an open-door policy, despite its inevitable frustrations, would yield a better census than starting with a restricted view of the possibilities for enhancing the value of the census to users.

Of the numerous questions proposed, many were ruled out as not being in the broad public interst, which is the first criterion for possible inclusion. Others were vetoed as too complex or too personal, as more appropriate for a national sample survey than for the large-scale coverage implicit in a census, or for similar relevant reasons. And after the list was thus pruned, further cuts had to be made on a priority basis to get within the limits of the available resources and to avoid imposing an unreasonable burden on the respondent.

The 1970 and 1960 census subject items are quite similar. The dominant tone through most discussions of 1970 content was greater exploitation of the existing subjects by more intensive cross-tabulation and by providing additional data for small areas. Thus, while a number of new items have been added on a sample basis primarily to meet the program needs of Federal agencies, the subject needs that the decennial census serves have not changed radically during the decade.

Collecting the data

In larger metropolitan areas and some adjacent counties, householders were asked to fill in 1970 census questionnaires and mail them back to the local census office. These households represented about 60 to 65 percent of the total U.S. population. Enumerators obtained the necessary information from households that either did not respond or returned incomplete questionnaires. For the balance of the country, the traditional house-to-house canvass was used, supplemented (as in 1960) by the distribution to all households shortly before Census Day of a questionnaire containing the 100-percent population and housing questions.

Over a span of approximately six months in 1969, about 35 million individual address labels were printed from a computer tape containing city-type residential addresses. These addresses were derived from a commercial mailing list. The use of such a list was decided upon after testing and review of alternative approaches. A particular commercial list with nationwide coverage of essentially urban areas was purchased. The approach offered a number of economies and flexibilities and the list's deficiencies in the geographic detail needed for the census operation could be overcome without excessive additional cost.

These address labels contained apartment designation (in multi-unit structures), house number, street name, city, State, and postal ZIP code; they did not contain the name of the householder. Each label was affixed to a card, and the cards turned over to the Post Office Department for transmittal to the appropriate letter carriers. The carriers checked the cards for completeness and accuracy, i.e., nonexistent addresses were marked for deletion, incorrect addresses corrected, and addresses for which the carrier did not have a card were listed for addition. The cards and lists were returned to the Census Bureau and the necessary revisions made in the computer tape.

The corrected tape was then processed through an address coding guide (see "Geographic Detail" below) so that each address had allocated to it the necessary geographic information, e.g., block, ward, city, county, etc. Finally, the addresses were identified by the census field control codes for district office, enumeration district, and serial number within the district; and each address was designated through a random-start serialization technique to receive one of the three types of questionnaires.

The first type contained 22 basic demographic and housing questions.

The second form contained the basic questions plus additional questions on housing, income, occupation, consumer durables and other subjects. This form was received by 15 percent of the households.

The third form contained the same number of questions as the second form but a few questions were substituted. It was sent to five percent of the households.

In other words, all households were asked 22 basic questions, but one family in five was asked to file a longer form—either questionnaire No. 2 or No. 3.

In addition to an enumeration of the entire population, this arrangement provided

scientific samplings of 20 percent, 15 percent, and 5 percent of the total.

Thus, costs were reduced by limiting the long questionnaires to 20 percent of the population. Yet, the information gives an accurate picture of population characteristics.

Certain addresses were identified as "special places"—e.g., institutions, large boarding houses, hotels, etc.—and instead of a questionnaire, they received a standard letter stating that an enumerator would visit the place to collect the information.

From this tape containing corrected, geographically identified, field-coded, and sample-designated addresses, two primary sets of materials were printed. One was individual address labels, which were affixed to mailing pieces; the mailing piece contains the appropriate type of questionnaire, an instruction sheet, an explanatory letter from the Secretary of Commerce, and a return envelope. (In selected areas, the mailing piece also included a Spanish translation of the instruction sheet.) The other was a listing—or, in census terminology, an "address register"—of all the addresses in the particular enumeration district.

This process, unfortunately, could not relate to an entire metropolitan area, but only to the portion that receives city delivery service from the Post Office Department. To cover the balance of the metropolitan area, temporary census employees performed a special address listing operation some months before the census. This operation yielded handwritten enumeration district address registers and hand-addressed mail pieces comparable to the computer-produced materials described above.

The Bureau recognized that in some of the more congested sections of large cities this procedure would not have been adequate to identify all residential addresses. Accordingly, provision was made to conduct a special field survey in 45 such areas, located in 19 major cities. This was done in advance of the census and provided an additional source of addresses. The work was done by persons familiar with the local situations and competent in the language commonly spoken in the area.

In the mail-return areas, householders were requested to fill out and mail back their questionnaires on Census Day. This request was reinforced by a widespread publicity campaign.

Within a few days after Census Day, review of the mail returns began. Incomplete questionnaires and nonresponse cases were followed up. The end purpose of the operation was to have a complete questionnaire for each address in the register, or an explanation in the register why a listed address is not to be included (e.g., it is really part of another housing unit, or it is not a residential address despite the letter carrier's belief).

Two variants of the mail-out/mail-back system were used in 1970. Under one approach—designated "decentralized"—the mail returns for the particular enumeration district were given to the enumerator to be checked in against the address register, reviewed for acceptability, and, as necessary, followed-up by telephone, if possible, or by personal visit. The enumerator was also, of course, responsible for visiting all addresses from which a mail return was not received.

The mail-out/mail-back system was developed after many years of study and field testing. This includes certain experiments conducted during the 1950 census and the experience with self-enumeration in the 1960 census, as well as the several 1970 census pretests. The primary purpose of the mail system was to improve coverage; a welcome additional benefit was to increase confidentiality. As a final check on the work of each field enumerator, the supervisor checked against every address in the address register to make sure that it was accounted for by an appropriate questionnaire or explanation of the absence of one; for example, that the unit had been demolished or converted to nonresidential use.

By bringing the specialized knowledge of the letter carrier into the census process and by the repeated checks which this system made feasible, improvements in coverage were made in the test areas in particular, the underenumeration that results from the enumerator's missing entire structures and their residents was virtually eliminated.

Questionnaires were returned by 87 percent of the households in the mail-return areas. There was relatively little difference in the mail responses between the long and the short forms. Enumerators contacted every household from which a questionnaire had not been received.

The mail-return system was not used for the remaining 35 to 40 percent of the country because the procedure involves more complex administrative and control operations than direct enumeration methods and is essentially a mass production process that requires a large workload for its economical execution. It was, therefore, not considered feasible for 1970 to operate and control such a process in the less densely populated parts of the country. Furthermore, in these areas a comparatively large portion of addresses are of the type which require a special listing operation, thus potentially raising unit costs beyond the anticipated house-to-house canvass levels.

In the non-mail-return areas, a technique much like the 1960 "single stage" approach was used. Four days prior to Census Day, letter carriers delivered to every housing unit an unaddressed short-form questionnaire identical in content with the one used in mail-return areas. The purpose of this advance distribution was to obtain the advantages of self-enumeration for the 100-percent items. At every fifth unit, the 1970 enumerator completed the same long form (15 percent or 5 percent) questionnaire as the ones used in the mail area.

Improvement efforts

In addition to the coverage improvement afforded by the existence of control lists of address, a major quality check in the 1970 census was a special audit of housing units reported as "vacant" by census enumerators. This audit was conducted immediately after the field canvass on a sample basis by the regular interviewers on the Bureau staff who are more experienced in interviewing and who have received more training than the census enumerators. This intensive follow-up audit found a certain percentage of the units that, according to proper application of the census residence rules, should have been classified as occupied and the inhabitants enumerated. The improvement achieved by this check had a measurable impact, adding about 1 million persons, or one-half of 1 percent of the total count, well dispersed over all areas.

Another quality effort was the post-enumeration check by the Post Office in areas in which the mail-back procedure was not used. The addresses listed by the enumerators as they canvassed their areas were transcribed to white cards and turned over to the Post Office, where they were sorted by carrier routes. Each carrier was then asked to review the white cards and to prepare a blue card for each address on his route for which he was not given a white card. The blue cards then became the basis for followup to make sure the household was added to the census rolls if it had not been recorded by the enumerator. Because this procedure is both time-consuming and relatively expensive, it was used in 16 States where earlier experience indicated this procedure would most likely be useful. This procedure added about 0.8 percent to the total population count for these 16 States.

Another significant innovation adopted for the 1970 census was the employment of full-time community educators to work with organized minority groups well in advance of Census Day.

Twenty community educators were appointed in regional offices to call in person on prominent members of minority groups, including religious leaders, community leaders, elected officials and radio personalities. Particular efforts were Puerto Rican-Americans, Chinese-speaking people, and American Indians. Strong support and cooperation were received from the Urban League, the National Association for Advancement of Colored People, the Cabinet Committee on Opportunity for the Spanish-Speaking, and the Puerto Rican Government, as well as many community organizations, members of the clergy, the press, and the entertainment industry. While the impact of this effort cannot be quantified, the belief is that it helped significantly in reducing the under-representation among minority groups identified in the post-analysis of the 1960 census. The Bureau plans to expand this activity in future census efforts.

Other measures introduced or greatly expanded in 1970 to improve the quality of census coverage included: (1) a special check in large cities of the coverage of persons moving from one address to another within the period immediately preceding and following the census date; (2) special foreign language translation of questionnaires and instruction sheets used in appropriate areas; (3) telephone assistance centers; (4) locally organized personal assistance centers; (5) bilingual enumerators to aid householders in completing census reports; and (6) smaller enumerator assignments, smaller supervisory assignments, and higher pay rates in difficult-to-enumerate areas together with a manifold increase in the deployment of experienced census staff to assist temporary workers in preparing for and executing the work.

Geographic detail

The 1970 census is producing statistics for the same types of geographic areas as in the past, for example, blocks, enumeration districts (or groupings of blocks), tracts, minor civil divisions, unincorporated places, cities, counties, urbanized areas, standard metropolitan statistical areas and States. In addition, there are a number of important expansions and improvements.

The census tract program was extended to cover all standard metropolitan statistical areas. This expansion increased the number of tracts from the approximately 25,000 in 1960 to close to 35,000 in 1970.

The city block program, essentially limited to the corporate areas of cities of 50,000 or more in 1960, was extended to cover most or all of the urbanized area around these cities in 1970. As in 1960, the Bureau collected and tabulated statistics by block for other communities at their request and expense. Altogether, the number of blocks for which data will be available will increase from approximately 750,000 in 1960 to about 1,500,000 in 1970.

Processing the data

The questionnaires used in both the mail and conventional systems of data collection are identical in content and format. Thus, they can be handled in the same way at all stages of processing. Furthermore, these questionnaires are designed for use with the Bureau's Fosdic equipment, i.e., the Film Optical Sensing Device for Input to Computers, a machine which is capable of "reading" information from a microfilm copy of an appropriately designed and marked schedule and transferring it to magnetic tape for processing by electronic computers.

This device is not used to recognize characters, but only to read marking positions. It was developed for the 1960 census by the

Census Bureau in cooperation with the National Bureau of Standards, and has been used very successfully in other Bureau programs since 1960. A portion of a 1970 census Fosdic questionnaire is shown below. For most answers, the respondent or enumerator marks the reading circles himself; for such items as occupation and income, a clerk marks the reading circles in a central office manual coding operation.

ILLUSTRATIVE PORTION OF THE 1970 CENSUS FOSDIC QUESTIONNAIRE

Date of birth							8. What is each person's marital status?
5. Month and year of birth and age last birthday	6. Month of birth	7. Year of birth					
(Print)	(Fill 1 square)	(Fill 1 square for 1st 3 numbers)		(Fill 1 square for last number)			(Fill 1 circle)
Month	☐ Jan.-Mar.	☐ 186-	☐ 192-	☐ 0	☐ 5	☐ Now married	
	☐ Apr.-June	☐ 187-	☐ 193-	☐ 1	☐ 6	☐ Widowed	
Year	☐ July-Sept.	☐ 188-	☐ 194-	☐ 2	☐ 7	☐ Divorced	
		☐ 189-	☐ 195-	☐ 3	☐ 8	☐ Separated	
Age	☐ Oct.-Dec.	☐ 190-	☐ 196-	☐ 4	☐ 9	☐ Never married	
		☐ 191-	☐ 197-				
Month	☐ Jan.-Mar.	☐ 186-	☐ 192-	☐ 0	☐ 5	☐ Now married	
	☐ Apr-June	☐ 187-	☐ 193-	☐ 1	☐ 6	☐ Widowed	
Year	☐ July-Sept.	☐ 188-	☐ 194-	☐ 2	☐ 7	☐ Divorced	
		☐ 189-	☐ 195-	☐ 3	☐ 8	☐ Separated	
Age	☐ Oct.-Dec.	☐ 190-	☐ 196-	☐ 4	☐ 9	☐ Never married	
		☐ 191-	☐ 197-				

Evaluation program

The Bureau is conducting a large-scale formal evaluation program for the 1970 census, as it did for the censuses of 1950 and 1960. Between 1 and 1½ percent of the overall budget is devoted to this activity. The general scope of the 1970 program has been determined, although there are unresolved issues that could, in a few instances, make the difference between inclusion and exclusion of specific projects.

Broadly speaking, there will be (1) another round of readings on certain aspects of both coverage error and reporting error such as took place in 1950 and 1960; (2) an evaluation of innovations in census procedure, such as address register, computerized geographic coding, and coverage improvement devices used in 1970 for the first time; (3) an evaluation of questions new to the 1970 census; (4) some exploration of the causes and correlates of error; and (5) tests and experiments looking towards the prospects for modifying census methods in the future.

In many cases, quality evaluations will be made for the mail census areas separately from the conventionally enumerated areas; comparisons of procedures will, of course, be qualified by differences between the two types of areas. The designation of the sample—performed differently in the two types of areas—will be subject to more detailed checks in 1970 than in 1960 to test for potential biases. A carefully drawn field experiment is also being conducted, specifically designed to test the feasibility of extending the mail techniques in the future to areas conventionally enumerated in 1970.

CHAPTER II—PRIVACY AND CONFIDENTIALITY

In the course of a lifetime, each individual encounters many situations in which he is expected or required to disclose information about himself to some agency of government—Federal, State, or local. Much of this information is needed by government to determine whether the individual is to be accorded certain privileges or is qualified to exercise certain rights. In these cases the individual generally takes the initiative, and presumably benefits from having subjected himself to the need to provide information about himself. Examples are qualifying to vote, to drive an automobile, or to obtain a passport, or establishing competence to operate a licensed or regulated business or to practice a licensed profession.

The individual is also required to provide some kinds of information to government, in the course of fulfilling obligations to which he is subject as a member of a governed (or political) community, regardless of whether he expects to benefit from the disclosure. Cases in point are reporting income, property, or activities to make possible assessment of tax liabilities; registration of young men for Selective Service, and (subject to protection against self-incrimination) providing information helpful to the administration of justice.

Nevertheless, in the United States the individual may engage in many activities without incurring any obligation to provide information to government at any level about the activity itself. He may be required to obtain a license to operate an automobile, for example, but he is generally under no obligation to report where he is going, or why. He may have to provide information about his house so that his real property tax can be levied, but he is not required to account for his visitors or receive permission to entertain them. With few exceptions, he may spend his income as he sees fit without either accounting for his decisions or obtaining permission.

The information disclosed by individuals to obtain privileges or fulfill obligations (e.g., to obtain a driver's license or report taxable income) is often used also for statistical purposes. The primary purpose and justification for the collection of such information, however, is directly related to the individual and the possibility of action relating to him as an individual.

On the other hand, census information is collected solely for statistical purposes. The identity of individual information is strictly guarded. This does not mean that the Census Bureau should be given carte blanche to ask any questions in which some member of the statistical office or some government agency, may be interested. The Government's need to know must be balanced against the accepted norms of the society, which change from time to time. Although it is difficult to draw hard and fast lines, there are spheres of human behavior which should not be invaded by the government. For example, it would be inappropriate for a census to ask the individual how he voted in an election, or even how he intends to vote. Such an inquiry would clearly be an infringement on the principle of the secret ballot, and inclusion of such a question would justifiably raise questions about the intent of the entire operation.

The Right of Privacy

Some activities, indeed, are protected against governmental inquisitiveness by explicit constitutional provisions and judicial interpretations. The individual may express views on public issues, or keep his own counsel, without having to explain his views. He may attend or avoid religious observances without describing his creed. He may participate in, or refrain from, political activities without being subjected to governmental tests.

Over the years, agreement has developed that individuals have a "right of privacy" that goes beyond the particular protections specified in the First, Fourth, Fifth, and Fourteenth Amendments to the Constitution. This general right of privacy is not independent of these constitutional protections, but rather has been found logically and practically necessary to make the specific protections effective. The content of this right of privacy is difficult to state comprehensively because, to a large extent, it derives in any particular case from the relation of the facts of the case to the current judicially recognized meanings of the specific constitutional provisions.

The state of privacy exists when there is a boundary through which information does not flow from the persons who possess it to others. Two types of privacy may be distinguished: one, that involving the flow of information about the person to other persons; and second, that involving the flow of information about the person to agencies and institutions, public and private.

In modern life there are many more agencies and institutions that obtain information about the person than was true in the past. In the private sector, for example, sales agencies, credit agencies and private collection and detective agencies obtain information about the person which is often interchanged and used without his consent or knowledge. Similarly in the public sector, government regulatory and administrative agencies obtain information about the person which may be interchanged and used for various legal purposes—as in the case of cooperation between the Internal Revenue Service and the Department of Justice in the enforcement of income tax laws.

Another type of information about a person is provided to the Government. This information, however, is for statistical purposes only, as in the census, and there are legal safeguards guaranteeing the confidentiality of information. That is, in connection with the flow of information to the census, the law contains provisions that prevent the Census Bureau from making the information available to any other agency, public or private, and the Bureau can use it only for statistical purposes.

Obviously, privacy does not exist in any absolute sense any more than freedom does. Privacy, as freedom, is meaningful in a human society only in its social context. It is the social milieu which determines the boundaries through which information may not flow and, also, the nature of the information which may be defined as private. In the rural style of life in 1790, for example, it would perhaps have been difficult to justify the government's interest in whether the household enjoyed exclusive use of bathroom facilities. But at the present time, with the existence of slums and substandard housing and in the light of public policies on housing and urban renewal, the government needs such information in summary form to measure the number, proportion and location of housing of substandard quality. To claim that this census question now constitutes a violation of privacy is to contend that the interests of the individual transcend the interests of society and should have priority over the public's efforts to eliminate slums and substandard housing. In light of the need of the government for information critical to the determination of policy and the administration of programs that the Congress and the President have agreed are vital to the social

and economic well-being of the Nation, it is sometimes necessary for the individual to agree to give information that he would not be willing to disclose under other circumstances.

One element in the right of privacy frequently referred to is "the right to be left alone." Perhaps a similar element is included in the proposition that "the right of free speech includes the right to be silent." An extension of these elements is the idea that, when an individual gives information that he has the right to withhold, he is giving it in a particular context or in response to a particular question; use of this information in a different form, or as an implied answer to a different question, may then be an invasion of privacy. Included in this idea is the notion that if the information given is retained, it must be recorded accurately and with an adequate explanation of the circumstances of the disclosure and of any qualification that accompanied it.

The idea that information is given in a context, for a particular purpose, and to a particular person or agency also gives rise to the idea that use of the information in a different context, for a different purpose, or by a different person or agency may breach the right of privacy. Part of the inducement to answer a question is a promise that the information will be held in confidence and will never be used "to the detriment of the persons to whom such information relates," (USC Title 13, Sec. 8). Thus, disclosure or permitting detrimental use may be regarded as a breach of the right of privacy, as well as a breach of confidence. When the circumstances of collection imply or stipulate that the information may be made available to others, does the individual have a right to know when such others have requested, or been given, access to his information? Some would say yes.

Even granted this right of privacy—under which the individual is generally free to think, to speak, and to act without being required to give an account of himself—there is one set of circumstances under which he may be questioned and required to answer. If a legislature asserts that a change in law might be desirable, and that an individual has information that would be useful to the legislature in making its decision, the individual may be required to answer questions that might otherwise be considered to invade his right of privacy—short of making him incriminate himself under laws already in force, or otherwise interfering with his constitutional rights.

Government need versus individual rights

Thus, the right of privacy may be limited in order that public policy may be better developed or executed.

At least one court decision suggests the importance of census inquiries: "The authority to gather reliable statistical data reasonably related to governmental purposes and functions is a necessity if modern government is to legislate intelligently and effectively." [2] The trial judge had said in his decision, "Congress has the power to compel relevant testimony necessary for legislative purposes." [3]

In opening hearings of the Senate Subcommittee on Constitutional Rights, Senate Judiciary Committee, in 1969, Senator Sam Ervin said:

"Somewhere a balance must be struck between the individual's desire to keep silent and the government's need for information. If it is proved necessary to invade certain rights, clearly it is the constitutional duty of Congress to establish precisely how and under what circumstances this may be done. . . ." [4]

Congress has, of course, been performing this constitutional duty. Since the Tenth Census Act, providing for the 1880 census, Congress has progressively tightened the statutory protection of the confidentiality of information provided by individuals in response to census inquiries.

In 1929 the basic statute that now governs the census was enacted. This statute (Title 13, U.S. Code) provides that "The Secretary (of Commerce) shall prepare schedules, and shall determine the inquiries, and the number, form, and subdivisions thereof, for the statistics, surveys, and the censuses provided for in this Title."

Thus, under the present statute, officers of the Executive Branch decide what questions are to be asked in the census, and of whom they are to be asked. There is nothing improper in this, of course. Delegation of legislative authority, under adequate standards, is a recognized feature of our legal system. Congress has established standards for the conduct of censuses, and participates continuously in the census process through the appropriation of funds and through committee review of the Census Bureau's operations.

The current census act arose out of a realization that taking adequate censuses in the modern American society is a technically exacting task that is much better done by a continuing trained staff of experts than by a legislative body.

Since 1929, techniques of designing questions, designing samples, motivating response, processing data, evaluating all elements in the process, and the host of other aspects of successful data-gathering have all become much more sophisticated and dependent on full-time technical competence.

The inquiries included in the census are determined by the Director of the Census (an official appointed by the President with the advice and consent of the Senate), with the approval of the Secretary of Commerce. Furthermore, under the Federal Reports Act of 1942, the census schedule is also reviewed by the Office of Management and Budget. In designing the census schedule, the Director of the Census is guided by a professional staff and a number of advisory committees made up of representatives of business; labor; educational and research organizations; religion; Federal, State and local governments; and the general public. The guiding criteria for the inclusion of questions in the census schedule are that the information to be obtained is in the national interest and that it can with reasonable input be provided by the public. These procedures should be retained.

Those involved in the process of applying these criteria must take into account the sometimes sensitive questions of public acceptability. Even a question accepted at one time may arouse a furor at another. A prime example was the question on basic plumbing facilities, which, although used in previous censuses, evoked more discussion in the preparation period for the 1970 census than any other issue.

Contrary to the impression frequently conveyed by news media, the question was prepared for the census to read simply:

"Do you have a bathtub or shower?

—— Yes, for this household only.

—— Yes, but shared with another household.

—— No bathtub or shower"

In the process of reviewing the Bureau's preparation for the 1970 census, Secretary Stans requested that the second alternative answer to the question be phrased as follows:

—— "Yes, but also used by another household."

This provided the same information in a manner that appeared to be less objectionable to the critics who had contended that the question was in poor taste.

This question, as experience since 1940 has shown, provides basic information the quality of housing. With the government programs of urban renewal and public housing and with the need of the construction and related industries for knowledge about the Nation's housing supply and its quality as a basis for private housing construction and marketing, the justification for and the utility of this question are clear.

Once the census questions are determined, the information is collected in accordance with two basic principles. The first is that responses are required by law under penalty, which has been the law since the first census. The second principle is that the information collected by the census is for statistical purposes only and is collected under a guarantee of confidentiality.

The law imposes penalties on any Census Bureau employee who discloses census information about any person—penalties that, very properly, are more severe than those for refusal to answer the census questions. Census employees, including enumerators, are under oath and under penalty to preserve the confidentiality of the data not only during the term of their employment but even after they no longer are working in the Bureau. Emphasis is placed on his point in the training of census employees. The oath of office for the employee follows:

"I will not disclose any information contained in the schedules, lists, or statements obtained for or prepared by the Bureau of the Census, to any person or persons, except as designated by the Director in accordance with law."

Information provided by the individual is used only for the purposes for which it is given, only by those to whom it is given, and only in the context in which it is given. These are the principal elements in the confidentiality aspect of privacy.

In the history of the United States there is no evidence that the promise of confidentiality has not been scrupulously honored by Census officials. Moreover, the Attorney General of the United States and the courts have consistently held that any census information about an individual is not subject to scrutiny by any other agency of government or by any organization other than the Census Bureau itself. As judged by the cooperation of the public, the vast majority of the American people have come, over the decades, to have confidence in the integrity of the census.

On some occasions in the past, high government officials who may not have been fully aware of the rigidity of the Census law have approached the Census Bureau for individual information and have always been turned down.

Thus the law has worked. The promise of confidentiality has been kept. This performance is the best practical evidence citizens have that the information they furnish will remain confidential.

Removal of doubts about confidentiality

In view of this, the Government should take whatever action may be needed to preserve this record. One situation requiring immediate action involves records of some past censuses now in the custody of the National Archives.

Some 20 years ago, changes in the law regarding storage of historical files required that most Government records be put into the custody of the Archivist and made avail-

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[2] *United States of America* v. *William F. Rickenbacker*, 309 F. 2d 462, cert. denied, 83 S. Ct. 542 (1963), citing *United States* v. *Moriarity*, 106 F. 886, 891–892.

[3] *United States of America* v. *William Rickenbacker*, United States District Court, S.D. New York (unreported Docket No. 61 Cr. 274, April 24, 1962) citing *Barenblatt* v. *United States*, 1959, 360 U.S. 109.

[4] Hearings on S. 1791, before the Subcommittee on Constitutional Rights, Senate Judiciary Committee, April 24, 1969.

able to the public after 50 years, or such other period as could be agreed upon by the Archivist and the head of the agency supplying the records.

In 1952, an agreement was reached between heads of the National Archives and the Census Bureau to store the complete records of all decennial censuses up to 1950, in the Archives. It was stipulated that the questionnaires would be made available for "legitimate historical, genealogical or other worthwhile research" 72 years after the date of collection. Thus, confidentiality would be preserved only during what might be considered a normal lifetime.

The only information revealed so far under this agreement is that contained in fragments of the 1890 census, which was collected under a less rigorous law concerning confidentiality, than were the 1900 and later censuses. Most of the questionnaires of that census were destroyed in a fire, but the remnants were made available to researchers in 1962.

The 1900 census records, which were gathered under the present strict law of confidentiality, would be released in June 1972, under the terms of this agreement. It is this Committee's view that this should not be allowed to occur.

The present director of the Census Bureau, Dr. George H. Brown, should be commended for his efforts to have the 1952 agreement abrogated. At this writing, however, his request to the present Archivist to change the agreement was still under consideration.

There is no doubt that release of the 1900 census records would help settle some lawsuits and would be of great value to researchers and others. Nevertheless, there are two considerations of much greater importance—one a matter of practicality, another a matter of principle. First, there are 13 million persons now living who, unless they immigrated to the United States after the turn of the century, presumably were counted in the census of 1900 and release of the information about individuals could be injurious to some of them; second, and more important, release of this information would constitute a violation of the pledge of confidentiality that is not only contained in the law but has been repeated countless times by Presidents, Cabinet officers and other high officials for decades.

There is some doubt about the legal validity of this agreement made between the Director of the Census, a Presidential appointee, and the Archivist, who is appointed by the Administrator of General Services. There is substantial legal evidence that the law on confidentiality would prevail in a court test and that the records would be declared beyond the realm of the law on storage and handling of records. It is conceivable, however, that a court could declare the agreement invalid and require release of record 50 years after enumeration as stated in the Archives law.

An opinion by the U.S. Attorney General could resolve some of these doubts. In a broader sense, however, the effectiveness of the Government guarantee on confidentiality is seriously impaired as long as there is any possibility that these records can be opened to general inspection at any time.

Thus, the Committe feels that the President and the Congress should take action, including new legislation if necessary, to remove all doubt.

Confidentiality and cooperation

The Committee concludes that there is an inherent conflict between the individual's right of privacy, on the one hand, and the use by Government of mandatory processes to obtain information it needs for valid governmental purposes, on the other. The Committee also concludes that, in the case of the decennial census, the scrupulous respect that has been shown for the confidentiality of data obtained by mandatory processes by both the law and the Census Bureau's performance, has minimized ill-effects that might otherwise flow from that conflict.

The Committee believes, therefore that provisions for mandatory reporting should be continued to assure no deterioration in the completeness and quality of census data. Effective penalties for nonresponse should be retained.

As new national needs arise, some information previously neither needed nor desired by government has become necessary in the public interest. On the other hand, types of information sometimes desired by government or private agencies may actually not be needed and, therefore, should not be collected. As a matter of principle, information about the person should not be collected by the census unless there is a clear public need for it and then only under conditions of confidentiality which give complete assurance that the information is to be used only for statistical purposes.

In the long run, continued cooperation with the census in responding to its inquiries may be expected as long as the census continues to have a limited content and a limited purpose, and the Census Bureau continues to have no regulatory duties. But this cooperation will, of course, be jeopardized if confidence in the Government is shaken.

Safeguards in the future

As areas previously private are necessarily opened to government in the interest of society as a whole, the safeguards must be further developed and strengthened to provide assurance that information provided by the individual to the government can be used only for statistical purposes. It is entirely possible to assure that such information is made available only in aggregate form—in statistical form—and never in the form of information about a specific individual. Increased safeguards in respect to the confidentiality of the information about an individual must accompany increased information obtained for statistical purposes. Provisions for confidentiality already exist in respect to the census and not only must the principle be maintained but it should also be expanded to other areas in which the individual is required to provide information for statistical purposes to the government. In keeping with this principle any discussion concerning central data banks should be carefully reviewed to assure there is no violation of provisions for confidentiality.

In the Committee's view, the Government's guarantee of confidentiality must continue to be absolute. The need and desirability for more information in aggregate statistical form must not be used as an excuse for compromising the guarantees of confidentiality.

Although confidentiality has been protected in the past, creative vigilance will be required in the future because enumeration methods, data-handling technology, and the needs of governments and other data users all are changing at a rapid pace. A special group is needed to counsel on such changes as well as any changes in the attitude of the general public on the privacy issue. An Advisory Committee on Privacy and Confidentiality should be established to assist the Director of the Census on matters relating to protecting the right of citizens against disclosure of census data for individuals. It should also explore the possibility that technological innovations can be used as additional safeguards for confidentiality. This committee should be composed of members especially concerned with the constitutional rights of individuals and minorities as well as statisticians and members of other disciplines who have an interest in obtaining data.

It should be recognized that in data collection the name of the person is essential to assure accurate enumeration; in records that are retained, however, the name should be separated from the main body of information, and should be attached only to a limited number of items needed for certification of the person's age, citizenship or relationship in the household.

Failure to collect and compile census data would severely handicap governments—State and local as well as Federal—in their administration of many programs affecting among other things health, housing, urban renewal, education, poverty, welfare, agriculture, employment, and national defense; and severely handicap many activities in the private sector, ranging from efficient production and marketing activities to the administration of private, civic and welfare programs.

Thus, we look to continued maintenance through the census process of both the citizen's privacy and the provision of vital data to the government for furtherance of the larger social good.

CHAPTER III—CENSUS DATA: NEEDS AND USES

A. The Federal interest

The Federal Government is the principal user of the census. There is, as a matter of record, no major Federal branch, department, or agency that has not at some time (and usually as a matter of course) made significant use of information derived either directly or indirectly from the decennial censuses.

"The population census is probably the most prolific and fundamental source of information about a nation . . . It reveals not only the basic demographic trends, such as population growth, internal redistribution, urbanization and alterations in the age and sex structure, but also contributes indispensably to a knowledge of changes in the nation's occupational and industrial composition, in its level of living, education and employment . . . Above all, the census makes possible the estimation of future trends and is therefore essential to all kinds of planning: national, local, public and private. It is essential for knowing future military and economic manpower potentials, future consumer needs, forthcoming school requirements, future growth in metropolitan areas, potential costs of social security measures, future requirements for highways, utilities, parks, water, energy and health services."[5]

Statutory Authority for the Decennial Census

The following sections quote the principal passages in Federal statutes providing for the conduct of the Decennial Census and for other data-collection projects conducted by the Census Bureau.

1. Title 13, Section 5, U.S. Code. "The Secretary (of Commerce) shall prepare schedules, and shall determine the inquiries, and the number, form, and subdivisions thereof, for the statistics, surveys, and the censuses provided for in this title.

2. Title 13, Section 131. "The Secretary shall take, compile, and publish censuses of manufacturers, of mineral industries, and of other businesses, including the distributive trades, service establishments, and transportation (exclusive of means of transportation for which statistics are required by law to be filed with, and are compiled and published by, a designated regulatory body), in the year 1964, then in the year 1968, and every fifth year thereafter, and each such census shall relate to the year immediately preceding the taking thereof."

3. Title 13, Section 141 "(a) The Secretary shall, in the year 1960 and every ten years thereafter, take a census of population, unemployment, and housing (including utilities and equipment) as of the first day of

[5] Davis, Kingsley, Census, Encyclopedia Britannica, Vol. V, 1967.

April, which shall be known as the census date. (b) The tabulation of total population by States as required for the apportionment of Representatives shall be completed within eight months of the census date and reported by the Secretary to the President of the United States."

4. Title 13, Section 142. "(a) The Secretary shall, beginning in the month of October 1959, and in the same month of every fifth year thereafter, take a census of agriculture, provided that the censuses directed to be taken in October 1959 and each tenth year thereafter, may, when and where deemed advisable by the Secretary, be taken instead in conjunction with the censuses provided in section 141 of this title. (b) The Secretary shall, in conjunction with the census of agriculture directed to be taken in October 1959 and each tenth year thereafter, take a census of irrigation and drainage."

5. Title 13, Section 161. "The Secretary shall take, compile, and publish for the year 1957 and for every fifth year thereafter a census of governments. Each such census shall include, but not be limited to, data on taxes and tax valuations, governmental receipts, expenditures, indebtedness, and employees of States, counties, cities, and other governmental units."

6. Title 13, Section 181. "The Secretary may make surveys deemed necessary to furnish annual and other interim current data on the subjects covered by the censuses provided for in this title."

7. Title 13, Section 195. "Except for the determination of population for apportionment purposes, the Secretary may, where he deems it appropriate, authorize the use of the statistical method known as 'sampling' in carrying out the provisions of this title."

8. Title 13, Section 301. "The Secretary is authorized to collect information from all persons exporting from, or importing into, the United States and the noncontiguous areas over which the United States exercises sovereignty, jurisdiction, or control, and from all persons engaged in trade between the United States and such noncontiguous areas and between those areas, or from the owners, or operators of carriers engaged in such foreign commerce or trade, and shall compile and publish such information pertaining to exports, imports, trade, and transportation relating thereto, as he deems necessary or appropriate to enable him to foster, promote, develop, and further the commerce, domestic and foreign, of the United States and for other lawful purposes."

9. Housing Act of 1949 (Public Law 171, 81st Congress), Section 607. "(a) The director of the Census is authorized and directed to take a census of housing in each State, the District of Columbia, Hawaii, Puerto Rico, the Virgin Islands, and Alaska, in the year 1950 and decennially thereafter in conjunction with, at the same time, and as a part of the population inquiry of the decennial census in order to provide information concerning the number, characteristics (including utilities and equipment), and geographical distribution of dwelling units in the United States. The Director of the Census is authorized to collect such supplementary statistics (either in advance of or after the taking of such census) as are necessary to the completion thereof. (b) All of the provisions including penalties, of the Act providing for the fifteenth and subsequent decennial censuses, approved June 18, 1929 . . . shall apply to the taking of the census provided for in subsection (a) of this section.

Particular note ought to be taken of paragraph 6 of the above provisions, which permits the Secretary of Commerce to order inter-censal censuses or surveys: and to paragraph 7, which makes provisions for the use of sampling techniques where they are appropriate.

Federal Needs and Census Questions

Federal interest in data is not frivolous or academic. Rather, it is pragmatic and necessary to the carrying out of the programs of the Federal Government, in all their profusion. It seems rather surprising then that, contrary to the requirements of good management and administration, there exists no comprehensive list as such of Federal needs and uses for census findings anywhere in government publications. It is this surprising lack that has led the Advisory Committee on Problems of Census Enumeration to issue as its first recommendation the suggestion that:

"The Bureau of the Census take the lead in establishing a cumulative, up-to-date register of all statutory uses that are made of census data for the purpose of allocating government funds and developing basic social services; that the register be gradually expanded in the direction of including all identifiable, official governmental uses of census statistics, beginning, for example, with those that are required by administrative order, regulation, or customary practice; and that the register be supplemented, wherever feasible, by information on the kinds and frequency of uses made in the private sector of the economy and by individuals engaged in scientific research."[6]

In the absence of such a register or list, it is necessary for anyone wanting information about the totality of Federal needs and uses to make a department-by-department canvas to compile his own information.

One prime source for material for such a register is the record over the years of testimony before the House Subcommittee on Census and Statistics and other related Congressional committees.

The following section, then, is given over to a recording of the more important questions submitted by Federal agencies for inclusion in the 1970 decennial census. Some of the questions were ultimately included, some were not. Together, the two groups give a panoramic view of Federal census needs as perceived by the Government itself.

Population Questions

In the first section below, questions concerning population are dealt with which *were* included in the 1970 decennial census questionnaire,[7] without regard for the government agency or department submitting the question.

1. *Relationship to the head of the household.* Collected in each census since 1880.

Needs: For classification of population into families and other residential groupings; for characterizing families in terms of structure and composition; question is basic to consideration of socio-economic problems which affect family as a group.

2. *Color or race.* Collected in each census since 1790.

Needs: Of obvious utility for the whole range of socio-economic problems, particularly those leading to the amelioration of the conditions of Negroes, Indians, and other minority ethnic groups.

3. *Age and sex.* Collected in each census since 1790.

Needs: Again, of obvious utility in the broad range of American socio-economic problems, cutting across all branches of government.

4. *Marital status.* Collected in each census since 1880.

Needs: Necessary in dealing with such subjects as military draft, dependency, employment of wives and mothers, level of fertility in population; of increasing importance as population problems increase and as divorce rate continues to rise.

5. *State or country of birth.* Collected in each census since 1850.

Needs: Essential in formulation of immigration policy.

6. *Years of school completed.* Collected in each census since 1940.

Needs: Statistics on many census items are cross-tabulated by education; obviously this measure of the population is of very broad utility.

7. *Number of children.* Collected in each census since 1890 (exceptions: 1920, 1930).

Needs: Necessary for fertility-mortality statistics; of obvious necessity as population growth increases the need for formulation of relevant Federal policy.

8. *Activity five years ago.* New item in 1970.

Needs: For programs of manpower development; as a measure of employment and job mobility, job migration.

9. *Employment status. Weeks worked last year. Last year in which worked.* (Basic question collected in each census since 1930).

Needs: For development and administration of manpower training, welfare, education programs, etc.; for analyses of manpower resources and skills in particular areas.

10. *Occupation, industry, and class of worker.* Collected in each census since 1840 (not always in the same question form.)

Needs: For use in formulation of economic development programs.

11. *Income.* Collected in each census since 1940.

Needs: For development of programs for low income families; important for analysis of income patterns of various population groups, such as farmers or families receiving public assistance.

12. *Country of birth of parents.* Collected in each census since 1870.

Needs: For measurement of progress made by various ethnic and nationality groups; of direct concern to a variety of government agencies.

13. *Year moved into this house. Place of residence five years ago.* Collected in each census since 1930.

Needs: For measurement of migration; particularly important for projection of future distribution of nation's population; of obvious utility to formulation of programs for cities, rural area, et cetera.

14. *School or college enrollment.* Collected in each census since 1850.

Needs: For planning educational programs (Federal aid) and assessing educational conditions in specific areas.

15. *Veteran status.* Collected in 1840, 1890, 1910, and each census since 1930.

Needs: For use by the Veterans Administration and in various Federal programs for veterans.

16. *Place of Work. Means of transportation to work.* Collected in 1960 and 1970.

Needs: For the Office of Civil Defense; to define the Standard Metropolitan Statistical Areas.

17. *Occupation-industry five years ago.* New item in 1970.

Needs: For across-the-board use in defining and analyzing trends and thus formulating policy relative to the labor force.

18. *Spanish origin or descent.* New item in 1970.

Needs: To further delineate characteristics of Mexican-Americans, Puerto Ricans, and Cubans, three population groups for which there are a number of government programs.

19. *Citizenship.* Collected in 1820, 1830, 1870, and in each census from 1890 to 1950.

Needs: For formulation of voting policy; for measurement of rate of assimilation of foreign born by naturalization.

20. *Year of immigration.* Collected in each census from 1890 to 1930.

Needs: For evaluation of the effects of pre-

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[6] Advisory Committee on Problems of Census enumeration, Division of Behavioral Sciences, National Academy of Sciences-National Research Council, June 8, 1971.

[7] Bureau of the Census, Inquiries in the 1970 Census of Population and Housing, Washington, D.C., May 21, 1969.

vious immigration legislation; with particular application for the labor force provision in the Immigration Act of 1965.

21. *Marital history.* Collected in some form in each census since 1900 (except 1920).

Needs: To measure the relation between early marriage and eventual dissolution of the marriage; to measure the relation between age at marriage and fertility; each with obvious implications for legislation.

22. *Vocational training completed.* New item in 1970.

Needs: For use in locating new training facilities and assessing the potential market for training; to provide a rough measure of the return from an investment in vocational training.

23. *Presence and duration of disability.* Collected in some form in each census from 1830 to 1890.

Needs: To provide a factual basis for efficient allocation of funds for the assistance of the disabled.

Housing Questions

The following list of questions deals with the housing section. Since a number of housing questions are of utility to bodies other than Federal agencies and departments, the section deals with only those questions of asserted Federal usefulness.

24. *Number of housing units.* Collected in each census since 1890.

Needs: This is of primary use in the proper conduct of the census itself.

25. Questions concerning telephones, access to unit, water supply, flush toilet, bathtub or shower, type of heating equipment, air conditioning, presence of appliances. (Most of these questions collected in each census since 1940.)

Needs: This group of questions in general furnishes the Federal Government with indicators of the population's general quality of housing. (The telephone number is used only as an aid to enumeration.)

26. *Rooms, bedrooms.* Rooms collected in each census since 1940, bedrooms since 1960.

Needs: These questions provide the government with standard measures of crowding.

27. *Basement.* Collected in 1960 and 1970.

Needs: This item is used for emergency planning by the Office of Civil Defense.

28. *Farm residence.* Collected in each census since 1890.

Needs: This item is used to provide farm-nonfarm classifications of great utility to the Departments of Agriculture and Housing and Urban Development.

29. *Source of water, sewage disposal.* Collected in 1960 and 1970.

Needs: For aid in legislation relative to waterborne disease and/or pollution.

30. *Automobiles.* Collected in 1960 and 1970.

Needs: For use in transportation planning and legislation.

31. *Fuel-heating, cooking, water heating.* Collected in each census since 1940

Need: For air pollution control policy; for formulation of policy about long-term power needs for additional facilities; and as an additional level of living indicator.

32. *Television, radio.* Television collected in each census since 1950, radio since 1930

Need: For use in disaster situations such as during a power blackout; television information is of concern to the FCC.

A variety of housing questions have application to the nation's housing needs and thus are of implicit value for those Federal agencies which deal with housing-related problems.

Questions Proposed But Not Asked

Some 38 questions proposed for the 1970 Census by various Federal Departments and agencies were rejected during the long, meticulous reviewing process. Six dealt with employment and earnings, six requested housing information, and five concerned education.

Several of the proposed questions asked about divorce, widowhood and other family relationships, several were designed to yield data on transportation, and the others covered a variety of subjects.

The briefest review of the above questions, both included in and excluded from the 1970 decennial census questionnaire, is enough to indicate not only the wide range of government departments and agencies with census-related interests, but also the multiplicity of issues and problem area represented by the questions.

There may be some tendency among Government agencies to propose census questions that are not essential because there is no cost to the requesting agencies. Most such questions are weeded out, however, in the Census Bureau's rigorous, painstaking review process. The bulk of the questions finally accepted for inclusion in the census obviously are vital to the conduct of the nation's affairs.

Federal Uses of Census Data

There is a rapidly growing body of Federal legislation which specifies or requires the use of census data for the allocation of funds or administration of programs. This legislation is of three types: (1) statutory provisions using census data for allocating funds or for related types of action, such as grants-in-aid; (2) statutes which refer to one or more types of census data to be used in program administration, and (3) laws which clearly require, but do not specify, census information for their administration. The most important of these include:

1. Allocation of funds:

Elementary and Secondary Education Act of 1965.

Adult Basic Education Act of 1966.

Office of Economic Opportunity—Community Action Programs.

Research Facilities Act (Cooperative State Research Service—Department of Agriculture).

Smith Lever Act (Cooperative Agricultural Extension Service—Department of Agriculture).

Hatch Act and Amendments (Agricultural Experimental Stations—Department of Agriculture).

Grants-in-Aid (State Technical Services—Department of Commerce).

Grants-in-Aid (Office of Health, Education and Welfare—Guidance, Counseling and Testing: Identification of Able Students).

Grants-in-Aid (Office of Education, HEW—Land Grant Colleges and Universities).

Grants-in-Aid (Public Health Service, Chronic Illness and Aged).

Grants-in-Aid (Outdoor Recreation Facilities—Department of the Interior).

Grants-in-Aid (Water Resources and Planning—Department of the Interior).

Appalachian Redevelopment Act of 1965.

Vocational Education Act of 1963.

Higher Education Facilities Act of 1963.

Social Security Act.

2. Census Data Specified in Statutes:

Public Works and Economic Development Act of 1965.

Fair Labor Standards Act of 1938 (as amended).

Voting Rights Act of 1965.

Civil Rights Act of 1964.

The U.S. Housing Act of 1937 (as amended).

Housing Act of 1948 (as amended).

Housing Act of 1956 (as amended).

Demonstration Cities and Metropolitan Development Act of 1966.

3. Laws Dependent upon Census Data:

Manpower Development and Training Act of 1962 (as amended).

Elementary and Secondary Education Act of 1965 (Title VII, Bilingual Education Act).

Immigration Act of 1965.

Urban Mass Transportation Act of 1964.

Economic Opportunity Amendments of 1967 (Special Impact Program).

Jury Selection and Service Act of 1968.

Federal Aid Highways.

Housing Act of 1949.

Of the 32 programs authorized by these laws, only 10 were in existence in 1960. With the advent of the New Federalism and a heightened awareness of social and domestic problems, it can be expected that census-type data will be involved even more heavily in the legislation of the 1970's.

Specific Statutory Uses

With reference to the above list of major Acts requiring census data for their funding and/or administration, the following section specifies the manner in which census data are used to administer the Acts.

Data from Census Questions Specifically Cited in Public Law

1. Questions: Relating to income.

Acts: Economic Opportunity Act of 1964 as amended; Appalachian Regional Development Act of 1965 as amended.

Uses: Allocation of funds.

2. Questions: Elementary and Secondary Education Act of 1965, as amended.

Uses: Allocation of funds.

3. Questions: Years of school completed.

Act: Adult Basic Education.

Uses: Grants to States.

Data From Census Questions Used in Reports Required by Federal Law

Questions: All housing questions except those about selected household equipment items, TV, and radio.

Acts: Housing Act of 1948 as amended; Housing Act of 1949 as amended; Housing and Urban Development Act of 1968; National Housing Act as amended.

Uses: To enable the Secretary of Housing and Urban Development to report to the President and the Congress on urban and nonfarm rural housing needs; to enable the Secretary of Agriculture to make a similar report on farm housing; to enable the President to submit annual reports on various national aspects of housing, and to enable the Secretary of Housing and Urban Development to prepare market analysis reports relative to the short-term housing situation on a relatively broad scale.

Data From Census Questionnaires Used by Federal Agencies in Program Administration, Evaluation, and Planning

1. Question: All housing items.

Acts: Housing Act of 1956 as amended; Housing Act of 1954 as amended.

Uses: To enable the Secretary of Housing and Urban Development to carry on authorized and directed procedures in the analysis of a variety of housing-related problems affecting the nation. The above-mentioned analyses are specifically to include elements indicating housing needs and land use requirements for housing. To enable the National Advisory Commission on Low Income to carry out its Congressionally directed responsibilities. To provide to the Secretaries of Housing and Urban Development and Defense necessary information as to private housing availability at certain Defense-related locations.

2. Questions: All housing items except household equipment, radio and television.

Acts: U.S. Housing Act of 1937 as amended; National Housing Act as amended; Housing and Urban Development Act of 1968; Housing Act of 1949 as amended; and Military Construction Authorization Act of 1966 as amended.

Uses: To enable the Department of Housing and Urban Development to establish standards relative to low income housing availability.

3. Questions: All housing items.

Acts: Housing Act of 1949 as amended; Demonstration Cities and Metropolitan Development Act of 1966.

Uses: Relative to requirements for applicants for assistance under the Department

of Housing and Urban Development's urban renewal program. Relative to applications for assistance under the Demonstration Cities Program.

Data From Census Questions Only Indirectly Applicable to Public Law

1. Questions: Unemployment.

Acts: Public Works and Economic Development Act of 1965.

Uses: Determination of community qualification for assistance under above program.

2. Questions: Employment Status, Occupation.

Acts: Manpower Development and Training Act of 1962 as amended.

Uses: Census data are used to establish uniform standards, as outlined by Act; to determine occupational needs in a given area for authorization of occupational training programs.

3. Questions: Relating to occupation.

Acts: Fair Labor Standards Act of 1938 as amended.

Uses: To permit the establishment of minimum standards of age and wages in regard to those engaged in occupations subject to regulation under Federal and State law.

4. Questions: Relating to place of work.

Acts: Federal-Aid Highway Act of 1961; Urban Mass Transportation Act of 1964.

Uses: To provide a means for better traffic and highway planning and in planning more efficient mass transportation.

5. Questions: Relating to income.

Acts: National School Lunch Act; Appalachian Redevelopment Act of 1965; Vocational Education Act of 1963; Higher Education Facilities Act of 1963; Social Security Act; Public Health Service Act; Manpower and Development Training Act of 1962.

Uses: Allocation of funds; in addition, the development of other income data by the Office of Business Economics.

6. Questions: Relating to vocational training.

Acts: Manpower Development and Training Act; Vocational Education Act; Vocational Education Amendments of 1968.

Uses: Allocation of funds in support of vocational training programs of the Departments of Labor and Health, Education and Welfare.

7. Questions: Relating to migration.

Acts: Economic Opportunities Amendments of 1967.

Uses: To permit identification of areas appropriate for some programs authorized in the Act.

8. Questions: Marriage, and children ever born.

Acts: Public Health Service Act.

Uses: To supplement vital statistics through data on marriage and fertility.

9. Questions: Relating to disability.

Acts: National Health Survey Act.

Uses: To supplement health data from survey results wth census data, which would be available uniformly for State and local areas.

10. Questions: Relating to color or race.

Acts: Voting Rights Act; Jury Selection and Service Act of 1968; Civil Rights Act of 1964.

Uses: To provide the basis for evidence that citizens have been and are being excluded from certain civil rights, or from public accommodations on account of race or color contrary to provisions of the above Acts.

11. Questions: Relating to language.

Acts: Elementary and Secondary Education Act of 1965 (Title VII, Bilingual Education Act).

Uses: To implement provisions of the above Act designed to meet educational needs of children who come from environments where the dominant language is other than English.

12. Questions: Relating to country of birth of parents; Relating to citizenship.

Acts: Jury Selection and Service Act of 1968; Immigration and Nationality Act of 1965.

Uses: To provide the basis of evidence, where such evidence exists, that contrary to the provisions of the above Act, citizens are being excluded from service as jurors.

Even the briefest review of the above survey of some Federal uses of census data discloses the multiplicity of functions performed by such data; fund allocation, standards for grants to States, executive reports to the President and the Congress, to aid in the preparation of a variety of national analyses, to provide user information, to make possible the development of additional, corollary statistical data, in the establishment of Federal minimum standards, to enable Federal agencies to ascertain whether or not citizen rights are being protected according to Congressionally-provided tests, and a host of others.

B. State and local government needs

State and local governments must use their own resources and records to make effective use of census data. They do not expect the Federal census to do their job for them.

The U.S. Census is the major source of accurate information on persons, housing, and economic activity available to State and local governments. The standardization and accuracy of the national census could not be acquired by state and local governments without Federal direction and participation.

Census data can be of greatest value to State and local governments if officials of these governments are directly involved in the early planning stages. Post-count involvement tends to be on an adversary basis and is of limited value.

Future census efforts should include the gathering of data which would assist State and local governments in making public policy decisions with respect to the need for and the availability of social services. Present census data tend to concentrate on the physical condition of communities.

State and local governments use the census in the following ways:

1. Apportionment of certain bodies, such as State legislatures and city and county councils, and defining districts from which members are selected or appointed.

2. Planning for the physical location and capacity of publicly owned utilities, (e.g., water and sewer system), protective services, educational facilities, and parks and other recreational facilities.

3. Planning of socio-economic programs such as manpower, health and welfare, and family counseling; and

4. Levying taxes and determining the base for borrowing.

Specific applications include:

Streets and transport. Planning for streets, highways, and transportation systems, using data on journey to work, household characteristics, and intracity migration, for example, an analysis of place of employment, and the need for access to shopping areas, schools, and parks.

Public utilities. The placement and capacity of water, power, sewage, and other utilities must be accurately projected for decades ahead on the basis of census population trends and anticipated land uses in order to avoid economic waste.

Protective services. Locating and equipping of fire and police services requires knowledge of population density, housing conditions, income level, and age-family status and ethnic characteristics.

Educational facilities. School and library requirements are projected from census data on educational attainment, migration from or to other areas and age-family status and ethnic charactistics.

Parks and recreation. Expansion or creation of new park and recreation facilities is based on information similar to that required for schools and libraries plus employment and leisure time data.

Manpower. The current worker occupational pattern by industry and by location, plus the total labor force-employment industry constitute the essential census data for estimating future skill requirements, detecting industrial growth and migration trends and appraisal of the available manpower for national defense needs.

Health and welfare. Programs to alleviate poverty and its related problems cannot be carried out effectively without the array of present census information on incomes, employment ratios, housing conditions, age-family status and ethnic characteristics.

Private housing and redevelopment. The state of our housing inventory, especially for the "moderate" income group, has the potential for worsening our urban problems. To pinpoint adequately the areas of greatest need, quite detailed information is needed on housing conditions, income levels, ownership patterns, employment ratios, job locations, age-family status and ethnic characteristics.

Taxation and revenue. Local government revenue requirements depend upon the service demands of their own areas arising from population, incomes, educational attainment, geographic distribution, employment, migration rates, and a host of other social characteristics. All of these data come from the census and in fact are required by statute for the allocation of State and Federal funds for highways, schools, public health and school lunch programs, manpower development, economic opportunity programs and many others.

Many Federal and State assisted programs require that the local government know in detail and be able to demonstrate the accuracy of their knowledge with respect to the economic and physical characteristics of neighborhoods. The Federal Government requires this information in order to focus the application of individual programs and to set up measurements of program effectiveness. It is essential from the Federal Government's point of view that the information with respect to the physical, social and economic characteristics of neighborhoods be gathered on a similar basis. This would not be possible without the census.

C. Business needs

The United States business community, in analyzing the demand for, and the supply of, products and services in a trillion-dollar economy, has developed and elaborate and complex set of techniques for making use of many kinds of social, economic, demographic, and other technical data. The evolution of business management from its beginnings, as a subject for study in institutions of higher learning, has increasingly involved the concepts and techniques of modern logic, mathematics, statistical inference, opinion research, economic analysis, and psychological testing.

Increased managerial sophistication has led to the development of strong marketing and economic research departments in major corporations, management and marketing consulting firms, economic consulting firms, and marketing and statistical research functions in leading public relations and advertising firms. The U.S. business community is perhaps the world's most sophisticated user of modern marketing, statistical and operations research techniques to improve analysis of market demand for goods and services and the analysis of the relative costs of alternative systems of supplying goods and services.

The data from the decennial censuses are, of course, vitally important to the business community generally in serving as benchmarks from which market and economic profiles are developed through intensive use of private surveys and other data. Leading market survey firms and opinion research firms usually start from decennial census benchmark data and derive more detailed and up-to-date analyses of particular product or geographic markets or sources of supply through continuous research and analysis.

There is no question that much of the census data, collected primarily to meet the needs of government, are also indirectly useful to business. Thoughtful professional economists both in and out of business have long appreciated the underlying, but profound significance to society and to business organizations of decisions based upon accurate understanding of factual trends rather than upon surmise. There can be no doubt that such basic factual data as total population, population by age and sex, occupation and industry, income, and the number of age of housing units are the starting point for much business marketing and supply analysis. But it requires experience in business to appreciate the degree of detail and the depth of knowledge that is often necessary in the supply and marketing of the products and services in a modern industrial economy.

Generally, the United States business community is well satisfied with the quality and coverage of the decennial census. Business is represented in the Department of Commerce advisory process and through the Federal Statistics Users' Conference, business research and trade association groups, and in other ways, in participating in the continuing technical process of reviews of the U.S. statistical system.

Very few, if any, questions on the decennial census are desired by business that are not also needed by government. Business corporations, impelled by market incentives to search out their own means of achieving success, use data from census questions since the questions have been asked. Similarly, in any town or city, the local business firms seek out and make use of such information as is available from any source which will improve the chances of business success. The information available to local firms is supplemented by research, analysis, and surveys of local, State, and national trade associations in the firms' industries. And, for special purposes such as the introduction of new products and services, the location of new plants, the search for new supplies, and so on, individual firms turn to the broad and growing knowledge industry in the United States. The decennial census provides many of the basic data for such studies.

The decennial census must be maintained as a strong and effective instrument for producing useful data. This it will be as long as citizens continue to agree that it makes no significant intrusions on their privacy; apprehensions of minority ethnic groups about being enumerated can be calmed; and the benefits of complete enumeration can be made clear to all groups interested in proper political representation, allocation of funds, and application of laws aimed at ensuring equal protection.

CHAPTER IV—FREQUENCY OF CENSUSES

The collection of accurate information about the size, characteristics, and geographic distribution of the population more frequently than decennially has been urged by many for some time. In recent years this support for more frequent census data has been growing for a number of reasons. One of the most important reasons is increased interest in political representation as exemplified by the "one-man, one-vote" doctrine. Only if the population in quite small areas is known accurately can representation proportioned to population be achieved in State legislatures, county and city councils, and other local bodies such as school boards.

The *districting* of Congressional seats—the drawing of district boundaries within States—could be affected by the availability of more frequent data, but this is governed by State constitutions and statutes. *Apportionment* of Congressional seats among the States would not be affected by a mid-decade census since the U.S. Constitution requires that it be based on the decennial census.

Even before the Supreme Court's "one-man, one-vote" decision, however, other needs had developed for more timely data on distribution and characteristics of the population. As has been seen in Chapter III, Federal and State programs have been designed to distribute benefits, grants, or legal intervention on the basis of population or selected characteristics of the population. Approximately $10 billion annually is allocated by the Federal Government to the States or their subdivisions according to formulas that use population or housing data as a major component. Additional large amounts are distributed by States to their counties and municipalities largely on the basis of population.

States use population data for a variety of purposes. In some States the legislative power, taxing authority, and even the form of government that may be adopted by counties and cities, depend on the population of the jurisdiction. In some States the capital required for incorporation of a bank, the power of a city to license or tax businesses, occupations, or products, the office hours of public agencies and the purchasing methods of school districts, for example, are dependent on the population of the jurisdiction. Availability of population data more frequently than every ten years would permit equitable treatment of similarly-situated jurisdictions to be approached more closely.

Beyond the statutory uses to which population data, or census data more generally, are put, are the multitude of *ad hoc* applications made in the analysis of problems, comparison of available solutions, design of procedures, execution of plans, and evaluation of programs. Such uses in program design and execution are legion. Illustrative examples are: local and metropolitan area officials have to decide when to build schools, sewer systems, housing projects, and transportation systems, where to locate police protection, social welfare, and health services, and how to zone land use. Communities need to estimate future enrollment in grade schools, high schools and municipal colleges, in order to plan capital projects. They need a variety of information to plan for urban renewal, housing, highways, utilities, and similar undertakings.

For a number of years, the Census Bureau has been developing a population estimation program to provide interim estimates for States, metropolitan areas, and large counties. The Bureau has developed methods and procedures which, when suitable data are available, yield estimates for relatively large areas (over 250,000 population) with a reasonable degree of accuracy.

In recent years, however, newer programs call for population data for areas well below the county and city levels. Officials directing housing, mental health, mass transit, family planning, and welfare and poverty programs all need population figures at the community and neighborhood levels. The increase in the needs for small-area population figures has also been accompanied by a demand for figures with a high degree of accuracy for equitable distribution of available resources.

To meet the many and diverse needs for data on population of small areas, State and local public agencies as well as private organizations have engaged increasingly in efforts to estimate population, or changes in population, in small areas. In general, these efforts have not been highly successful. The techniques used for deriving population estimates for large areas cannot do the job of providing adequate estimates for smaller and smaller areas over long periods of time.

Census-taking may well be the only technique by which data for these small areas can be obtained with the degree of accuracy now being demanded. A mid-decade census would provide accurate small-area data every five years; it would also make possible great improvement in the periodic estimates of population in larger areas made within the five-year intervals.

The Committee has been informed that much better and more frequent information on both external and internal migration of the population is needed for a variety of purposes, including improving estimates of population for small areas. The Committee recommends that any mid-decade census give particular attention to migration patterns and behavior.

Besides providing population counts for small areas, a mid-decade (preferably quinquennial) census, would perform two other major services. As was brought out in Chapter I, effective enumeration of persons requires that a certain amount of information be obtained about each of them, and also about the living quarters of the household or other group to which each belongs. For operating reasons, the Bureau cannot consider a person fully and unambiguously enumerated unless it has obtained name, age, sex, marital status, race, and relationship to head. It cannot assume that all housing has been enumerated unless it has matched each person with a housing unit (or other inhabited space) in a structure at an address. To be sure of associating each individual with his proper household, or other social group, the Bureau must know what space is occupied by the group of which each individual is a part, and have a workable test of whether the space accommodates a single household grouping.

Thus, a census seeking even a minimum amount of information would provide important characteristics of the population and of housing in areas of all sizes that are, or can be, tabulated.

The second major service to be obtained from a mid-decade census is providing a sampling frame that can be used in the design of efficient sample inquiries. As the data from a census become obsolete with the passage of time, the value of the census as a sampling frame declines.

As a result, a complete count of the population each five years, even if few questions were asked beyond those required for control of field operations, would make possible highly satisfactory estimates on a great variety of subjects at relatively low cost, by use of efficiently designed sample surveys.

The evidence shows that the cost of merely counting the population is high—probably between half and two-thirds of the cost of conducting the complete decennial census. There is therefore an economic argument for adding questions to the basic questionnaire required for the population count. As noted in Chapter III, the 1970 questions were related to 32 Federal programs, only 10 of which were in existence in 1960, and additional data will presumably be needed if new programs are adopted.

These considerations are outweighed, however, by the importance of preserving the tradition of holding questions to the absolute minimum and thereby retaining the remarkably good cooperation of the public. The Committee recommends, therefore, (1) that there should be a complete-count mid-decade census (2) that the list of questions asked of the entire population should be as brief as possible, and (3) that sample surveys should be used to provide supplemental information.

STATEMENT ON JAIL SENTENCE PENALTY BY CONGRESSMAN WILSON

The committee endorsed the idea of effective penalties for nonresponse to the Census but did not take a vote on whether the jail sentence should be considered an appropriate penalty. Congressman Wilson asked that his position be stated more specifically, and his statement follows:

As I have stated on a number of occasions, and specifically in my response of June 16, 1971 to the June 7, 1971 memorandum from Mr. Ira T. Ellis, Chairman of the Decennial Census Review Committee, I oppose the re-

tention of a jail sentence as part of the penalty for failure to respond to a census inquiry taken under the current mandatory provisions. It is inconceivable to me that a jail sentence for such an offense can be defended in these times. In my opinion this penalty merely acts as a further irritant to dissident groups and provides a target for questioning the judgment of the Federal government in equating this penalty with those assessed for crimes against the public and property.

There is no legislative history as to the reason the Congress in 1929, included this jail penalty in the Act authorizing the 15th Decennial and subsequent decennial censuses. As I understand it, this jail sentence was not requested by the Bureau of the Census or the Administration at the time, and apparently was not included in the original draft bill. The jail sentence portion of the penalty provisions has remained as part of the law since the 15th Decennial Census taken in 1930. It should not be retained as a penalty for any subsequent censuses of population.

However, in order to appropriately supplement the mandatory provisions of a census inquiry, I would support increasing the amount of fine to be assessed an individual willfully refusing to complete or respond to a census inquiry or willfully providing false answers to such an inquiry.

SALVATION ARMY PROVIDES NEEDED RELIEF FOR REFUGEES AND EARTHQUAKE VICTIMS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, I include the following material in the RECORD at this point:

THE SALVATION ARMY,
Pittsburgh, Pa., July 30, 1971.

Congressman JAMES G. FULTON,
Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN FULTON: I am writing for Lt. Colonel Norman E. Sampson, Divisional Commander of the Salvation Army in Western Pennsylvania.

We are sending along the attached items about Salvation Army work in Pakistan for your consideration to be used in The Congressional Record. We feel that it is important for our Representatives and your co-workers to know about this humanitarian effort of the private sector in light of the tragic situation and its developments in Pakistan.

Enclosed also in a second item about Salvation Army relief in Chile in response to the recent earthquake natural disaster.

Salvation Army relief in face of disaster abroad is largely made possible by contributions from Salvation Army representatives in the United States.

We hope these reports are useful for your information.

Sincerely yours,

JAMES H. WALLER,
Information Services Assistant.

SALVATION ARMY RELIEF WORK IN PAKISTAN AND INDIA

The Salvation Army is concerned in every way to steer clear of any entanglements in the political issues of Pakistan. However, this does not prevent the humanitarian efforts of The Salvation Army to be at work for the relief of suffering and hunger on the part of the displaced and injured as a result of the political strife.

Reports have been received that Salvation Army relief teams are serving in the Calcutta area, aiding refugees from East Pakistan in every way that their resources permit. The need is overwhelming, one Salvation Army officer on the scene estimated that the number of refugees might grow from the present official count of five million to seven or even eight million.

The Salvation Army has mobilized all available personnel and materials including medical doctors, nurses, food, clothing, vehicles, and shelters. Two additional nurses have been sent from London to Calcutta. One is a Salvation Army officer who is a Dutch citizen; the other is an Englishwoman who volunteered her services to The Salvation Army after seeing TV coverage of the suffering of the refugees.

Salvation Army doctors visit the refugee camps daily; they have treated thousands of patients. All available vehicles owned by the Army have been pressed into service as ambulances for cholera and typhoid victims. The International Headquarters of the Army in London has sent a Port-o-jet Injector to assist the medical teams in mass inoculations. The Army has arranged to cooperate with three other voluntary relief agencies to distribute clothing to approx. 100,000 refugees. The Salvation Army's intial share of the cost of the clothing distribution will be over fifteen thousand dollars.

According to word sent from International Headquarters, "The relief teams are deeply appreciative of the interest, prayers, and practical support given and promised."

AN EYEWITNESS REPORT

(By Brig. Robert E. Bath)

I have just returned from a tour of refugee camps between Calcutta and the East Pakistan border at Bongaon 40 miles distant from Calcutta). I must confess in looking back over my 15 years association with this particular area, I have never seen so much need and distress. Refugees from East Pakistan are everywhere. They are in camps that have been set up. They are on the roadside, under trees, lying in ditches, squatting in every available space and trekking towards Calcutta. This trip was by no means my first of recent days as already we have a large relief hospital as well as a milk distribution for children. This program is being run in cooperation with C.A.S.A. (National Christian Council Relief Organization). The simple equation that would describe this situation is . . . PEOPLE plus POVERTY equals PROBLEMS with a capital "P".

On tour with me was Mr. P. C. Joseph, director of C.A.S.A. for this Eastern area. Our main purpose was to visit the Sub-Divisional Government Officer about 20 miles from Calcutta. A request had come through for a medical team and station to be set up in one of the large camps within this area. The government officer asked us to take up the medical work in the camp as quickly as possible. How many people to take care of? About 40,000 in this camp and many more in the surrounding areas. This camp had only been established for a few days. Tents and canvas sheets were still being erected. It was raining as we travelled to the camp. (Our monsoon has already commenced.) We looked at the situation. Here were 40,000 people under canvas. Many more waiting to get in. Mud and slush and pools of water everwhere. A large 50' x 40' canvas was pitched . . . and we were in business. We had a team of four volunteer doctors from our hostels, a health vistor, several assistants and social workers, a station wagon that is used as an ambulance and work that looks like it will last for a long time. As these notes are being typed the latest report we have received says that yesterday there were 102 cases of cholera alone at the camp, with some 20 deaths from same.

The official number of refugees that have crossed from East Pakistan into India as I send this report (June 7) is 4.75 million. Can you believe it? Almost 5 million mark. The people are still coming in droves. They come . . . homeless, destitute, hungry, aged and in so many cases, very sick and sad.

The scope of the problem is surely beyond the bounds of any political situation. Here is human need at its greatest point. The newspaper this morning revealed that of the refugees who have crossed into India, the official figure of reported deaths from cholera alone is 3,642. That the refugees are poor and destitute is evident. In the majority of cases, they have arrived with only what they stand up in and at the most, only with what they could carry. How does one commence a relief program that will really meet the needs of 5 million people?

Think of the task of providing food for them, alone. To supply a meal of curry and rice each day is a tremendous task. Added to this, is the fact that rice has to be brought to us as we do not have this quantity of rice available. Even in normal times rice is supplied only to bona fide residents on ration cards within the state.

Voluntary agencies have been called again and again for assistance and many of the able-bodied men and women in the camps have been recruited to assist. There has been good all-around cooperation I assure you . . . but we all agree that what we are doing is small in the face of the total problem. Many volunteer teams are in the field. Jeeps and vans of every description are being used as ambulances. In some places there is not enough firewood available to cremate the dead. The teams are becoming tired but it is a long road ahead, I feel sure.

At The Salvation Army Feeding Center in Calcutta where, in normal times, food is provided for some 3,500 destitute people daily, there is now a line-up of refugees who have drifted into the city. Since Calcutta is the nearest large city and only a few miles away from the border, many refugees will make their way into the city. We of Calcutta have our own problems. Indeed, we are never without them. Already the city is bursting at the seams with some 8 million people. Law and order, at times, seems almost non-existent. One is tempted to consider the possibility of what could happen in the city, should one million or so decide to come. With a different emphasis and application to the play of recent days we simply gasp and exclaim, "Oh, Calcutta!"

Now, how does all this effect you? Are we to take the matter seriously enough to do something about it? Do we shrug our shoulder and say, "Well, this is a political problem . . . let the Governments come up with the answer." We are hoping and praying that they *will* as quickly as possible, but in the meantime . . . almost 5 million people need assistance.

How difficult it is to paint the picture. Take your own home town or city. What did you say the population is? Right! Now cast your mind's-eye to some spot about 40 miles distant. Between your home and that spot drop in about 3 million people in dire need of the basic essentials of life and . . . you have it.

I know how it affects me. I can never be indifferent to the need as I have witnessed it—a dead man on the roadside, the sick and the suffering, the aged—they all remain real to me.

The theme of the story of the Good Samaritan has been used and abused until it is almost threadbare in this age, but the challenge of it remains. In the light of the need so evident, it is Christ again who stands before us and demands, . . . Go, and do likewise!

This is not only a problem for governments; nor is it only a problem for interna-

tional and national relief agencies. Sure, it remains a problem to me personally, but not only to me . . . because it belongs to all men everywhere.

EMERGENCY BABY FEEDING PROGRAM TRIES TO HALT INFANT DEATHS

The Salvation Army Field Hospital at Barasat, West Bengal, India, has begun an emergency baby feeding program to try to halt the rising number of deaths among infants and small children in the refugee camps housing people from East Pakistan who have fled to India.

According to information received from Brigadier Robert E. Bath, The Salvation Army's General Secretary in Calcutta, "The very young and the very old who have the least resistance are the worst affected".

The Army expects to be able to offer the supplementary food to about 500 babies a day. The food is prepared in Calcutta and the mothers feed the children with baby bottles. Women Salvation Army officers and volunteers are supervising and assisting.

The field hospital has a staff of 40 people, volunteers and officers; five different nationalities are represented. There are twelve doctors, seven nurses, ten assistants, as well as drivers and volunteers. They have provided medical treatment for thousands of patients.

According to Brigadier Bath, very few of the Hindu patients have had any previous contact with Christian missions. Many express appreciation for what is being done for them. He says there are few complaints from the refugees, rather than acceptance of their lot. "Our work is in the name of Christ, and our uniforms and service give witness to this fact", Brigadier Bath stated.

SUGGESTED NEWS FILLER

The Salvation Army relief team for refugees from war torn Pakistan now numbers 30 workers, including 14 doctors. Since beginning relief operations in the Calcutta area, Salvation Army medical workers have treated more than 18,000 patients. The field hospital at Baraset, with a capacity of 50 beds, is filled, and another hut is being built.

Every day, trucks and jeeps take the medical personnel to refugee camps in the area. They cover almost 1,000 miles daily.

Brigadier Robert E. Bath, The Salvation Army's General Secretary in Calcutta, writes: "Conditions are very hot and humid with monsoon showers almost daily. For the millions of refugees under tents, tarpaulins or bamboo thatched roofs, the setting-in of the rains has been a further addition to their already miserable condition. Because of the serious congestion of refugees near to Calcutta, the government has been dispersing large numbers of them by trains and air lifts to neighboring states and setting up camps for them in these distant areas."

SALVATION ARMY AIDS CHILEAN EARTHQUAKE VICTIMS

The Salvation Army in the United States has sent $4,000 to the Army's representatives in Chile to assist in the emergency aid being given to victims of the earthquake that struck last Thursday (July 8).

Ten Salvationists are working in the most severely affected communities, Petorca and Chincolco, where they are serving three meals a day.

Blood plasma, blankets and tents are the most urgent needs now. Because of the continuing tremors, people are afraid to return even to homes that so far are undamaged.

The Salvation Army in Chile is cooperating closely with USAID, which has a stockpile of essential materials. Distribution efforts are being coordinated through headquarters in Santiago.

WARS ON CREDIT—FOREIGN MILITARY ASSISTANCE ACT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. RARICK. Mr. Speaker, last night the House voted to allow an extension from 10 to 20 years on the credit period allowed for sales under the Foreign Military Assistance Act—our foreign aid friends in 46 foreign countries are extended easy credit to carry on their wars on a fight now and pay later basis. To have voted for this provision must believe that the grandchildren of our present foreign aid friends will be willing to pay for their grandparents' military prestige.

The whole concept is like an Alice in Wonderland nightmare. Who ever heard of sophisticated military equipment such as a jet lasting 20 years before it became outworn or outmoded? No sane business would consider extending anyone credit to buy an object that would wear out or be outmoded before the credit period was completed.

Yet, and this must be one of the strangest coincidences of history, the Nixon administration has announced plans today to "modernize the Israeli Air Force by selling it about 110 jets over the next 3 or 4 years." Each of these jets costs between $4 and $5 million dollars, but the Nixon administration's announcement did not reveal the credit terms.

I insert a related news article at this point in the RECORD:

[From the New York Times, Aug. 4, 1971]

UNITED STATES MAY SELL 110 PLANES TO ISRAELIS OVER 4 YEARS; OFFICIALS DECLARE PLAN TO MODERNIZE HER AIR FORCE EVOLVED FROM WIDER REQUEST TO OFFSET SOVIET JETS FOR EGYPT

(By William Beecher)

(Special to The New York Times)

WASHINGTON, August 3.—The Nixon Administration is considering a plan to modernize the Israeli Air Force by selling it about 110 jets over the next three or four years.

Well-placed officials say the plan evolved from an even larger Israeli request to counter the continuing flow of Soviet aircraft to Egypt.

This plan would mean, for the first time, a long-range American arms commitment rather than periodic decisions to supply a modest number of planes. But officials stressed that the principal consideration was political rather than military.

Much depends, they say, on the findings of Joseph J. Sisco, Assistant Secretary of State for near Eastern and South Asian Affairs, who is in Israel trying to persuade her leaders to relax their conditions for reopening the Suez Canal.

All leading Israeli newspapers, as well as the state radio, reported today that Mr. Sisco had suggested an Israeli pullback of about 25 miles from the Suez Canal and authorization for a token Egyptian force to cross the canal in return for a guaranteed cease-fire of two to three years. [Page 11.]

"Israel obviously would assume certain risks if it agreed to allow Egyptian troops to cross onto the east bank of the canal," one official pointed out.

"Mr. Sisco has the authority to offer some means of minimizing such risks. That could include planes, artillery, that sort of thing."

Israel for some time has wanted a long-range commitment, but Washington has preferred to maintain the political leverage that periodic decisions have provided.

Some senior officials suggest that the Administration may be willing to sacrifice some of this leverage, as well as to withstand a negative reaction in the Arab world, to defuse a potentially explosive situation with Israeli and Egyptian forces facing each other within small-arms range across the Suez Canal.

Most American analysts believe that despite the shipment of more than 150 Soviet fighters and fighter-bombers to Egypt over the last several months, the Israelis could still defeat the Egyptian Air Force handily if fighting suddenly resumed.

For one thing, Egypt lacks sufficient pilots to fly all the aircraft that have arrived recently. Also, the quality of Egyptian pilots and maintenance crews is considered well below Israeli standards.

ISRAEL HAS 350 PLANES

The Israeli Air Force has about 350 combat aircraft officials say. Even if Israel had three times that force, they add she would not be in a position again to surprise and destroy most of the Egyptian Air Force on the ground, as was done in 1967, for, since that time, Egypt has displaced her planes over a large number of fields and has built individual concrete shelters for each plane. A formidable system of air-defense missiles and antiaircraft guns has also been installed.

Rather, some analysts suggest that Israel could maintain a solid defensive capability if she retained her air force at its current size, but replaced about 110 obsolete Ouragan, Vautour and Magister aircraft with modern jets.

Officials say that Israel has made a number of requests for varying numbers of aircraft since spring, and that the total far exceeds 110. But they declined to give the larger number.

Since the closing days of the Johnson Administration, when the United States first agreed to provide modern jets to Israel, 80 fighter-bombers and six reconnaissance versions of the F-4 Phantoms have been sold to Israel, together with nearly 120 A-4 Skyhawk fighter-bombers. In the interim, Israel is believed to have lost six F-4's in combat and training. Each reportedly costs $4-million to $5-million.

One plan under consideration would provide about 50 F-4's and 60 A-4's.

One official said that the United States could still maintain some political leverage by making interim decisions every year on how many planes of each type would be provided that year.

Given the substantial continuing build-up of advanced MIG-21's and SU-7's in Egypt, as well as in Syria and Iraq, officials said, a decision merely to modernize the Israeli Air Force but keep it at its present numerical strength should not give Israel the power to coerce her neighbors.

Among the Americans least enthusiastic about this plan are some top Air Force and Navy officers who believe that many past deliveries of F-4's have come from production destined for American squadrons. They fear that a continuing delay of American modernization that might weaken United States combat strength in Europe and the Mediterranean.

It takes about 22 months for the McDonnell-Douglas Corporation to produce an F-4. Current production schedules, sources report, call for about 27 F-4's to be produced this month, scaling down to six a month a year hence. And a number of these planes are to fill orders from West Germany and Iran.

But as one officer said resignedly: "This has ceased to be primarily a military question; we know the decision is a political one, for the White House."

While there are differences of opinion, both within American military and diplomatic ranks, a number of Middle East specialists believe that an interim settlement that involves the reopening of the Suez Canal and the physical disengagement of Egyptian and Israeli forces in the canal area could well benefit all the principal parties: Egypt, Israel, the United States and the Soviet Union.

COULD POINT TO PROGRESS

Egyptian leaders, they note, could point to the first dramatic progress since the 1967 war, in regaining use of the canal and in placing a symbol of sovereignty—Egyptian soldiers—on the eastern bank, in the occupied Sinai Peninsula.

Cairo would still press diplomatically for total Israeli withdrawal from Sinai, and could continue to threaten military action if diplomacy fails. But the danger that a shooting incident would suddenly flare into another round of war should be substantially diminished by the separation of forces, under this view.

Israel, these analysts continue, would stand to gain because of a lessened prospect of a resumption of the war of attrition. Since Israeli planes could block the canal again by sinking ships in a new flare-up, and since hundreds of thousands of Egyptian civilians doubtless would move back to the western bank as commerce resumed along the canal, Cairo would be expected to avoid new exchanges of artillery fire or air strikes with the Israelis.

Moscow, according to this view, not only would benefit from being able to shorten substantially its voyage time into the Indian Ocean and the Pacific, but also, by lessening the dangers of another Arab-Israeli war, would face less of a chance of a military showdown with the United States.

TRAINING WOULD CONTINUE

The Soviet Union could continue to arm and train the Egyptians against the possibility of eventually having to fight to take back Sinai, but with less risk of losing control because of the proximity of the contending forces.

And, finally, the United States would gain from the reduced prospect of war and showdown with the Soviet Union, and could pursue a more comprehensive settlement in what should be a calmer atmosphere.

To date, officials say, Israel has refused to concede to Egypt the right to place troops on the eastern bank of the canal, for fear that this could be exploited by a armored build-up such as occurred before the war of June, 1967.

American analysts have argued that if Cairo agrees to only a token military force on the eastern bank, this might satisfy its desire for a concession of sovereignty, without markedly increasing fears of an Israeli invasion.

So long as Israel can control the air over Sinai, American experts say, Egypt would stand little chance of being able to mount and supply a major assault across the canal.

TRIBUTE TO THE HONORABLE JOHN DOW

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. FRASER. Mr. Speaker, rarely do we in Congress have time to consider the qualities which make up an exceptional Congressman. A tribute to an individual Member of Congress is one of the few occasions in which we can learn about the past accomplishments and broad experience of our colleagues here in the House.

Yesterday during a special order, many Congressmen described the facets of JOHN DOW's extraordinary career—a systems analyst with broad knowledge of computer technology, a political scientist who has had deep interest in congressional reform, a long time activist in civic activities in Rockland County, N.Y., an initiator of legislative and private efforts in the fields of environmental protection and conservation.

I would like to join in paying tribute to JOHN DOW. He was one of the first to oppose the war in Vietnam in 1965 and has taken numerous stands which put him in advance of opinion in his district. After a defeat in 1968, he was reelected to this Congress with full support of the Democratic Party, the Liberal Party, and labor organizations of his district. His presence in this Congress is a vivid example of the power of integrity, honesty, and talent in the service of a man who has not been afraid to use these qualities. JOHN DOW is an exceptional asset, both to Congress and to his constituents.

AS THEY COME BACK HOME

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. CORMAN. Mr. Speaker, Apollo 15 Astronauts Irwin, Scott, and Worden are expected to splash down in the Pacific Saturday afternoon completing what has probably been the most exciting space mission ever made.

As these courageous explorers return from their adventure on the frontier of space, I think it is only fitting to salute their outstanding achievements and reflect on the innumerable benefits derived from our space program. In commemoration of the Apollo 15's return to earth, I submit for the RECORD the following editorial which appeared in the August 3 edition of the Washington Daily News:

AS THEY COME BACK HOME

Every time our gallants pay another exploring visit to the moon, we run out of superlatives anew.

Naturally, because as Rocco A. Petrone, director of the Apollo program, says, "every mission grows on past missions." Each journey is refined and elaborated from the experience of the previous trips.

It should be no surprise, then, that Apollo 15 has been such a smash. From that timid, cautious probe of the atmosphere by Alan Shepard just over 10 years ago, our space industry has progressed to the point where it confidentally can safely park two men on the moon, sustain them there for three days, and haul back enough evidence to keep a horde of scientists gloating for many months to come.

The mechanical precision and the imagination which go into these assaults on lunar history are marvelous. The science which can provide instant color television from 250,000 miles away boggles the intelligence. The calm heroics of the skilled young men who make the trip are thrilling and inspiring.

But it is the spectacle of pure knowledge at work which will make the most enduring impact—knowledge chasing after more knowledge, and finding it. Knowledge which leads us on and on because the more we learn the more we discover that knowledge is unlimited.

From the American space program we already have acquired such benefits as a satellite system capable of producing almost instant communication around the world. Weather and navigation aids have been enormously improved, with more to come.

The practical uses even now are phenomenal—yet only a little vision can forsee endless developments as knowledge grows on knowledge.

It is not merely the question of national pride, nor of glory in achievement, nor the challenge of a new frontier, nor even the necessity of having a surpassing space capability as a means of national defense in an area of obvious military possibilities.

It is the compelling need for knowledge which is the basic justification for the adventures in space—knowledge which can fortify humankind for the unknowns of the future. The alternative to the unceasing search for knowledge is stagnation, if not ultimate extinction. In a word, we dare not quit.

This was the business that Astronauts David Scott and James Irwin were about as they collected their precious rocks from the moon surface, and that Astronaut Alfred Worden was about as he circled the moon snapping pictures and running endless experiments.

The ultimate results will reverberate through the centuries.

FEELINGS ON THE ECONOMY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. HARRINGTON. Mr. Speaker, each month, the Department of Labor, the Department of Commerce, and the Department of the Treasury release their statistics. And each month, the officials tell us the figures should breed optimism because, although there was no major upswing, at least there was no drastic drop. But what does that middle American feel as he is out of work? He is the one to whom President Nixon said he would address his administration.

Unfortunately, the middle American feels no great optimism. In fact, he feels no optimism at all because, even if he is employed, it costs him more to feed his family, more to pay for his house or rent, more to pay his property tax, more if he just wants to go to a movie he very likely cannot afford. The feeling is that the Nixon administration is incapable of moving the economy.

Charts and statistics can be doctored, as an editorial in the Beverly Times on July 19 says, but the feeling of the people cannot be altered. The editorial points out that the economy, as a pendulum, will swing upwards again. But the country may be forced to wait until a new administration comes into office which is willing to take the course of action dictated by the conditions of the day. At this point, I wish to insert the editorial from the Beverly Times in the RECORD for my colleagues:

HOW TO CHART "FEELINGS"

The decision of President Nixon to sign a $2.2 billion jobs bill speaks more eloquently than mere words of the economic plight of the nation.

What has long been feared is a combination of inflation plus a steady rise in unemployment, and that is exactly what is going on. Mr. Nixon is a team player. He has assembled what he believes to be a top team of economic advisers, and he has been sticking with the team's analysis of what is happening and what is likely to happen.

Economists delight in assembling figures to support their theories. What some read as disaster, they see as encouraging signs, and vice versa. Economists live in a world of charts, graphs and empirical data. They measure trends with decimal points. In a complex world, they are essential to our understanding of what is taking place and what is likely to take place.

But economists frequently fail because they lose sight of the most important fact of all, the imponderable "feeling" of the people of the nation.

Former Defense Secretary McNamara was the epitome of such chart men. He would have nothing to do with any subordinate who based any opinion on other than hard and provable fact. "Feelings" were dismissed as witchcraft.

And yet, there is a malaise upon the country brought on by both the negative psychology of the war, and the shutting down of the war machinery. There is a deterioration of confidence that defies the economists' charts, a belief that "all is not right with America," a lessening of national pride of accomplishment, a questioning of materialistic values, and these do not measure out in decimal points and graph curves.

Highly trained men, good men, competent and conscientious, are unemployed by the tens of thousands. And when they lose their employment, so do those who depend upon them. When a man with youngsters in college, who owns a boat and a couple of cars, loses his income, everyone feels it. The kids must go to work, thus adding to the employment problem. At least one of the cars is dumped, and garages suffer the consequences. A "for sale" sign is hung on the boat, and boatyard employees have less to do.

And, perhaps, most significant of all, the formerly well-paid man who contributed a large share of his income to taxes is now on relief, and his share of the tax burden is passed on to the rest of us.

Multiply this condition by the growing number of unemployed and one can understand why the President has reversed himself in terms of priming the pump.

The fact is that the economy Will get going again. The only question is when, and under what sponsorship.

Mr. Nixon's problem in the next election is not going to be the war so much as it will be the question of the economy. The war, however disturbing, is far away. The economy is right in the nation's hip pocket, and this election will be decided by the size of the contents of the wallets.

JOHN H. JENKINS, AUTHOR, PUBLISHER, CRIMESTOPPER AND FRIEND OF AUDUBON SOCIETY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. PICKLE. Mr. Speaker, John Jenkins of Austin, Tex., was just graduating from high school when he received the first copy of his first book. He was the youngest acclaimed author in the United States. None other than J. Frank Dobie provided the introduction for the book, and the young Mr. Jenkins received the first of many awards he would rapidly accrue.

Now, just a scant 15 years later, he is heralded as the man who knows everything about books—and he is the man who put that knowledge to work to stop the theft of some of our most precious national treasures—the first bird lithographs prepared in 1827 by John James Audubon.

The tale rivals any detective author's imagination—but it is for real—secret signals, FBI trailers, dark allies, sleazy motels, and all.

It is a story that stands on its own merits as testimony to what cooperation and courage on the part of private citizens and our police forces can do.

But then, let us let Nanci Felice of the Austin American-Statesman tell the tale:

RARE BOOK EXPERT HELPS TRIP THIEF OF COLLECTION

(By Nanci Felice)

John Jenkins sat in an elaborately carved chair which he calls "early nightmare style" behind his desk at Jenkins Publishing Co. Friday afternoon and told how his knowledge of books led the FBI to recover a fortune in rare, stolen books.

Jenkins, 31, alerted the FBI two weeks ago when a New York man offered to sell some rare books. A book expert since childhood, Jenkins recognized some of the books he was offered as stolen from Union College in Schenectady, New York and Shapiro Books, a New York rare book dealer.

"The funny thing is that fellow (the New York man) called the one man who knows everything about books," said one of Jenkins employes.

The FBI told Jenkins to set up an appointment with the New Yorker to purchase some of the collection. Last Tuesday, when the man called Jenkins back, the Austin dealer said he would fly to New York to buy some of the books. However, he was unable to get the man to set up a meeting place. Jenkins was told he would be met at the airport.

Jenkins alerted the FBI, and it was prearranged that the mustachioed young Austinite would be smoking his orange (for the UT Longhorns, of course) pipe when he stepped off the plane, for FBI identification.

"From the time I got off the plane and for the next four hours I had no idea if I had any protection or not," Jenkins said of the elusive FBI agents.

He was met by the New York man, who took him by car on a circuitous route "through back alleys and around corners" to a "sleazy motel" near the airport. Jenkins said he feared the FBI had failed to make contact or had been lost by the man's route.

At the motel, Jenkins said, the man showed him "a quarter of a million dollars worth of stuff," including some of the first 10 bird lithographs prepared in 1827 by American naturalist John James Audubon. Jenkins told the man he'd give him $50,000 cash for the lot.

"I told him I'd have to go to my hotel and make arrangements for the money," Jenkins recalled. "The bank here was standing by and said they'd help me any way they could."

Back in his hotel, Jenkins called the FBI, who he learned "had a fix on me all the time." He was told to go back to the motel as if he planned to make the purchase.

"As I knocked on the motel door, the FBI agents fell out of the rafters," Jenkins said. "They went in and found the man with three loaded pistols. Apparently he had become suspicious, because he'd loaded half of the books in the trunk of his car for a get away."

All of the Audubon lithographs were recovered, Jenkins said. In spite of a few blood stains and torn edges on them, the prints were in good condition.

Kenneth M. Pall, an ex-convict from Pennsylvania, was being held for trial July 21 under $100,000 bail in connection with the case, the FBI said later.

"They sold in an auction once for $217,000," Jenkins said. "I wanted to see them recovered, not for the money value but because they can be of beauty and use to people for years. These are probably some of our greatest national treasures."

Union College was offering a $2000 reward for the return of the Audubons. Jenkins said he will set up a scholarship with the money.

Jenkins, who published his first book at age 14, says he's been interested in rare books "all my life." Since 1963 he has built his publishing firm on IH 35 into a mecca for devotees of first editions.

INTERESTING SOLUTIONS TO U.S. TRADE PROBLEMS

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. FRELINGHUYSEN. Mr. Speaker, so far this year the United States has been running a sizable deficit in our balance of trade with other countries. This is sure to raise renewed pressure for legislation to restrict imports from other countries. Many economists warn that restrictive trade legislation ultimately would be very detrimental to us.

Are there alternatives? The President's new Assistant for International Economic Affairs, Peter G. Peterson, appears to be developing some interesting answers to the dilemma of low-cost competition from countries where labor and production costs are so much lower than here. The following is an interview printed in the Wall Street Journal of July 6, 1971, that discusses Mr. Peterson's views:

NIXON AIDE PETERSON HAS CONTROVERSIAL IDEAS ON OVERSEAS DEALINGS

(By John Pierson)

WASHINGTON.—"Tora! Tora! Tora!"

Only this time, instead of dive-bombers, Japan is sending us steel, radios, cars and cloth. And instead of Saturday night at the movies, it's Tuesday or Wednesday morning at the White House, and Peter G. Peterson, President Nixon's new assistant for international economic affairs, is showing slides.

Less dramatic than bombs surely, but Mr. Peterson's graphs and charts, depicting trade trends, are nonetheless starting to awaken some powerful people here to a growing challenge the U.S. faces in international trade. "It's going to be a much more economic world and a much more competitive one," he tells them.

Mr. Nixon, who confers almost daily with Mr. Peterson, hardly misses a chance now to warn that in two more years Japan will pass the U.S. in steel production. Or that with Britain in the Common Market, competition from Europe is going to be "a continuingly more difficult problem."

Catching the President's eye is one thing; finding workable solutions is another. Mr. Peterson, the former chairman and chief executive officer of Chicago's Bell & Howell Co., modestly maintains that he has only

begun to figure out the questions. But interviews with him and with men he has been talking to indicate that already he has begun toying with some controversial answers. Such as:

Government subsidies for research and development in computers or other high-technology products in which the U.S. has an advantage over its trading partners (but no help for low-technology industries such as shoes, in which America is less competitive).

Softer antitrust laws to give U.S. companies more power to compete abroad.

Tax breaks for exports and investment incentives for companies that sell overseas.

Realignment of the relative values of the dollar, the yen, the mark and other currencies to make U.S. products relatively cheaper in world markets.

A get-tough policy toward Europe and Japan on trade restrictions and defense cost-sharing.

ROAD MINED WITH CONFLICTS

As these controversial ideas indicate, Mr. Peterson's roadhead is mined with conflicts not only between the U.S. and other nations but also between business and labor, Democrats and Republicans, Congress and the White House, the State Department and the Treasury, free-traders and protectionists, central planners and free-enterprises—to name a few.

Mr. Peterson has undertaken the journey with impressive credentials. A summa cum laude scholar at Northwestern University, he was a successful advertising man before becoming Bell & Howell's executive vice president at 31 and chairman of the camera company at 41. Mr. Nixon has described him as "one of the ablest . . . chief executive officers of this generation." As chairman of a private commission looking into the tax treatment of philanthropic foundations, he won the respect of Arkansas' Rep. Wilbur Mills, chairman of the House Ways and Means Committee, which handles trade legislation. A powerful ally in the White House is George Shultz, director of the Office of Management and Budget, who recommended Mr. Peterson to Mr. Nixon.

According to the President, the 45-year-old Mr. Peterson's assignment is to "bring some form, some central direction" to U.S. policy in the fields of international trade, investment, balance-of-payments and finance.

Mr. Peterson has begun by trying to bring himself and others "up to date" on the trade problems and the important trends of the past 20 years. These have been reduced to a series of colored charts and graphs, which he reworks and reworks again, as one official describes it, "like a dog worrying his bone." The charts and graphs are flashed on a screen (with, Mr. Peterson ruefully discloses, a projector made not by Bell & Howell but by Eastman Kodak) while he gives a running commentary to his audience of Congressmen, business leaders, labor bosses or White House aides.

A COMPLEXITY OF REASONS

The problems, as Mr. Peterson sees them, go something like this: In the years right after World War II, when Europe and Japan were still on their knees, the U.S. could dominate world trade. Now, with U.S. help, Europe and Japan are back on their feet and giving the U.S. a run for its money. Some analysts blame low foreign wages for America's declining trade balance. Others maintain that this country's trading partners are unfairly subsidizing exports and penalizing imports. Still others claim the dollar is overvalued in relation to European currencies, while the Japanese yen is undervalued in relation to the dollar.

Whatever the reason, U.S. imports are lagging and imports are rising, which adds to the balance-of-payments deficit and the threat of a world money crisis. It also adds to unemployment and fuels demands from U.S. labor and some industries for restrictions on imports.

Meanwhile, to escape foreign tariffs and take advantage of cheap foreign labor, some American companies are setting up shop abroad, which costs additional jobs at home. So labor demands controls on exports of capital and technology. The employment problem could become acute, as there will be 20 million more Americans looking for jobs by the end of the decade.

What to do? In the first place, Mr. Peterson firmly believes that the U.S. should remain a trading nation. "We can either pull in our horns and say we're going to withdraw from competing effectively," he observes, "or we can say we have the resources to compete and win. For example, I am told we spend more on space than Japan spends on all research and development. So we have the scale to invest in our country's economic future, if we have the will to do it."

"Then", he continues, "we have to look at where our country's comparative advantage is going to be." Its here that Mr. Peterson raises the question whether the government shouldn't help high-technology industries—computers, nuclear power plants and the like—with low-interest loans, tax breaks and other subsidies as well as antitrust exemptions to help them develop new products, modernize plant and equipment and compete more effectively abroad.

Naturally, there would have to be some mechanism for deciding which industries the government would help and which it would ignore. As this gets into centralized planning, anathema to many Americans, Mr. Peterson hastens to add that he's only talking about "limited" planning. And even limited planning may be a long way off. Right now, he's thinking about a bipartisan committee to help figure out what sort of planning ought to be done and how.

In addition, Mr. Peterson says the U.S. will certainly have to take a firmer line with the Europeans and Japanese on the question of our economic interests, their trade and investment restrictions and sharing of the defense burden. "Japan is a particularly urgent example," he adds. Presumably this line will include pressure on Japan to raise the yen's value and to end restrictions on imports of goods and capital, as well as pressure on Europe to lower its barriers to U.S. foodstuffs. "I think we'll be tough-minded and firm, but our objective is a constructive one and certainly, not to drive the Europeans and the Japanese inward," says Mr. Peterson.

Organized labor, he feels, has "exaggerated somewhat" the impact of U.S. overseas operations on the domestic job market, although the data aren't complete. Restrictions on capital movements, he warns, would reduce U.S. competitiveness, tempt retaliation, undermine Western defenses and damage the American "spirit." But he does favor a "far bolder" approach to helping companies and workers injured by the free flow of goods and investment, though thus far the details haven't been disclosed.

THE OLD VIRTUES

Mr. Peterson's approach to economic problems abroad leads inevitably to important questions about American's future at home. A self-made man whose father came from Greece and changed his name from Petropoulos, Mr. Peterson is a strong believer in the virtues of hard work and competition. Like President Nixon, he deplores what he sees as a current overemphasis, particularly among the young, on leisure and a disdain for technology and economic growth. "In this kind of world economy, if you're going to grow, it's important that you be competitive," he says.

The need for growth is taken for granted. "If you're going to pay for environmental and poverty programs, you've got to have growth," he says. And technology and growth need not ruin the environment, Mr. Peterson believes, for pollution controls can be "built into" a product. The government, he adds, may have to "stimulate, subsidize and plan" in such fields as energy, water and transportation where it's "in the long-term interest of the country and may be too expensive for the private sector."

The very thought of such government intervention is enough to raise the blood pressure of some. One administration man, with long experience in business, thinks Mr. Peterson has become fascinated with Japan (Mr. Peterson punctuates his talk with an occasional "ahso"), where government and business work closely to set and meet economic goals. But unlike the U.S., this official cautions, Japan is "a regimented society." (Mr. Peterson himself says that planned economies have tended to have "lots of distortions and not as much initiative or innovation.")

ANOTHER BIG QUESTION

Even if everyone agreed on the need for central planning, says another insider, "is it the real world," to expect labor and management, Congress and the executive, Democrats and Republicans to agree on how to allocate the nation's resources?

Another big question is whether Mr. Peterson, an avowed believer in free trade, can stand up to the growing pressure from labor and some industries to cut back U.S. imports of goods and exports of capital and technology. Abe Morganstern, research director for the International Union of Electrical Workers, came away from a Peterson chart-show feeling that "his approach may be good for the long run, but what are we going to do to put our unemployed people to work now?"

Others wonder if Mr. Peterson is tough enough to persuade the Japanese and Europeans to abandon some of their "unfair" trade practices. One official at the Agriculture Department feels Mr. Peterson gave in too easily to the British in a recent negotiation over U.S. grain sales to Britain. But Ben Heineman, chairman of Northwest Industries and an old friend and golf buddy of Mr. Peterson's, says that "if he negotiates with the Japanese as hard and as well as he does on the first tee, he'll be a great success."

If Mr. Peterson tries to get too tough with U.S. allies, he'll almost certainly collide with the State Department and possibly with Henry Kissinger, Mr. Nixon's powerful assistant for national security affairs. It was partly to get trade problems out of the hands of the department, which is widely regarded as "soft on foreigners" when it comes to trade, that Mr. Peterson's job was created in the White House.

CONNALLY CLASH SEEN

While Mr. Peterson directs the work of the new Cabinet-level Council on International Economic Policy, the council's "operations group" is chaired by Nathaniel Samuels, deputy under secretary of state for economic affairs. And in any showdown Mr. Kissinger, who knows and cares little about economics, is likely to side with the State Department.

Insiders also predict an eventual clash between Mr. Peterson and Treasury Secretary John Connally over international monetary policy. While he's soon to add a monetary specialist to his staff, Mr. Peterson has been wary about moving into a field the Treasury has long regarded as its own. But many people in this town agree with Democratic Rep. Henry Reuss of Wisconsin, the House's leading expert on the subject, that "international monetary policy is too important to be left to the Treasury."

An example of the Treasury's jealousy and power can be seen in the recent agreement among major Western trading nations to begin considering trade issues; at the Treasury's insistence, the high-level Committee of the Organization for Economic Cooperation and

Development won't get into monetary problems at all. "Who's the boss, Connally or Peterson?" wonders Connecticut's Democratic Sen. Abraham Ribicoff, who has been holding hearings on U.S. foreign trade.

Mr. Peterson says he has far less spare time in his new $42,500-a-year job than he did in his old $125,000 job. He was so busy the other night that instead of going home to change for a formal White House dinner he sent a car to fetch his tuxedo.

Mr. Peterson is going about the job with energy and, according to one colleague, "an intellectual flexibility that transcends that of the average American businessman." And a touch of humor. Among his favorite phrases is: "This field is ready for some new cliches."

THE PRESIDENT'S STATEMENT ON BUSING: POLITICAL HOT AIR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. RARICK. The President's statement yesterday on busing of schoolchildren certainly presents quite a paradox. He has announced his intention to support an amendment to the Emergency School Assistance Act "that will expressly prohibit" using funds of that act to bus schoolchildren. Yet this action on the part of the President is like shutting the gate after the cows got out—this House has recently seen fit to appropriate approximately $12 million to the Office for Civil Rights under the Labor and HEW appropriations bill H.R. 10061—money that will be used for the enforcement of busing.

If the President feels so strongly opposed to busing schoolchildren, he should veto this bill. After all, his Director of the Office of Civil Rights, J. Stanley Pottinger, representing the executive branch, testified at the hearings of the committee that:

In FY 1972 we will be focusing attention on the following areas of enforcement: 1. Renegotiation where necessary of Title VI, voluntary desegregation plans now in effect which do not meet the principles enunciated by the Supreme Court in Swann vs. Charlotte-Mecklenburg Board of Education, a landmark decision handed down on April 20, 1971—

A decision that insisted on busing to achieve racial balance.

In the meantime, the President must follow the dictates of his own "right to know" guidelines and let the people know the truth—his actions yesterday were just so much hot air. They do not mean that there will be no busing of schoolchildren this fall.

If the President really feels so strongly about busing, he need only comply with the law of the land—the Civil Rights bill of 1964. Title 42 U.S.C. 200C(b) reads:

but desegregation shall not mean the assignment of students to public schools to overcome racial imbalance.

Despite its de facto rulings and utterances, the Supreme Court has never found this law of Congress repugnant to the Constitution; so by the Constitution, it remains the law of the land to the President as well as to the Federal judges and the American people.

I insert the text of the President's statement on busing and a related news article in the RECORD at this point:

[From the New York Times, Aug. 4, 1971]

STATEMENT ON BUSING

WASHINGTON.—Following is the text of President Nixon's statement today on the busing of schoolchildren:

The Justice Department is today announcing the Government's decision to take an appeal on limited constitutional grounds in the case of the United States v. Austin Independent School District, involving school desegregation.

The Attorney General advises me that he must appeal the district court's decision that the school board's plan to bus children periodically for interracial experiences eliminates the dual school system, because that decision is inconsistent with recent rulings of the United States Supreme Court. The Justice Department is not appealing to impose the H.E.W. plan. In the process of the appeal, the Justice Department will disavow that plan on behalf of the Government.

I would also like to restate my position as it relates to busing. I am against busing as that term is commonly used in school desegregation cases. I have consistently opposed the busing of our nation's schoolchildren to achieve a racial balance, and I am opposed to the busing of children simply for the sake of busing. Further, while the executive branch will continue to enforce the orders of the Court, including court-ordered busing, I have instructed the Attorney General and the Secretary of Health, Education and Welfare that they are to work with individual school districts to hold busing to the minimum required by law.

Finally, I have today instructed the Secretary of Health, Education and Welfare to draft and submit today to the Congress an amendment to the proposed emergency school assistance act that will expressly prohibit expenditure of any of those funds for busing.

[From the New York Times, Aug. 4, 1971]

NIXON DISAVOWS H.E.W. PROPOSAL ON SCHOOL BUSING

(By James M. Naughton)

WASHINGTON.—President Nixon disavowed today his Administration's plan for extensive crosstown busing to desegregate the public school system in Austin, Tex., and reasserted his strong opposition to busing as a means of achieving racial balance.

The President directed Attorney General John N. Mitchell and the Secretary of Health, Education, and Welfare, Elliot L. Richardson, to "work with individual school districts to hold busing to the minimum required by law" as school systems in the South seek to adjust to a Supreme Court ruling upholding the use of busing to desegregate schools.

Mr. Nixon instructed Mr. Richardson to submit to Congress an amendment to the proposed Emergency School Assistance Act "that will expressly prohibit" using any of the acts $1.5-billion to acquire buses. The bill is intended to help schools that are desegregating.

A MAJOR CHANGE

The actions signaled a major change by the White House from its earlier interpretation of the Supreme Court's April 20 ruling on busing.

The Court declared, over the opposition of the Justice Department, that busing was proper unless "the time or distance is so great as to risk either the health of the children or significantly impinge on the educational process."

In its first school desegregation proposal after the Supreme Court ruling, the Department of Health, Education and Welfare recommended on May 14 that a Federal District Court in Austin approve "extensive" busing to achieve a city-wide mixture of the Negro and Mexican-American minorities with the white Anglo majority.

At that time, J. Stanley Pottinger, director of the Office of Civil Rights, said that the plan was clearly "the first indication" of the Government's interpretation of the Supreme Court ruling.

Federal District Judge Jack Roberts rejected the Government plan on July 19 in favor of the Austin school board's proposal to create centers for fine arts, social sciences, avocations and science and to bus elementary school pupils to them for periodic "cultural" experiences.

In a statement issued late today by the White House, the President said that the Justice Department would appeal Judge Roberts's ruling "on limited constitutional grounds."

Mr. Nixon said the Attorney General had advised him that he "must appeal" the Austin school board's plan for periodic interracial experiences "because that decision is inconsistent" with the Supreme Court ruling.

But the President's statement added:

"The Justice Department is not appealing to impose the H.E.W. plan. In the process of the appeal, the Justice Department will disavow that plan on behalf of the Government."

Gerald L. Warren, deputy White House press secretary, said he was sure that Mr. Richardson concurred in the disavowal.

Mr. Richardson was not available for comment. He left on a month-long vacation this afternoon.

OPPOSITION IS VOICED

Mr. Nixon, who pledged in his 1968 campaign for the Presidency to do all he could to prevent the forced busing of pupils, said that he "would also like to restate my position as it relates to busing." He declared:

"I am against busing as that term is commonly used in school desegregation cases. I have consistently opposed the busing of our nation's schoolchildren to achieve a racial balance, and I am opposed to the busing of children simply for the sake of busing.

"Further, while the executive branch will continue to enforce the orders of the Court, including court-ordered busing, I have instructed the Attorney General and the Secretary of Health, Education and Welfare that they are to work with individual school districts to hold busing to the minimum required by law."

The President's statement appeared to be a reply, in part, to a resolution adopted yesterday, 351 to 36, in the House of Representatives. It directed Mr. Richardson to furnish Congress with information on the extent of busing supported by his department.

Mr. Richardson sent a letter this afternoon to Speaker Carl Albert, saying that the vote yesterday "may reflect a fundamental misunderstanding" of his department's programs. He said that there was "no program administered by this department either designed or used to support, promote or require the busing of schoolchildren to achieve racial balance."

The Secretary recalled in the letter a statement of opposition to busing by Mr. Nixon on March 24, before the Supreme Court ruling.

Mr. Richardson attached to his letter a copy of the proposed amendment to the emergency act. It states, "No funds appropriated pursuant to this act may be used to acquire or pay for the use of equipment for the purpose of transporting children to or from any school or otherwise to pay any part of the cost of any such transportation."

AN AMERICAN IN ATHENS

HON. BENJAMIN S. ROSENTHAL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. ROSENTHAL. Mr. Speaker, of the many thoughtful letters, on all sides of the issue, which I have received recently on Greece, the following communication from Prof. William V. Spanos of the State University of New York at Binghamton was one of the most illuminating and moving.

Professor Spanos recently returned from a year in Athens as Fulbright Professor of American Literature. His firsthand experience describes a disillusionment of many Greeks with American policies. I find this development appalling because the traditional friendship of our two countries has endured through many changes of government both here and in Athens.

With Mr. Spanos' letter, I include the enclosures he mentioned which contribute to the disturbing account he provides at a time when Congress is making very serious decisions about our policies toward Greece:

JULY 29, 1971.

DEAR CONGRESSMAN: It was with great satisfaction that I read in the New York Times of July 16 that the House Foreign Affairs Committee headed by Congressman Rosenthal of New York voted to withhold the $118 million in military aid to the military regime in Greece on the grounds that the administration "had not been able to make a coherent case for military assistance to Greece, much less for the proposed increase from $80 to $118 million."

I spent the year 1969–70 as Fulbright Professor of American Literature at the University of Athens, and was profoundly disturbed throughout that time by the great disparity between the actual political situation in Greece and the administration's unofficial justification for providing psychological and military support for the colonels—a policy that culminated inevitably in the official resumption of heavy arms shipments and virtual approval, in Secretary Stan's visit to Athens in April, of the colonels.

The disclosures of the Pentagon Papers concerning government by secrecy call loudly and clearly—and desperately—for a Congressional examination of American foreign policy in Greece. My experience in Greece, which I summarized in a letter to the New York Times on February 5, 1971, and the testimony about the actual events in Greece in the responsible American and European press not only undercut the State Department's justification for the official resumption of arms shipments on the grounds that "the trend toward a constitutional order is established in Greece," but also suggest the possibility that the decision to aid the colonels was made long before it was made official.

The issue, therefore, is not only democracy in Greece but also democracy in the United States. The Pentagon Papers have revealed that constitutional government in the United States is in crisis because the presidency has arrogated crucial power from the Congress—and because the Congress has betrayed its crucial role in the system of checks and balances that guarantee our people their essential freedom. I hope that as a Representative you will support the Foreign Affairs Committee in its efforts to press the administration on the matter of military and moral support to the Greek dictatorship—and of course to other totalitarian regimes.

Yours truly,

WILLIAM V. SPANOS,
Associate Professor, English and Comparative Literature SUNY at Binghamton.

[Clipping from the New York Times, Feb. 5, 1971]

RESUMPTION OF ARMS SHIPMENTS TO GREECE

To the Editor:

The events of the last year left no doubt in the minds of virtually everyone in Greece that the Nixon Administration would eventually announce publicly the resumption of heavy arms shipments to the military regime that rules there. The reports that American diplomats were working behind the scenes to dissuade the nations of the Council of Europe from ousting Greece; the appointment of Henry J. Tasca as Ambassador; the gradual and probably deliberate leaking of his recommendation to resume heavy arms shipments; the constant linking of American foreign policy in Greece with the Middle East crisis, and, finally, the revelation that the Pentagon had been secretly providing heavy arms to the colonels—all this had prepared us for the September announcement.

But it was with a profound sense of the truth being violated that I recently read, first, that the Administration justified the official resumption of "full-scale arms shipments" on the grounds that "the trend toward a constitutional order is established in Greece," and shortly after, that Secretary Laird had been dispatched to Athens to discuss NATO's defense of democracy with Premier Papadopoulos and other Greek colonels devoted to the NATO charter.

I spent a year (ending June 1970) as Fulbright Professor of American Literature at the Univeristy of Athens. During that time (much of it spent convincing my students, and others, that I was not a C.I.A. agent) I saw no evidence to suggest that the junta was restoring democracy in Greece.

I saw, rather—and my observations included the witness of ordinary citizens as well as former military officers, parliamentarians and intellectuals—only evidence of the same contempt for the dignity of human life revealed during the proceedings of the Council of Europe. As late as May, for example, we witnessed the notorious "Trial of the 34," in which detailed testimony of confessions under torture did not prevent the military court from passing unjustified sentences on all the accused. And not long after, we witnessed the *de facto* suppression of "The Ethnes" for publishing a call for the restoration of democracy.

Contrary to the implications of the State Department announcement, there is—and I saw it—a despair in Greece that becomes more bitter as it becomes clearer to Greeks that American foreign policy, despite lip service to "constitutional order," was and is committed to supporting this ruthless—but anti-Communist—dictatorship.

What lies behind the Nixon Administration's callous disregard of obvious human testimony is the mythological geopolitical melodrama being played out by the two superpowers in the Mediterranean. This dehumanized short-term diplomacy—a diplomacy of fraudulent justifications for the sacrifice of the freedom of real human beings in the name of the dubious abstractions of the cold war—is not only alienating Greeks; it is also driving the young toward the radical left. As more than one student told me, "American support of Papadopoulos is Communism's best weapon in Greece." More important, it is morally repugnant. Indeed, the cynical justification reveals an attitude perilously like the contempt for the testimony of others that characterizes the totalitarianism it supports.

WILLIAM V. SPANOS,
Associate Professor of English and Comparative Literature, State University at Binghamton, Binghamton, N.Y.

STATE UNIVERSITY OF
NEW YORK AT BINGHAMTON,
Binghamton, N.Y., May 3, 1971.

To the Editor: The New York Times, New York, N.Y.

The recent visit of Secretary of Commerce Stans to Athens, Greece, which culminated in his outrageous public encouragement of the Greek military regime in the name of American business interests, has brought the Nixon Administration's disarming strategy of piecemeal recognition and support to its completion. It is now quite obvious that the executive branch of our government intends to cooperate in an absolute way with the dictatorship that rules over that benighted country—indeed, that it intended to do so from the beginning when it sent its man, Henry Tasca, to Athens in the fall of 1969. Yet there has been no substantial evidence forthcoming from Greece to suggest that the military regime has justified this all out support by even the slightest gesture towards the restoration of civil rights, to say nothing of democratic processes. As a matter of fact, the truly reliable testimony available, such as that of the Moose-Lowenstein report to the Senate Foreign Relations Committee and that of the European Press, suggests that the colonels continue to organize an inhumanly coercive state. The time has come, therefore, when the Congress of the United States should challenge the Nixon Administration in behalf of the democratic ideals of our country to clarify the motives behind its support of the Greek dictatorship in the face of such continuing testimony.

Our government owes it to the American people—even if most are unconcerned—to let them know whether its military and economic support of the Greek colonels is based on a believable pledge to restore democracy in Greece or whether this support is—as many are beginning to suspect—another and by now predictable manifestation of that frightening totalitarian tendency to arrogantly impose *our order* on helpless "underdeveloped" nations at the expense of the *real human beings* who live in them. With Secretary Stans' high praise of the Greek dictatorship's creation of a climate of economic stability (which might be more accurately termed the imposition of law and order by violence and threat), it now appears unlikely that the Nixon Administration intends to offer that information. Thus in the name of that system of "checks and balances" which, as every American schoolboy is taught to believe, guarantees a free people against the arrogation of power by the executive, it becomes a matter of crucial importance that the Senate Foreign Relations Committee make every effort (the initiation of public hearings, for example) to call the Nixon Administration to account for its apparently callous and inhumane policy in Greece. The stake, as the editors of *The Times* have suggested (May 2), is not only freedom in Greece, but ultimately freedom in the United States. The parallel between our government's arrogant policy in Greece and Viet Nam as well as our support of other totalitarian regimes throughout the world should warn us that this is a very real danger indeed.

Yours truly,

WILLIAM V. SPANOS,
Assoc. Prof. of English and Comparative Literature, Suny Binghamton and former Fulbright Lecturer in American Literature at the University of Athens (1969–70)

STATE UNIVERSITY
OF NEW YORK AT BINGHAMTON,
Binghamton, N.Y., April 27, 1971.

DEAR SENATOR FULBRIGHT: I am writing to urge your committee to initiate public hearings on American foreign policy in Greece. My observations (and experience in the Pippinopoulou affair) during the year I spent as Fulbright Professor of American Literature at the University of Athens (1969–70); the conclusions drawn by Richard Moose and James Lowenstein in behalf of the Senate Foreign Relations Committee, and the recent events culminating in Secretary of Commerce Stans' visit to Athens and his outrageous public support of the regime in the name of American business interests have made it quite clear that the Nixon Administration intends to support the Greek dictatorship in an absolute way—indeed, that it intended to do so from the beginning. I feel, therefore, that the time has come when the Congress should challenge that foreign policy in behalf of the democratic ideals of our country to clarify the motives behind President Nixon's support of the Greek colonels in the face of overwhelming testimony that our beneficiaries are organizing an inhumanely coercive state.

Our government owes it to the American people to let them know whether its support of the Greek colonels is based on a believable pledge to restore democracy in Greece or whether this support is—as many of us suspect—another manifestation of that frightening totalitarian tendency to arrogantly impose our order on the community of nations at the expense of the real human beings who live in them. Unfortunately, it now appears unlikely that our government intends to offer that information. Thus, in the name of that system of "checks and balances" which, as every child in our country is taught to believe and be proud of, guarantees a free people against the arrogation of power by the executive, it becomes a matter of critical importance that the Senate Foreign Relations Committee make every effort to call the Nixon Administration to account for its apparently callous and inhumane policy in Greece. Not only Greece but also the United States is at stake.

Respectfully,

WILLIAM V. SPANOS,
Assoc. Prof. of English and Comparative Literature

ATHENS, GREECE,
June 19, 1970.

BOARD OF DIRECTORS
U.S. Educational Foundation in Greece
Athens, Greece

GENTLEMEN: As a Fulbright grantee in Greece during this crucial year, I feel compelled to communicate my deep concern about the appointment of a new director of USEF now that James Warner's resignation has left this important post vacant.

I have always believed that the chief value of the Fulbright program lay in its being an autonomous agency, the essential purpose of which is objective cultural exchange. But during my year as Fulbright Professor at the University of Athens (and especially after the arrest without charges of Miss Rita Pippinopoulou, one of the secretarial assistants of USEF) I have noted a strong tendency on the part of the U.S. Embassy to blur the distinction between its and the Fulbright program's functions—a tendency, by the way, that Mr. Warner himself often commented on. I was especially disturbed by two outright violations of the program's autonomy. The first occurred rather early in the year when a young man from the political section of the Embassy in Athens appeared at the Fulbright offices to offer himself as a teacher of English as a foreign language ostensibly to alleviate the shortage of qualified teachers in the English Department of the University of Athens, but in fact to gather information about Greek student opinion in behalf of the Embassy, which, according to the young man, thought this kind of information very important at such a critical time in Greek history. The second occurred at the time of Miss Pippinopoulou's second arrest when many Fulbright grantees were reacting with great indignation not only to her arrest but to the implicit harassment of the Fulbright program by Greek security police. In an extremely uncharacteristic gesture of threat which can hardly be explained except as the result of pressure from the Embassy, Mr. Warner read to the convened grantees that section of their contract dealing with the punitive measures that result from interference in the politics of a host country. Ironically, it is as a result of such actions and the attitude which underlies them that the Embassy is tacitly suggesting to the general Greek public, and especially to the students and the intellectual and political opposition to the governing junta (and perhaps to the junta itself) that the Fulbright program is indeed politically oriented—that it is in fact a political arm of the Nixon administration and engaged in supporting its policies in regards to the Greek situation.

What is at stake in the appointment of a new director of USEF is the integrity of the Fulbright program, that is to say, the *disinterested* exchange of knowledge. And since this program was conceived to transcend politics and presidential administrations, I feel responsible as a member of the American academic community for pointing out to those who will appoint the new director what seem to me to be threats against its integrity and to persuade them to consider these threats seriously in their deliberations.

I do not think it unreasonable to say that, at this time when so much of Greek public opinion has turned against American foreign policy in Greece, it will be especially, perhaps only, this kind of disinterested offering of knowledge—particularly that knowledge of American life and culture which reveals the creative and dynamic energies that have always been the source of the true greatness, the profound humanity of our nation—that will sustain the rapidly disintegrating friendship of the Greek people, whether of the left or the right, for the United States.

Yours truly,

WILLIAM V. SPANOS,
Fulbright Professor of American Literature, University of Athens, 1969–70.

UNITED STATES FOREIGN POLICY AND THE QUESTION OF THE RESTORATION OF DEMOCRACY IN GREECE

"Nonetheless, if Washington goes ahead and hands over the new tanks to Athens before Papadopoulos sets the date for elections, the U.S. action will be regarded throughout the world as the final act of the American embrace of the dictatorial colonels." *Time Magazine*, September 21, 1970.

On September 22, 1970, the U.S. government officially announced the resumption of heavy arms shipments to the military regime that rules Greece on the grounds that "the trend towards a constitutional order is established in [that country]." The following news reports gathered from responsible news media throughout the free West have appeared since this announcement. The implications are obvious: the distance between the official announcement and the reports brings the integrity of the U.S. government's justification for continued military and economic support of the Greek colonels into serious question.

I

On December 19, 1970, Papadopoulos announced that there would be no change in the governmental structure in the coming year. ". . . Papadopoulos told the Greek people . . . that their political freedoms, abolished by martial law 44 months ago, would not be restored in 1971." *The New York Times*, December 20, 1970 (See also *The Manchester Guardian Weekly*, December 26, 1970).

II

"Christmas arrests in Greece violation of constitution" The London *Times*, January 5, 1971. The arrests included among others three Members of Parliament (Ioannis Alevras, Vasilios Intzes, Talbot Kefalinos), Mr. Christos Sartzetakis, the investigating judge in the Lambrakis case, who was portrayed in the film *Z*, and Mr. Evanghelos Yiannopoulos, a lawyer who defended several regime opponents before the military tribunals. *The Times*, March 3, 1971.

In June, Mr. Roger Davies, Deputy Assistant Secretary of State for Near Eastern and Southeast Asian Affairs, was reassuring Senator Fulbright and other members of a subcommittee of the Senate Foreign Relations Committee in Washington about the progress of "normalisation" in Greece: "On April 10 [1970], sir, that part of the constitution which requires warrants for arrest, and provides certain safeguards as against arbitrary judicial processes, was implemented. . . . In other words, the Greek habeas corpus was in operation." *The Manchester Guardian Weekly*, February 27, 1971.

"The unspecified number of Greeks arrested on November 28 [1970], estimated between 40 and 160, were detained without charges for more than five months . . ." *The Times*, May 11, 1971.

III

"Greece ends Red Cross Visits to Political Prisoners" *The New York Times*, January 11, 1971.

"Now the powers of arrest on political charges and the treatment of prisoners will have no impediment from any outside body, still less from any curious journalist." *The Times*, December 4, 1970. Campbell Page, writing for *The Manchester Guardian Weekly*, February 27, 1971, calls Greece "a nation behind bars" and describes the hardship of political prisoners and their families to suggest the climate of repression throughout the country.

IV

"Greek gaol threat for foreign reporters." *The Times*, December 3, 1970.

"Greece's military backed government issued a decree today making correspondents of the foreign press, radio or television, whether Greeks or foreigners, liable to heavy prison terms and fines in Greece for 'disseminating false reports.'" *The New York Times*, December 3, 1970.

V

"Elections" for the so-called small parliament, an advisory body created by the colonels, announced. Of the 5,000,000 registered voters only 1,240 (handpicked by the government) are going to cast ballots. (See *Time*, December 14, 1970, *The Observer*, November 29, 1970) *The New York Times* editorial says about this election that: "Greece's military rules continue to build facades designed to persuade the world that they intend eventually to restore constitutional democracy. Only the Nixon Administration and professional apologists for the Athens regime seem impressed." *The New York Times*, November 11, 1970.

VI

Ban of travel against former right wing conservative minister, Mr. G. Rallis, to prevent contact with NATO. (See *The Times*, 3/16/71)

Former conservative Foregin Minister "accused the United States government of trying to establish a 'travesty of democracy' in Greece or else of being grossly misinformed about the true intention of the present regime." *The Times*, 9/24/70

Mr. Papaspirou, the speaker of the last

Greek Parliament, complained that the detentions of a number of people arrested during a security round up were in defiance of this part of the Constitution reactivated in April, 1970. See *The New York Times*, 1/20/71

Three leaders of Greece's two largest banned political parties denounce the regime. *The New York Times*, 3/24/71

"Distinguished citizens of nine NATO countries have organized what they call the European-Atlantic Action Committee on Greece in an effort to help end the military dictatorship and restore democracy 'in the land of its birth.' Their initiative could not have come at a better time." *The New York Times*, 6/3/71

VII

130 leading intellectuals of all persuasions join to speak out against the suppression of human rights in Greece. "One of those who signed the declaration was Mr. George Seferis, the Nobel prize-winning poet, who said, 'The suspension of the people's sovereignty and of human right arrests the fruitful flow of national life, opens the way to other constitutional deviations, deprives the country of the normal renewal of its political forces and leads it to spiritual and political withering.' " *The Times*, 3/23/71

VIII

Recent official American suspicions about the intentions of Greek regime concerning restoration of Democracy in Greece. *The New York Times*, 4/1/71

IX

Reaction in Greece to the resumption of arms shipments and the continuing support of the military dictatorship by the Nixon Administration: R. Moose and J. Lowenstein, the two investigators for the Senate Foreign Relations Committee, detected growth of popular anti-American feeling in Greece. (See *The New York Times*, 4/1/71, and *The Times*, 2/8/71)

Seen in the light of the recent disclosure by *The New York Times* (June 14, 1971) of the Johnson Administration's secret decision to initiate the large scale bombing of North Vietnam and to escalate the war without consulting the representatives of the people of the United States, the Nixon Administration's dubious justification for its support of the Greek dictatorship assumes alarming proportions. The parallel suggests that even more is at stake than democracy in Greece. What is ultimately in question is *our own* system of checks and balances that until recently has ensured the American people those human rights which constitute the essential ground of a free and creative nation.

[From the Manchester Guardian Weekly, December 26, 1970]

MARTIAL LAW STAYS

(By David Tonge in Athens)

No change in 1971 was the message from the Greek Prime Minister, Mr. Papadopoulos, in his State of the Nation address at the weekend. For those who had hoped for some relaxation of the Government's grip, his speech was a reminder that this Government considers it has a mission to fulfill and that it will let nothing prevent this.

Martial law is to be retained, and the full implementation of the Constitution will only take place "when I, bearer of the Greek people's mandate and of historic responsibilities, think the situation is secure, both for the nation and for the new society that will follow." Mr. Papadopoulos then gave the people what one newspaper has described as an assurance that he would "not be influenced by any voice whatsoever."

Seen against this, the step forward which the Prime Minister did announce became of minor importance. Those who have listened to his earlier speeches on constitutional complexities will welcome the promise that the so-called institutional laws will be promulgated in January. These laws cover bodies such as the constitutional court and political parties, but the Prime Minister gave no indication of when they would be set up.

The Government is to keep all of its formidable arsenal of emergency powers including the martial law, which many observers feel it no longer needs. Even if the Government had lifted martial law, the only practical effect would have been that civilians would be tried before the slightly more moderate civil courts. The country would still have been run by a Government whose policy is decided by the so-called Revolutionary Council—a group of officers who led the coup in April, 1967.

Local governors might have regained nominal power, but the local military commander would probably have kept the influence he now has and which allows him, for example, to order local newspapers what to print and when. Again, civilians' lives have long been controlled not by the military but by the security police.

Lifting martial law would not have affected the total control these now have over every aspect of the public's life, a control largely based on the widespread fear, justified or not, of many an individual that one day he might just disappear.

This security apparatus is perhaps inevitable given the purification of society which the Government has attempted. Reactions against this purification have not stopped, and isolated bomb explosions continue in this "the most normal country in the world," as the press ministry calls it.

[From the N.Y. Times, Dec. 20, 1970]

GREEK PREMIER SEES NO RETURN OF POLITICAL FREEDOMS IN 1971

ATHENS.—Premier George Papadopoulos told the Greek people tonight that their political freedoms, abolished by martial law 44 months ago, would not be restored in 1971.

Mr. Papadopoulos, in one of the strongest policy statements since he became Premier in December, 1967, said his regime had work to do before constitutional order could be safely restored and general elections proclaimed. The army seized power in April, 1967.

"Many wonder when this will be," the 51-year-old Premier declared on radio and television. "I will say directly and clearly: When I, the bearer of the people's mandate and of the historic responsibility toward the nation and the armed forces, will decide that this can be done safely and usefully for the nation."

The occasion was an address to senior officials and the newly selected candidates for the Consultative Assembly on Legislation.

The Premier promised to release, by the end of this year, 315 political prisoners of the 705 held in exile without charges—300 of them Communists. He said that if the internal security situation was good by next April all the others would also be set free.

But Mr. Papadopoulos dashed all hopes that his regime was heading toward democratization, stating that special military tribunals would not be abolished. "As far as the question of the regime and the Constitution are concerned, there will be no change in the coming year," he added.

Demetrios Papaspyrou, president of the last elected Parliament, later commented: "Nothing has changed. The Greeks will spend the new year under martial law and the military courts in full function."

The Premier, reviewing activities in 1970, said that Greece had bought tanks, aircraft and warships to modernize her armed forces. He did not disclose the origin of these weapons. He also said that his regime would go ahead with plans to set up war industries to manufacture ammunition and to repair tanks and aircraft.

His regime has already started taking delivery of 55 French-built AMX-30 medium tanks. There had been negotiations for the purchase of French Mirage jet fighters, but the result of them was unclear, particularly after Washington's announcement last September that it would end the selective embargo on heavy weapons to Greece imposed after the 1967 coup d' état.

"After this, we hope that no one will challenge either the mettle of the Greek armed forces or their willingness to defend not only world peace but also the security and freedom of our country," Mr. Papadopoulos declared.

[From the Times, Jan. 5, 1971]

CHRISTMAS ARRESTS IN GREECE "VIOLATION OF CONSTITUTION"

From Mario Modiano, *Athens, Jan. 4*

Mr. George Rallis, a former Cabinet Minister, said today that Mr. Papadopoulos, the Greek Prime Minister, had failed to maintain his promises of the restoration of habeas corpus and the issue of passports to former politicians.

In a statement sent to foreign correspondents in Athens, Mr. Rallis said the constitutional safeguards against arbitrary arrest and detention, which came back into force with the easing of martial law last spring, were not being respected.

He said that the wave of arrests which began on November 28 and continued over Christmas openly violated Article 10 of the Greek constitution, which provides that no one may be detained without a judicial warrant.

The Government has declined to make any official statement on the number of persons arrested over the past month, but Mr. Rallis alleged that many were held in complete isolation and not even allowed to see their lawyers.

He noted Mr. Papadopoulos's statement that only cases involving national security were now under the jurisdiction of military tribunals and commented that "any demonstration in favour of the restoration of a democratic regime can be considered an action against national security. Therefore, there is no limit to the power of military courts."

Mr. Rallis said the Government's promise to issue passports to former politicians was not being kept. He said that he had been given a passport last September but that it had been suspended by a police order barring him from leaving the country. He planned to bring a suit against the authorities for the restoration of his right to travel.

Athens, Jan. 4.—Mr. Christos Sartzetakis, the examining magistrate in the Lambrakis murder case, is now being held in solitary confinement at the military police "special interrogation and investigating centre", it was learnt here today. He was arrested in Salonika last month but no official reason for his detention was given.

Mr. Sartzetakis, whose role as the "incorruptible" judge in the 1963 case of the murder of Mr. Gregorios Lambrakis, a left-wing member of parliament, inspired the Oscar-winning film Z, was dismissed from office early in 1968.—Agence France Presse.

[From The Times, March 3, 1971]

HELD IN GREECE

From Mr. John Fraser, Labour M.P. for Norwood, and others.

SIR, On November 28, 1970, Christos Sartzetakis who was the examining magistrate in the Lambrakis murder case (around which the novel "Z" was written) was arrested. At the same time there were other arrests, including three Members of Parliament—Ioannis Alevras, Vasilios Intzes, Talbot Kefalinos, who were all Centre Union M.P.s, as well as the defense lawyer Evanghelos Yiannopoulos. Since then they have been held incommunicado in a special wing of Corydallos prison under the jurisdiction of the Greek military

police. We understand that Sartzetakis and 31 others are to be tried in special trials at the end of this month, and so far as we know, despite appeals from the International Commission of Jurists, no one—not even his lawyer—has been able to see Sartzetakis.

Anyone with a sense of justice would be appalled that Sartzetakis who was deprived of his post and forbidden to practise as a lawyer after the coup of the Greek Colonels could continue to be so treated, and be cut off from the outside world after all the struggles for liberty and human rights that have occurred in Western Europe. We appeal through your columns for an end to this unjust and inhumane treatment.

Yours faithfully,

John Fraser, S. C. Silkin, Alexander W. Lyon, Arthur Davidson, Edward Lyons.

House of Commons.

[From The Times, May 11, 1971]

GREEKS ARE CHARGED AFTER MONTHS IN DETENTION

From MARIO MODIANO, *Athens, May 10*

At least six Greek notables among those held in the big security round-up which began on November 28 last year have just been formally charged with "conspiring to commit unspecified crimes" and violating the laws on explosives.

Two of them—Mr. Talbot Kefallinos, a former Centre Union deputy, and retired Brigadier Christos Rougheris—were charged and set free on Saturday pending trial. Mr. Kefallinos, who suffers from a heart ailment, had been detained in a prison hospital in Athens.

At least four other prisoners were remanded in custody after hearing the charges. They include Mr. Christos Sartzetakis, the investigating judge in the Lambrakis affair who was portrayed in the film Z; Mr. Evanghelos Yianopoulos, a lawyer who defended several regime opponents before the military tribunals; and two other lawyers, Mr. Phoebus Koutsikas and Mr. Agamemnon Koutsoyiorgas.

So far the prisoners have not been allowed access to defence counsel.

Although the regime had on at least three occasions formally declared that the people arrested after November 28 were accused of sedition, the charges pressed by the Magistrates of the special military court last week involved conspiracy and explosives. These offences were recently brought under the jurisdiction of military tribunals, while sedition cases were transferred to ordinary tribunals.

The defendants' lawyers, who had denounced their arrest and detention as unconstitutional, pointed out today that under the regime's own constitution no one can be held without charges for more than three days—or, even assuming that martial law overrides the constitution, for more than 20 days.

The unspecified number of Greeks arrested on November 28, estimated between 40 and 160, were retained without charges for more than five months, the lawyers stated.

The ordinary courts today published the indictments of two left-wing resistance groups to be tried by appeal courts on charges of sedition.

The first group consists of 25 defendants, including five women, said to belong to Righas Feraios, the student underground organization. The indictment said they had organized a network of printing presses and duplicating machines in various flats, where they published four anti-regime newspapers as well as leaflets.

They are charged with daubing subversive slogans on street walls and raising funds for seditious activities. Three of the leaders—Mr. Constantine Kostarakos, Mr. George Spiliotis, and Mr. Vlassis Lykouris—are also accused of illegal possession of "small quantities of explosives" and of providing hideouts for agents of the illegal Greek Communist Party.

The second group involves nine defendants and one still at large, said to belong to the "communist organization of Athens." According to the indictment, they were bent on the creation of urban guerrilla groups.

The dates of the two trials have not yet been fixed. It will be the first time since the coup that civilian tribunals will be called upon to judge offenses against the security of the regime.

NATION BEHIND BARS

These people are crooks. We fight with bits of paper and they fight with sub-machine guns. They say they have restored the rights of the individual. They are laughing at the world—Greek lawyer.

A man I know said something against the regime to a taxi-driver. The driver stopped outside a police station and said: Now go in there and repeat what you said to me. I am a policeman—Athenian woman.

In Athens I asked some relatives of political prisoners how they would explain the nature of the Greek regime to a foreign visitor who saw nothing but blue skies and jolly tavernas.

First they would quote Churchill's dictum about citizens in a democracy knowing it was the postman when they heard their door-bell ring early in the morning: in Greece now the first thought is the police. Next they would suggest that the visitor try to start political conversations with random Greeks and note their shrinking reaction. Thirdly, they would tell the visitor to make a distinction between the flagrant dictatorships of European fascism in the 1930s and the subtler methods of the Greek regime.

The methods are of necessity subtle and selective. After all, Mr. Papadopoulos is the only dictator in modern history who has spent four years speaking with obsessive frequency about an imminent return to democracy.

Intimidation is nicely calculated. As you turn late one night into the street where a former Minister lives, a car carrying the inevitable two plainclothes men pulls out from the opposite kerb and crawls along in low gear at your elbow. If you were Greek, you would probably walk straight past your destination.

You meet another former Minister in a cafe and go to his car. As he drives off the two security men turn on their headlights and take up a fixed stalking position 20 yards behind. The message is clear—"Stay away from this man."

Even the mildest critics of the regime are wary about tapped * * * after the 1967 coup), and concierges, potentially lethal informers in a city where most people live in medium-sized blocks of flats. Sane men are afraid of bugging and tune their radios to strident pop songs as a cover for political conversation.

Some look expertly over their shoulder as they stroll along the street with you. Others whom you have met privately the night before obviously prefer not to be acknowledged publicly when you encounter them by chance the next day.

All this means that at a widely diffused level people are aware of being at risk. They also feel isolated because the regime's network of informers has penetrated most institutions where people gather in large numbers. There can, for example, be no free and spontaneous discussion among students on university premises. This can only take place in private among a trusted group of friends.

Consider the freedom enjoyed by a non-violent critic of the regime. He cannot find a platform in the Greek press; nor can he safely find a platform abroad because the law against spreading false rumours has now been given a world-wide application. Correspondence with people abroad will be opened if it is identified. Through a liberal gesture he may have a passport but he may equally be turned back when he tried to use it at a Greek airport.

He is allowed to buy foreign papers. But, although the regime makes much of their availability, he may receive a warning from a friendly newspaper-seller that the authorities have been making inquiries about "that man who comes and buys those imported papers every evening." Now and again he may be called in for a little talk with the police.

What happens to our free man when he is arrested? There is one vital point. Criticism of Greek law enforcement has concentrated worthily on the state of health of individual detainees. Occasionally the regime produces a detainee in moderate health, and the lobby of foreign sympathisers is expected to clap and go home. The radical question: "Why was this man arrested and detained?" is not so often examined.

In fact, the past 10 months offer a classic example of how anything resembling the rule of law has been cynically destroyed in Greece; and destroyed in a way designed to intimidate those inside the country and mislead those outside.

Last year an official statement said: "The Greek Prime Minister, Mr. George Papadopoulos, announced in Athens on April 10, 1970, that some articles of the Constitution suspended until now are brought into force again as from that date. They include Article 10 which stipulates that, with the exception of persons caught in the act of committing an offence, no one shall be arrested or imprisoned without a judicial warrant."

In June Mr. Rodger Davies, Deputy Assistant Secretary of State for Near Eastern and Southeast Asian Affairs, was reassuring Senator Fulbright and other members of a sub-committee of the Senate Foreign Relations Committee in Washington about the progress of "normalisation" in Greece.

"On April 10, sir, that part of the Constitution which requires warrants for arrest, and provides certain safeguards as against arbitrary judicial processes, was implemented. . . ." In other words the Greek habeas corpus was in operation.

On November 28 the regime began a wave of arrests which lasted until the end of the year and included, incidentally, the lawyer Christos Sartzetakis, whose courage as the incorruptible judge in the Lambrakis affair was portrayed in the film "Z."

Between 100 and 150 people are still detained. Until a few days ago no one had been charged, although Article 10 specifies that charges shall be made within 24 hours. No one had been allowed to see a lawyer. Very few had been allowed to have family visits. All the major provisions of Article 10 had been violated. The Greek press has been forbidden to write about those arrested.

Three women arrested on November 28 and still uncharged were released on February 15 after 80 days in custody—released temporarily "pending further investigations."

The regime's replies to questions about those still in custody are not persuasive: Mr. Sartzetakis does not merit this much concern abroad—he was a lawyer of average abilities; Corydallos prison in Piraeus is like a modern apartment block; have patience and you will see eventually that the security authorities have behaved with perfect propriety.

Sadly, those arrested have lost the protection of the International Committee of the Red Cross which had the right to information about arrests and access to prisoners under interrogation. The Red Cross agreement with the Greek regime lapsed in November and will not be renewed because the regime sees no reason for continued interference from abroad. It also argues that the agreement will become superfluous when all political deportees, i.e. people sent to prison camps, prisons, or to exile in remote villages

by administrative order and without trial or conviction, are released shortly.

In fact, even if Mr Papadopoulos announces the expected amnesty for the remaining 343 Left-wing deportees in the prisons and concentration camps to mark the 150th anniversary of the Greek struggle for independence on March 25, there will still be at least 600 people who have lost their liberty for political reasons.

This figure is made up of the 400 people convicted since the coup for political offences as against the 17 detained for espionage and occupation crimes before the coup; the 60 non-Left civilians and officers in administrative deportation in remote villages—there were, incidentally, no deportees by administrative order in the four years before the coup; and the 150 people arrested since last November. Plainly none of the 600 would find the continued presence of the Red Cross superfluous.

Students of the rule of law may care to note that some of the deportees by administrative order who would have been eligible for Mr Papadopoulos's coming amnesty have already been transferred to prisons to see if they can be charged and convicted of political offences; others who will be released can obviously be rearrested later without scandalising the judiciary.

Further, the open disregard for individual rights seems to reflect the growing role of ESA, the Greek military police, who until the coup behaved like their British counterparts in arresting drunken soldiers and collaring deserters but are now taking the main part in accommodating and interrogating the 150 arrested since November. Since rounding up Royalists and democratic officers in 1967 they have claimed the right to wider security operations in the State still under martial law.

You can also judge the tone of the regime by its attitude to convicted prisoners—some of them confined in the dank prison of Corfu which has been condemned by the Red Cross—and to their relatives who form one of the most seriously deprived groups in Greece.

Relatives are ineligible for any social security payments. Wives may lose their existing jobs or find it difficult to get work after their husbands have been convicted. If they make use of the two visits allowed on average each month, take food to supplement that provided by the prison on a budget of 1s 9d a man a day, and buy approved books since political prisoners have no access to prison libraries, they can easily spend £20 a month. If the prison is a long way from home, that figure can easily be trebled.

At worst there are cases of island prisoners who had no visits from their impoverished families for three years. There are accounts of a wife turning up for her fortnightly visit with one small cheese pie and two apples to supplement her husband's diet; of a daughter turning away as her mother boarded the boat at Piraeus because they had counted their drachmas and found they had enough for only one fare.

I offer these as illustrations of the quality of life in a dictatorship. I have also deliberately excluded allegations of physical brutality and restricted myself to what I saw or to what people of proven reliability had seen or experienced. There still seems to be a considerable case for the Greek regime to answer.

[From the New York Times, Dec. 4, 1970]

A More Complete Tyranny in Greece

The Greek Government's decree, subjecting Greek journalists writing for foreign newspapers to the Greek penal code looks like an attempt to prevent information about conditions in Greece from reaching those in the outside world who remain critical of the aims of Greek military rulers. What the move seems to intend is that the Greek journalist reporting for a foreign newspaper will be subject to the same penalties over what he reports abroad that might be imposed if a similar report were published in a Greek newspaper. The decree thus aims to extend to reports in the foreign press the same restrictions that now limit the Greek press.

Foreign nationals are not apparently included in the decree. The government explains that they will be exempted from jurisdiction unless their violations fall within the legislation of the country in which the offense is committed. It is a little difficult to decide how this curious clause might be interpreted in practice. Indeed, legal experts believe that it is the intention to bring such violation under Greek law.

Hence the anxiety of members of the foreign press association who met in Athens yesterday to ascertain what the implications of the new decree would be and to what extent they might be able to retain some freedom. In theory no action could be taken against foreign nationals who are reporting to countries with a free press except that of terminating their permits to function in Greece. When this happens the foreign newspaper will be driven to employ a Greek national as a correspondent against who the full rigour of the decree can then be exercised.

The action against foreign correspondents reporting from Greece is matched by the breaking off of relations with the International Red Cross. Anxious in the past to clear its name against some of the charges of repression against political opponents the regime gave the Red Cross access to information about all those who had been arrested. That agreement has now been cancelled on the plea that the Greek government can no longer allow any control or interference in Greek affairs by any international organization.

Of course the Red Cross could not exercise such a control but so long as it had information it could foster protest overseas at what was going on when such action transgressed its own standards. While the Red Cross could visit prisoners there was a check on their welfare. Now the powers of arrest on political charges and the treatment of prisoners will have no impediment from any outside body still less from any curious journalists.

All this control over information seems to be part of a campaign of clearing the decks before giving effect to the remaining clauses of the new constitution at the end of the year. Last week there were the arrests of Centre Union Party members and their sympathizers, survivors of the old parliamentary regime who were still at liberty to criticize. Another tightening of the political harness has been the rules for political parties published last month providing penalties to be imposed on any parties which oppose constitutional order or seek to overthrow the present political system. The tone of this is depressingly familiar from past and present authoritarian rulers of all shades, left or right.

There remain further demonstrations of the character of Greece's new political order. The so-called institutional laws in respect of civil rights, the functioning of political parties and elections have not yet been put into practice. For the moment a college of electors, most of whom hold government appointments, has nominated 92 candidates to serve on a consultative committee on legislation from which the Prime Minister, Mr. Papadopoulos, will make his own selection. These will be the men "imbued with the regenerative and progressive principles of the revolution" through whom the thin bloodstream of democracy will have to flow. The prospect is not very reassuring, especially when the channels of news about the regime are now being

[From the N.Y. Times, Jan. 11, 1971]

Greece Ends Red Cross Visits to Political Prisoners

Athens.—The Greek Government has decided to deny the International Committee of the Red Cross further privileged access to political prisoners.

The decision, breaking off 10 weeks of negotiations with the Red Cross Committee on a new procedure for visits to prisoners, was disclosed to Greek newsmen yesterday by Christian Xanthopoulos-Palamas, Under Secretary for Foreign Affairs.

The official argued that following the release of 305 exiled political prisoners at Christmas and the Government's pledge to liberate the 400 exiles remaining by April, the object of the negotiations was eliminated.

Philippe Grand d'Hauteville, the Red Cross chief delegate and negotiator in Athens, in reply to questions today, challenged the Under Secretary's declaration.

He said the Red Cross office in Athens was not solely concerned with political prisoners exiled on administrative orders as security risks, whose release was effected or promised. It was primarily interested, he said, in the welfare of Greeks jailed by special military tribunals for political offenses, as well as those arrested and detained pending trial.

It was estimated that 350 political convicts were serving terms in Greek prisons, while about 100 more were detained by the security authorities for questioning pending charges.

Negotiations between the Greek Foreign Ministry and the International Red Cross started in November after the Athens Government ended a year-long accord that gave the Red Cross delegates in Athens prompt and private access to all Greek political prisoners anywhere in the country.

The accord had entitled the Red Cross delegates to visit all places of detention—ranging from exile camps in Aegian islands, to police station cells and to military hospital security wards—to make sure that political detainees were in good condition.

Objections from the military security authorities that the accord was tantamount to a capitulation of national sovereignty, coupled with massive releases of exiled Greeks, led to the termination of the agreement by the Government on Nov. 3.

The Government indicated, however, that it was willing to maintain a link with the International Red Cross. But the negotiations to devise a new procedure for the visits ended when the Government insisted that the delegates visit political prisoners only at the Government's request, not on their own initiative.

The Red Cross delegate said he was surprised that the Greek press had been informed of the decision to cancel arrangements before he was informed.

[From the N.Y. Times, December 3, 1970]

Foreign Newsmen in Greece Are Put Under a Stiff Curb

Athens.—Greece's military-backed Government issued a decree today making correspondents of the foreign press, radio or television, whether Greeks or foreigners, liable to heavy prison terms and fines in Greece for "disseminating false reports."

The decree was published in the Government Gazette today. It is effective immediately.

There was no official comment on this action, affecting over 70 correspondents in Greece, nearly half of them foreigners. The law is applicable also to visiting reporters or even reporters abroad who write about Greece while abroad.

Under the Greek penal code, "disseminating in any manner false reports or rumors likely to evoke anxiety or apprehension to citizens" is punishable by at least a year in prison and a fine of the equivalent of $3,300.

The same penalty is prescribed for false reports or rumors "likely to shake the public's confidence in the state authority responsible for public peace, in the armed forces and in the national currency."

PROVISIONS ARE BROAD

Other offenses under this provision include false reports that might "upset the economic development policy pursued by the state through the encouragement of domestic private investment or the attraction of foreign capital for private or public investment, or the development of tourist traffic in the country, or upset the country's international relations."

Second offenses are punishable by doubled jail terms and fines. The sentence cannot be suspended, even in case of appeal.

[From the New York Times, Dec. 3, 1970]

GREEK GAOL THREAT FOR FOREIGN REPORTERS

From Our Correspondent, Athens, Dec. 2

The Greek Government decreed today that foreign correspondents, whether of Greek or foreign nationality, are subject to the Greek penal code, which provides for heavy prison sentences and fines for disseminating false reports.

The decree, published in the issue of the Official Gazette dated November 28 and effective at once, was released by the government printing office today. It affects equally Greek and foreign journalists working for foreign agencies and newspapers regardless of whether or not the newspapers are on sale in Greece.

The Foreign Press Association has called an emergency meeting to consider the situation tomorrow. The decree extends the jurisdiction of the penal law concerning false reports. Its scope and penalties were increased last December.

The revised law imposes a minimum prison sentence of one year and a fine of at least £1,400 on anyone "disseminating in any manner false reports or rumours liable to cause anxiety or fear to citizens or to shake the public's confidence in the state authority which safeguards public peace, in the armed forces and in the national currency, or to disturb the economic development policy . . . or . . . the state's international relations."

The penalty for repeated offences is imprisonment for at least two years and a fine of at least £2,800.

If the offence is committed through negligence the minimum penalty is reduced to six months' imprisonment and a fine of at least £700.

The Greek Government, which after 44 months in power, is still sensitive about its reputation abroad and has deeply resented the unfriendly attitude of most of the western press.

At least six foreign correspondents have been expelled for being hostile to the Government in their reports or for filing false information. Under the new law they would be liable to trial in Greece and possibly imprisonment.

There are more than 70 foreign correspondents in Greece, about half of whom are foreign nationals.

[From Time Magazine, Dec. 14, 1970]

GREECE: NEW MEN, OLD MENTALITY

It was surely one of the most exclusive elections of recent times. There are some 5,000,000 registered voters in Greece, but only 1,240 got to cast ballots last week. The chosen few, mostly mayors and leaders of the country's tightly controlled labor unions and professional associations, were carefully selected by the country's 3½-year-old military regime. They in turn elected 92 fellow Greeks to an even more carefully screened "advisory committee on legislation."

After the election, the names of the 92 winners went to Premier George Papadopoulos, who will give the final nod to 46 of them and add another ten candidates of his own to fill the committee's 56 seats. The committee will be expected to 1) "debate and comment" on legislation, in the junta's words, but not too acidulously; 2) offer the government a "cross section of public opinion," but not a very broad one; 3) serve as "a seedbed" for politicians of the future, but certainly not as a hotbed.

The members' one-year terms can be renewed only by the regime, and they can be fired outright by the Premier for "sufficient cause." To be sure, the regime will have a right to expect cooperation: after all, at $830 a month plus traveling expenses, the committee members will be better paid than a brigadier general in the Greek army.

Imprecise Charges. Even as it moved to plant its political seedbed, the regime last week also acted to root out what little unwanted advice and opposition it still has to endure. A few months ago, Papadopoulos slowly began to relax some of the colonels' rigid controls, but hard-liners in the junta's twelve-man inner circle immediately grew alarmed. Now Papadopoulos is retrenching, fearful of losing his struggle to stay on top. One of the measures that he authorized last week was a decree that persons spreading "false reports or rumors" detrimental to anything from police morale to the tourist trade risk a minimum $3,333 fine and a year in jail. Another move took the form of a series of arrests—up to 50 by week's end—of a number of dissidents on vague charges of "subversive activities."

Fuzzy charges, of course, are hardly new to the Greek judicial tradition. In Athens, archeologists have discovered the ruins of the Royal Stoa, where Socrates was tried and sentenced to death 2,369 years ago. Recently, Ioannis Zeghinis, deputy prosecutor of the Athens appeals court, took the occasion of the * * * to recall in a speech that the charges against Socrates—disbelief in the * * * and the corruption of youth—were * * *," that there was no prosecutor and no defense counsel, and that no witnesses were ever produced. All in all, concluded Zeghinis, it was "a great miscarriage of justice."

[From the New York Times, Nov. 11, 1971]

FACADES IN GREECE

Greece's military rulers continue to build facades designed to persuade the world that they intend eventually to restore constitutional democracy. Only the Nixon Administration and professional apologists for the Athens regime seem impressed.

The first of these facades was the Constitution, adopted two years ago. Its civil rights provisions remain meaningless because the colonels have never eliminated the martial law that enables them to continue arbitrary arrests and indefinite detention.

The second facade will be a Consultative Council on Legislation, or mini-parliament, to be activated in January. Premier Papadopoulos will select 46 of its members from 92 "elected" by a handpicked group of local officials, union and professional leaders who owe their jobs to the regime. The Government will name ten additional members directly.

Finally, the Premier's press spokesman has announced a longer-range plan under which the colonels will form their own party as the "expression of the revolution" and the vehicle for maintaining themselves in power when they decide to restore the trappings of parliamentary rule.

It will be argued that even a mini-parliament * * * power is better than no parliament; and that the longer-run restoration of the form of parliamentary government will be a step forward even if the party of the colonels dominate it. Both these propositions seem dubious, however.

Given the method of their selection, members of the mini-parliament are likely to form simply a well-paid ($830 a month) claque for the regime. The same is likely to be true of any designated "opposition" when parliament is restored, inasmuch as the regime has ruled out participation by any politicians of the period before the 1967 coup. In short, there is no sound evidence to support the Nixon Administration's claim, when resumption of major American arms shipments to Greece was announced in September, that "the trend toward a constitutional order is established."

[From the Observer, Nov. 29, 1970]

GREECE: MINIATURE DEMOCRATS

Elections will be finally held in Greece today—but they will not be what one normally understands by the term.

They will be for the so-called Small Parliament—an advisory body created by the Colonels as they continue to 'purify' the State they took over in April 1967. That was one month before an election was due in which five million would have voted. On Sunday only 4,000 may vote—and most of these are State employees.

Prime Minister Papadopoulos has told the voters to support only those candidates who agree with the 'progressive principles' of the revolution. Whether they do so or not will not greatly affect him. From those whom the voters elect he will then choose half to serve in the Small Parliament and will add 10 picked by himself. And he can always override what they decide hereafter.

The candidates are not highly distinguished. One is PRO to the Boy Scouts of Corinth. Those elected will get £350 a month.

Justifying its resumption of heavy arms supplies to Greece, the United States Government spoke of 'a return to democracy.' The opposition in Greece sees the Small Parliament as delaying this. A petition has been lodged with the Council of State claiming that this miniature forum will be unconstitutional.

[From the New York Times, Mar. 16, 1971]

NATO LINKS LEAD TO TRAVEL BAN ON GREEK POLITICIAN

From Our Correspondent, Athens, March 15

Contacts between Mr. George Rallis, a former Greek Minister and official of allied nations, the Common Market and Nato were described as "illegal activity directed against the established order in Greece" by the Athens Public Prosecutor in a decision released today.

Mr. Fakos, the prosecutor, invoked this opinion in order to dismiss charges pressed by Mr. Rallis against police officers for banning his exit from the country when he held a valid passport issued by decision of the Minister of the Interior.

The prosecutor ruled that Mr. Rallis, who was Minister of Public Order in the right-wing Cabinet deposed by the 1967 coup, was a security risk and the police had therefore been justified in banning his exit.

Mr. Rallis was granted a passport last September, when the Government announced that it was lifting the travel ban imposed on all former politicians. Earlier he had won an appeal to the Council of State, which had voided the prohibition as inadequately documented.

He travelled in West Europe for a month and was known to have seen King Constantine in Rome and Mr. Karamanlis, the former Prime Minister in Paris. The police order banning his departure was sent to all exit points four days after his return to Greece.

The prosecutor said that he was satisfied, from the evidence provided by Greek security

chiefs, that Mr. Rallis had "developed intensive activity against the established order in Greece by way of contacts with declared (Greek) opponents of that order—even active against it, as well as with personalities of allied states, the European Economic Community, Nato, etc. . . ."

The decision rejected Mr. Rallis's request for penal action against police officers for "illegal privation of freedom of movement" and "dereliction of duty".

Mr. Rallis, who said that he would pursue the matter further, claimed that the prosecutor's decision "proves that in Greece today any police director can overrule a decision of the Ministry of the Interior which issues the passports".

Athens, March 15.—A Greek journalist accused of plotting the armed overthrow of the Government told a court martial here today that he had been tortured during interrogation by the military police.

The journalist, Alexandros Zografos, aged 44, appeared for trial with three other men charged with planning to form armed bands to be known as the "National Anti-Dictatorial Army". All pleaded not guilty. One of the other accused men also claimed that he had been tortured.

Mr. Zografos denied having received money from the West German Social Democratic Party. "I am being tried for being involved in an organization which is unknown to me", he said. "It existed only in the sickly imagination of my torturers."—Reuter.

The court sentenced Mr. Zografos to 19 years' imprisonment, and another of the accused, Panayotis Miliotis, aged 54, a clerk, to 20 years'. A third defendant, Xenoion Papanikolaou, a mechanic, received five years, and a three-year suspended sentence was passed on Paul Tsountas, a clerk.—Reuter.

[From the New York Times, June 3, 1971]

FOR GREEK DEMOCRACY

Distinguished citizens of nine NATO countries have organized what they call the European-Atlantic Action Committee on Greece in an effort to help end the military dictatorship and restore democracy "in the land of its birth." Their initiative could not have come at a better time.

The Committee's declaration will remind NATO foreign ministers, meeting in Lisbon, that the alliance was created for the defense of freedom and the rule of law. But on purely practical grounds it is also a reminder that Greece under the colonels is "a dangerously weak link in the community of democratic nations"—for defense of the Mediterranean or any other alliance purpose.

"A strong Greece in NATO is preferable to a weak one," the declaration says, noting that "since 1967 the Greek armed forces have been weakened by rifts, purges and inter-service friction, and this emasculation will go on." American officers too often ignore the effects of the continuing purges on the Greek forces; also the danger that allied support for the colonels may eventually turn a disillusioned Greek people against NATO itself.

The Committee's declaration should also help focus world attention on the junta when it is preparing another show trial of more than a score—perhaps as many as 160—prominent Greeks accused of working or plotting against it. The defendants were arrested in raids that began last November and most were held without charge or access to lawyers until last month.

Among the defendants is Christos Sartzetakis, the courageous young lawyer and magistrate whose successful prosecution of high police officials in the 1963 murder of a left-wing Member of Parliament was dramatized in the motion picture "Z." Mr. Sartzetakis was arrested without a warrant last Christmas Eve and held without charge until early May.

The Committee fails to call for specific actions, particularly by NATO and the European Economic Community, but it does suggest that the United States could "withdraw the moral support which the military regime finds indispensable and which discourages and demoralizes the democratic opposition inside Greece." It is not too much to ask.

[From the New York Times, Jan. 30, 1971]

GREEK SAYS REGIME DEFIES ARREST CURB

ATHENS.—The Speaker of the last Greek Parliament asked today for a judicial ruling on whether the Government was respecting the constitutional guarantee against arbitrary arrest.

He noted that the Government's reacticated of this part of the Constitution had been viewed by the United States as evidence of "a trend toward the restoration of constitutional order in Greece" that justified last September's resumption of full military aid.

Demetrios Papaspyrou, the former Speaker and an attorney, asked the Athens public prosecutor to act in the case of his client, Talbot Kefalinos, a former member of Parliament, and an undisclosed number of others held following a security round-up that began Nov. 28.

Mr. Papaspyrou stated in his complaint to the prosecutor that these detentions were "in defiance of the constitution," because Article 10, which was reacticated last April, provide guarantees against arbitrary arrest and detention.

[From the New York Times, March 24, 1971]

THREE GREEK LEADERS OF BANNED PARTIES DENOUNCE REGIME

(By Alfred Friendly, Jr.)

ATHENS.—Leaders of Greece's two largest banned political parties joined for the first time today in a statement denouncing the military regime, which seized power here April 21, 1967.

Panayotis Kanellopoulos, who was Premier and head of the right-wing Radical party at the time of the coup d'etat, issued the declaration with George Mavros and John Zigdis, both prominent in the opposition Center union headed by the late George Papandreou.

Mr. Zigdis was imprisoned a year ago for four and a half years for his public attacks on the military regime.

The joint declaration represents the first formal alliance, since the coup, by old political rivals whose common opposition to military rule has slowly overcome their once bitter differences.

The statement also gives veiled blessing to some, if not all, of the active resistance groups, ranging from Communists to royalists, inside and outside Greece.

Demetrios Papaspyrou, the last speaker of the Greek Parliament, also distributed a similar declaration to foreign and Greek journalists. Neither of today's proclamations, delivered by trusted messengers, is expected to be published in papers in Greece.

[From the Times, Sept. 24, 1970]

MR. AVEROFF DENOUNCES AMERICAN SUPPORT FOR THE GREEK REGIME

From Mario Modiano, *Athens, Sept. 23*

Mr. Evanghelos Averoff, the former Greek Foreign Minister, today accused the United States government of trying to establish a "travesty of democracy" in Greece or else being grossly misinformed about the true intentions of the present Greek regime.

He was commenting on the announcement from Washington that full-scale American military aid to Greece was being resumed. The announcement issued by the State Department spoke of progress towards constitutional order and partial restoration of civil rights in Greece.

Mr. Averoff said he was particularly pleased by the resumption of full-scale American military aid. "The country's security a prerequisite for its very survival," he said, "is independent of the nature of the prevailing regime."

However, he profoundly regretted the State Department's assurances that conditions were being established in Greece for a return to normal democratic life.

He said: "The truth, about Greece is that the situation has indeed improved, that we live under a rather lenient dictatorship, but also that civil liberties have not been restored, that human dignity is being trampled on, and that the prerequisites for a return to democracy have not been created.

"On the contrary, what appears to have been created is the condition for a major prolongation of the dictatorship under comical democratic disguise."

There was no official reaction here to the lifting of the 40-month-long embargo on American heavy arms. Greek leaders, however, were reported to be highly gratified by last night's developments.

Regardless of Washington's goading for an acceleration of the restoration of democracy, the Greek leaders felt that the prestige value of the American action overshadowed such minor disadvantages.

The deliveries of such embargoed items as aircraft, armour and ships, including all shipments held up for the last three and a half years, are said to be worth * * *.

The newspapers here were ad * * * to avoid any jubiliant lead * * * over the resumption of aid. All the Athens dailies to * * * eschewed the topic in * * * articles.

The exception was Eleftheros Kosmos (Free World) which carried the move as an act of realism and wisdom." It was fortunate that Washington had finally understood the fallacy of "weakening Greece's military position in order to satisfy the international fellow-travellers and the naive democrats influenced by them," the newspaper said.

IAN M'DONALD WRITES FROM WASHINGTON

Mr. Melvin Laird, United States Secretary of Defence, will visit Greece to discuss the junta's military aid requests and Nato defence matters, informed sources said today. It is understood that Mr. Laird and Admiral Thomas Moorer, chairman of the Joint Chiefs of Staff, will visit Athens immediately after President Nixon's trip to the eastern Mediterranean at the end of the month.

Their visit follows the announcement by the State Department yesterday that the United States was resuming shipments of heavy arms to Greece, suspended after the 1967 coup. The assistance, valued at an estimated $56m. (£24m.) over the next two years, includes F–5 Freedom fighters, tanks, helicopters, artillery and ammunition.

The Greek regime is said to have been offended that Mr. Nixon decided to visit Spain and Yugoslavia during his trip, but not Greece.

The timing of the State Department announcement of the resumption of military aid is significant. The Senate, where most of the opposition lies, is preoccupied with Mr. Nixon's legislative programme. Many of the strongest opponents of the Greek junta, including Senator Albert Gore, Senator Vance Hartke and Senator Charles Goodell, are out of Washington campaigning for reelection.

Moreover, a large number of the legislators who have spoken out against the Greek government are "hawks" on the subject of Israel, and are fully involved in the debate on the Middle East situation.

The decision to resume arms shipments has caused dismay among the Greek, exile com-

munity in the United States. One leader of the resistance to the junta, Mr. Elias Demetraeopoulos, said it was "a major United States foreign policy mistake. This decision represents a fundamental change in official United States foreign policy towards the totalitarian regime in Greece."

[From the Times, Mar. 23, 1971]

INTELLECTUALS IN GREECE MAKE HUMAN RIGHTS PLEA

From Our Correspondent, Athens, March 22

More than 130 leading Greek intellectuals today called for the restoration of sovereignty and human rights for the people of Greece. The call was made in a joint declaration reaffirming the principles of freedom and democracy which had inspired the Greek was of independence in 1821.

The one hundred and fiftieth anniversary of the national uprising will be celebrated throughout Greece on Thursday.

One of those who signed the declaration was Mr. George Seferis, the Nobel prize-winning poet , who said: "The suspension of the people's sovereignty and of human rights arrests the fruitful flow of national life, opens the way to other constitutional deviations, deprives the country of the normal renewal of its political forces, and leads it to spiritual and political withering.

"It also means that a considerable number of Greeks—many among them distinguished for their services to their country and its allies—find themselves in prison or in deportation either for their beliefs alone or for acts inspired by their devotion to freedom. It is a national imperative that this state of affairs should be ended wihout delay."

The true meaning of the 1821 revolution had been its nature as "an uprising of the people against tyranny" since "a nation is truly free only when all its citizens are free".

The declaration emphasized that in the past 150 years the "most glorious exploits", including the liberation of Greece and all major reforms, were nearly always achieved under democratic institutions and parliamentary government.

It denied the right of any single group to claim a "monopoly of patriotism" or to "act as the authentic interpreter of the nation's will".

It said: "The nation has no will distinct from that of our people, expressed according to the rule of the majority and through freely elected representatives."

[From the New York Times, April 1, 1971]

GREECE REBUKES ROGERS FOR STAND ON VOTE DELAY

ATHENS.—The military-backed Government rebuked Secretary of State William P. Rogers today for criticizing its delay in restoring democracy in Greece.

Deputy Premier Stylianos Patakos, speaking in Crete, said no foreigner had the right to tell the Greeks what was best for them.

"We take note of the impatience of some of our sincere friends who are in a hurry to see a more representative government in Greece," he said, "but we are unable to acknowledge them as the safest interpreters of the Greek national interest."

Although the former general, who ranks second in the four-year-old Government, did not name those friends, his remarks were considered retort to Mr. Rogers.

In foreign-policy report Saturday, Mr. Rogers noted the absence of an election date and said: "We believe some progress had been made, but we have been disappointed that more has not been done by the Government of Greece to move toward the restoration of representative democracy."

That also triggered resentment among foes other Government, who deny that any progress toward democracy has been made.

[From the Times, Feb. 8, 1971]

U.S. CONCERN OVER GREEK RELATIONS

From Mario Modiano, Athens, Feb. 7

Two political investigators from the Senate foreign relations committee have just completed an on-the-spot inquiry into the nature and prospects of United States relations with Greece.

Mr. Richard Moose and Mr. James Lowenstein, both former diplomats, left for Paris today to prepare their confidential report to the committee after a week of intensive talks in Athens. They plan to return to Washington on Tuesday.

The inquiry was ordered by the Senate committee in view of growing concern among some of its members over the disparity between the American Government's appraisal of the Greek regime's policies and plans and the latest formal Greek statements.

The discrepancy became striking after Mr. Papadopoulos, the Greek Prime Minister, declared bluntly on December 19 that there would be no political or constitutional change in 1971.

The regime's moratorium was proclaimed barely three months after the lifting of the embargo imposed, because of the coup, on deliveries of heavy arms from America, and a State Department's declaration testifying that "a trend toward constitutional order" had been established in Greece.

The Senate committee's staff consultants who arrived in Athens last Sunday, interviewed some 30 Greek and foreign personalities, including Greek political leaders, former politicians, declared opponents of the regime and foreign diplomats, in an effort to find the true cause of the contradictions, and to gain a first-hand impression of the situation in Greece.

The regime gave the two officials a cool but polite reception. Appointments with regime leaders had been requested in advance, but the team was seen by only one cabinet member, the Minister of Education. They were also seen by Mr. Georgalas, the Under-Secretary in charge of press matters, and had lunch with Mr. Palamas, the Foreign Under-Secretary.

Although they avoided contact with the press, a spate of publicity which followed them from Washington appears to have inhibited their access to official views. However, the sort of persons interviewed and the nature of questions posed indicated a particular interest in the reliability of the United States Embassy's political judgment and especially the broadness of its access to a spectrum of local opinion.

The second topic they appeared to broach was the strength of popular feeling in Greece towards the United States following reports of rising anti-Americanism, at least among the anti-regime intellectuals. These now openly accuse the United States not only of tolerating the regime, but even of giving it the benefit of its support and guidance.

The two American officials seemed, during their interviews less preoccupied with the regime's, delay in restoring full constitutional rule, than with the way the partial restoration of constitutional safeguards had worked out in practice so far. They had an interview with Mr. Dimitsas, the President of the Council of State, the supreme administrative court.

They seemed concerned, for instance, over the regime's respect for the rule of law. They looked into the question of Greeks arrested since November 28 and still held incommunicado, evidently in defiance of the *habeas corpus* provisions of the constitution, solemnly reactivated by the Prime Minister in April last year. They did not see any political prisoners.

The two officials had several conferences with senior members of the Embassy and the American military aid mission here.

There is no sign that the Greek question might be raised soon before the Senate foreign relations committee, although the regime's refusal to abide by earlier pledges for speedy evolution towards parliamentary democracy is known to have evoked a good deal of anxiety and reaction to Washington.

[From the New York Times, Apr. 1, 1971]

U.S. AIDES IN ATHENS, UNDER FIRE, DEFEND POLICY FAVORING REGIME

(By Alfred Friendly Jr.)

ATHENS.—United States diplomats in Athens, under fire from both Senate investigators in Washington and opponents of the military Government here, are shifting their tactics slightly but holding firm to the policy that they and the State Department have formulated.

The policy is rooted in defense considerations, the strategic position of Greece on the southern flank of the North Atlantic Treaty Organization, the value of Greek ports to ships of the United States Sixth Fleet and the need for American communications installations on Greek soil.

While these were the considerations leading to the resumption of shipments of heavy arms last September, the State Department declared at the time that the "trend toward a constitutional order is established" in Greece. That judgment, disputed by other knowledgeable diplomatic observers, still holds.

Although American officials here and in Washington are now more prone to express worry about the hesitant pace toward constitutional orders, they remain basically optimistic in public and private.

The political result of the United States policy appears often as public support of the Government of Premier George Papadopoulos, installed in a swift, bloodless military coup d'état April 12, 1967.

CONTRACT WITH OPPOSITION

Responsible embassy officials insist that the appearance of support is supplemented by private pressure on the Government to honor its pledge to lift martial law and restore parliament and democracy. Public criticism of the Government's failure to achieve these goals after nearly four years in power, they say, would only inflame tempers, which discreet diplomacy should seek to calm.

Nonetheless, American representatives have recently begun to increase their contacts with leaders of the limited opposition in Greece. Ambassador Henry J. Tasca, who met many of the better-known anti-Government spokesmen at a large official cocktail party a few months after he arrived here early last year, has recently invited some of these men to his residence for dinner.

Other officers, many of them even more recent arrivals than the Ambassador, have also taken to having lunch with opposition figures, who felt that, until now, they had been systematically ignored by Americans. The level of contact is still too low to please many.

Panayotis Kanellopoulos, the Premier deposed by the coup and still spokesman for the banned conservative Radical party, told a visitor recently that several Western ambassadors call on him almost weekly. Mr. Tasca has not made such overtures, he added.

Even before the 1967 coup, the United States Embassy maintained a form of boycott of suspected politicans. When the late Elias Tsirimokos was designated to be Premier in the troubled political summer of 1965, Americans discovered that because Mr. Tsirimokos had fought with Communist partisans during World War II, they had had no official contact with him in 17 years.

PROPAGANDA AID SEEN

Opponents of the Government are also irked by what they see as United States aid to the Government's internal propaganda efforts. This help beyond technical assistance

to Greek armed forces television broadcasters, takes the public form of frequent press photos of Premier Papadopoulos, who is also Defense Minister, receiving visiting American military men.

The most recent photograph of the sort, given front-page display March 20 by pro-Government papers, showed the Premier shaking hands with Gen. Joseph Moore. The United States Air Force general, commander of the Sixth Tactical Allied Air Force, was making farewell calls in Greece.

Worse than the military publicity, others maintain, is the apparent practice of sending youngsters from the official school for children of the American community to sing Christmas Carols to the Premier. The last such visit resulted in a three-column picture of the smiling Premier amid the youthful songsters on the front page of the pro-Government paper, Eleftheros Kosmos, last December.

EXILE CASE CITED

By contrast, it was noted that American officials apparently had been unable to secure the release from island exile of Miss Rita Pippinopoulou, a secretarial employe of the Fulbright Educational Commission since 1963. Suspected of subversive activity, she was ordered to enforced residence on the remote island of Kythera March 1, 1970, and returned to Athens last Dec. 28.

Embassy officials said that some Government officials have criticized them privately for promptly reinstating Miss Pippinopoulou. They also said they were considering paying her for the months she was absent from her job.

Such a gesture would hearten opposition forces. Few think, however, that gestures will still the constant criticism of United States policy and the diplomats who carry it out.

One recent summation of this criticism came from James G. Lowenstein and Richard M. Moose, staff investigators of the Senate Foreign Relations Committee. After spending the first week in February in Athens inquiring into American policy, they issued a staff report, which both embassy and opposition figures say was largely fair. Greece's official foreign affairs spokesman said it was "lacking in seriousness."

CRITICAL REPORT

The report's concluding paragraph found that "rightly or wrongly, most Greeks believe that the United States supports the regime" and added that this belief "constitutes the regime's greatest asset and at the same time provides the United States with its most effective political leverage."

"As far as the pursuit of our declared objectives in the political sphere is concerned, however," the investigators said, "this potential leverage does not seem to have been effectively applied. The policy of friendly persuasion has clearly failed.

"The regime has accepted the friendship, and the military assistance, but has ignored the persuasion. Indeed, the regime seems to have been able to exert more leverage on us with regard to military assistance than we have been willing to exert on the regime with regard to political reform. We see no evidence that this will not continue to be the case."

HON. JOHN DOW

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. UDALL. Mr. Speaker, it is a great pleasure for me to join with my colleagues today in paying tribute to the distinguished gentleman from New York (Mr. DOW). JOHN DOW has made many contributions to the Congress and the Nation, but I wish to use this occasion to note his work in an area that is especially close to those of us from the Southwest—the preservation of the environment.

Since entering the Congress in 1965, and before that as a private citizen, JOHN DOW has shown courage and foresight in his efforts to protect our environmental heritage. He is well known for his leadership in the use of recycled paper and for sponsorship of legislation that would require the Federal Government to use recycled material as much as possible. Beyond that, JOHN DOW has worked tirelessly and effectively for such causes as control of the effects of strip mining, increases in funding for sewer and water systems and for the creation of a Gateway National Park and Recreation area in New York and New Jersey. He has compiled an enviable record that deserves the respect and gratitude of his colleagues and constituents.

Vigorous, kind, candid, honest with himself, his constituents and his colleagues—JOHN DOW is a most remarkable man and public servant. I am proud to be his friend.

FEEDLOT PERMITS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. PRICE of Texas. Mr. Speaker, the Administrator William D. Ruckelshaus of the Environmental Protection Agency recently testified before the House Agriculture Committee on the topic of agricultural pollution. The administrator had some very interesting remarks, particularly on the subject of potential pollution from confined feeding operations.

I would like to share a portion of these remarks with my colleagues. The text follows:

STATEMENT OF WILLIAM D. RUCKELSHAUS, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY

Mr. Chairman, I am pleased to have the opportunity to appear again before this Committee to discuss the application of the permit program to confined feeding operations and other aspects of agricultural pollution.

The Refuse Act Permit Program was announced by the President in late December, 1970. The purpose of the program is to implement the permit provisions of the 1899 Refuse Act, together with the State certification requirements of Section 21(b) of the Federal Water Pollution Control Act. The program will provide a great deal of information about industrial pollution and for the first time establish a method for controlling the water quality related activities of an estimated 40,000 industries now discharging wastes into navigable waters and their tributaries. It will provide a way to ensure that these industries are put on implementation schedules to meet water quality standards throughout the country. The program is moving forward now towards the July 1 deadline for filing permit applications.

Looking at feedlots alone, our estimates are that there are approximately 3,400 feedlots in this country having 1,000 animal units or more. There are 33,000 feedlots with 500 animal units or more, and 105,000 feedlots with 100 animal units or more. An animal unit, for program purposes, is based on the biochemical oxygen demand equivalent of one beef steer. One thousand animal units is calculated to equal 700 dairy cows, 4,500 butcher hogs, 12,000 sheep, 35,000 feeder pigs, 55,000 turkeys, 180,000 laying hens, or 290,000 broilers. If the Permit Program were applied to small feedlot operations, the regional staffs responsible for administering the program would be swamped.

We also believe that the permit program would require significant modification to be applicable in any effective manner to agricultural pollution in general and feedlot operators in particular. The type of information that would be required from an applicant to enable government officials to act upon permit applications would differ significantly between agricultural and industrial operations. The requirements for treatment or corrective action would also be of a different nature. These factors were considered in the original announcement of the program, which indicated that it would apply essentially only to industrial operations. In our view of these questions, we have come again to the same basic judgment that the program should not apply, at this time, to most agricultural problems.

On the basis of these considerations we have determined, as a matter of administrative discretion, that the Permit Program, at least at this time, should be limited to those large feedlot operations which have a high volume of animal waste, i.e. those of 1,000 or more animal units and which discharge their waste from a single point source.

We have decided that the permit program should be applied only to feedlots which had an inventory of 1,000 animal units or more at any time during the preceding calendar year.

There has been some concern expressed about the complexity of the application which must be submitted.

I should emphasize that the July 1 date, which has been announced, is not a deadline on which a feedlot must meet the standards that EPA has set for chemical and biochemical oxygen demands, phosphate, nitrogen, potassium, total solids and fecal coliform. All that is required by that date is that an application be submitted which includes the basic information about the feedlot operation. EPA and the Corps of Engineers will work closely with feedlot operators to ensure that they will have a minimum of difficulty filing the application by July 1. If the applicant is already in compliance with the quality requirements, the permit may be issued without qualifications. If the feedlot is not in compliance, the permit may be given subject to certain requirements which will ensure that effluent standards are met within a reasonable time.

Some persons have asked whether the permit program applies to agricultural runoff and irrigation return flow. In order to prevent any misunderstanding, I would like to clarify our position. We have decided that these sources of pollution will not be covered by the permit program at this time. In viewing this issue, we were confronted by the same administrative considerations that I discussed with regard to our decision on feedlots. The permit program is already being strained in our attempt to provide control of the industrial pollution. An equally important factor in this decision was the fact that we do not believe that the permit program is an effective approach to solving the problems of agricultural runoff or irrigation return flow. Present technology is insufficient to provide short-term remedial measures for either of these sources of pollution.

Although irrigation return flows, agricultural runoff, and a large number of feedlots will not be covered by the permit program, the Administration clearly recognizes the need for positive steps to be taken to develop methods for control of these and other aspects of agriculture which contribute to pollution. EPA and the Department of Agriculture are conducting research and development projects to characterize and quantify agricultural pollutants in water; to develop treatment methods for removal of these pollutants; and to investigate control of pollutants by methods other than treatment. In addition, programs of technical assistance have been directed to application of research results of solve specific problems. As an example, the Department of Agriculture is using the REAP cost-sharing program to further promote agricultural pollution abatement efforts.

All of these activities have had significant impact in the control of agricultural pollution. However, much remains to be done in terms of developing and implementing technology to solve these problems.

In order to provide a guide for future Federal action in the agricultural pollution area the Council on Environmental Quality has announced that it will conduct a study in conjunction with EPA, USDA, and other agencies. This study will analyze major pollution problems resulting from agricultural activities; consider alternative solutions to such problems; and recommend measures that the Federal Government might adopt to reduce or eliminate these problems.

I wish to emphasize that we are aware of and appreciate the efforts of the agricultural community to prevent and control environmental harm where feasible methods of pollution control are demonstrated. We at EPA intend to provide continuing leadership and technical guidance to farmers to help them meet environmental protection requirements.

ABORTION TOO LIBERAL

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. HOGAN. Mr. Speaker, time and time again I have voiced my opposition to abortion. Now an article has come to my attention which I think will shock liberalized abortion's most adamant proponents.

In a newsletter distributed by the Georgia Right to Life Committee, Inc., there appeared a short article describing some medical experiments which are being conducted in England. The victims of these experiments are living, aborted, human fetuses.

Mankind has now stooped to performing vivisection on its own. I had thought this type of evil ceased with the downfall of Nazi Germany, but apparently it has not.

As an expression of my outrage, and an example of what liberalizing our abortion laws can lead to, I request that this article be inserted in the RECORD for my colleagues' grave consideration.

THE LAST HOURS OF AN ABORTED BABY

(With permission—Minnesota Citizens Concerned for Life)

Dr. Lawrence Lawn, of Cambridge University's Department of Experimental Medicine at work experimenting on a living, legally aborted, human fetus. Some British doctors have been vigorously defending their experiments on live aborted babies after a storm of protest blew up in England when a Member of Parliament told the press that private abortion clinics had been selling live aborted babies for research. Dr. Lawn was quoted in the Cambridge Evening News as saying, "We are simply using something which is destined for the incinerator to benefit mankind . . . Of course we would not dream of experimenting with a viable child. We would not consider that to be right". The Langham Street (abortion) Clinic admitted sending aborted fetuses to the Middlesex Hospital (The People, May 17, 1970). A spokesman for the clinic said that the fetuses "were aged between eighteen and twenty-two weeks . . . Our doctor had to give some special attention to the operation. He did this at his own expense and dispatched the fetuses to his colleague at the Middlesex Hospital. It had to be done pretty promptly, but the hospital is only a couple of minutes away." In the News of the World, for the same date, this same man, Mr. Philip Stanley, is also quoted as saying "The position is quite clear. A fetus has to be 28 weeks to become legally viable. Earlier than that it is so much garbage".

SPEECH BY CHIEF JUSTICE EARL WARREN

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. FRASER. Mr. Speaker, when Earl Warren retired as Chief Justice of the U.S. Supreme Court 3 years ago, he closed a distinguished record of 52 years of public service to his country. As a private citizen, he vowed to contribute something further to the administration of justice and to world peace.

Chief Justice Warren is now chairman of the United Nations Association of the U.S.A., a private, nonpartisan organiza- of American citizens dedicated to making the United Nations and other international organizations more adequate to the needs of our time.

Last week, he joined other leaders in addressing 4,000 lawyers and jurists gathered in Belgrade, Yugoslavia, for the opening of the fifth international World Peace Through Law Conference.

The other speakers at the conference included President Tito; Ambassador Edvard Hambro, President of the 25th General Assembly; and Chief Justice Terje Wold of Norway, president of the World Association of Judges.

In his speech, Chief Justice Warren said the technological explosion had overtaken international political relations and made necessary a new system of diplomacy based on the United Nations. He said the nation-state no longer is able to provide security for its citizens, because of the terrifying power of nuclear weapons.

Warren declared:

Much of what is being done in the name of national security not only fails to protect the citizenry, but surrounds their lives with even greater dangers.

The Chief Justice's speech raised issues that are being explored in depth by a National Policy Panel established by the United Nations Association.

The UNA–USA panel which is taking a fresh look at the United Nations is chaired by Nicholas de B. Katzenbach, former Under Secretary of State and Attorney General.

Mr. Speaker, I hope my colleagues will take the time to read the thoughts of Chief Justice Warren, which I insert into the RECORD:

SPEECH BY CHIEF JUSTICE EARL WARREN

A society, in the process of moving forward, often appears to be tearing itself apart. Certainly, an age of rapid change, such as ours, produces many paradoxes. But perhaps the most tragic paradox of our time is to be found in the failure of nation-states to recognize the imperatives of internationalism.

Men on their way back from the moon tell us how small an earth with no visible boundaries appears to them. Poets remind us we are all riders together on this small planet. Sociologists refer to our "global village."

In that setting, scientists have placed in the hands of nation-states the power to create nobly or to destroy instantly. Yet, in many respects, relations among them are conducted as they were two thousand years ago. A dispassionate look at the alliances, coalitions and, with few exceptions, the powers assigned to international organizations, can lead to no other conclusion.

Even in times of high civilization, such as classical Greece, Renaissance Italy, and seventeenth century Europe, foreign war and civil strife were almost constant. Some historians refer to the century prior to 1914 as the "long peace." But even in that relatively quiet period there occurred the Latin American, Italian and Balkan wars of liberation, the American Civil War, the three wars of German unification, the wars in the Crimea, Balkans and the Far East arising from Russian and Japanese expansion, and countless wars in Asia and Africa resulting from European colonialism.

Despite this tragic record, the pursuit of national interests by such methods could be regarded by our fathers as being a *tolerable* state of affairs. But, in our lifetimes, we have brought about a fundamental change in the nature of war. In the world our children are inheriting, welfare has become so destructive of man, of his works, and of his essential environment, that it is no longer either rational *or* tolerable.

This basic change brings us into direct confrontation with the proposition that the nation-state is no longer able to discharge its primary function of providing security for its citizens. Much of what is being done in the name of national security not only fails to protect the citizenry but surrounds their lives with even greater dangers. This is, *in fact*, the condition of citizens in even the most powerful of nations.

In the past, those who have advocated fundamental changes in the nation-state system have been branded as Utopians. But, in today's world, is there anything so basically unrealistic as a "realpolitik" expressed in national armaments, alliances, balance of power, deterrence, challenge and response?

If we look at the events of our own lifetimes we can see that this system has brought no security to its strongest proponents—to Germany, or Russia, or France, Britain, Italy, Japan, or China. It *did* bring temporary security to the United States because our country has been protected both by oceanic distance and by allies. But now, even the United States is subject to the loss of half its population in a few hours.

Thus, we are faced with the necessity of considering that in the modern environment the inherent insecurity of nations is such that there may be no safety for mankind except in a fundamental reform of the nation-state system.

Science has revolutionized both the physical environment and human society so sub-

stantially, in such a short period of time, that our attitudes, our habits, and our institutions have lagged far behind. Discontent and demands for change come not only from our youth, but from those of all ages who see the methods and institutions on which society depends, unresponsive to the needs of today and grossly inadequate to the needs of tomorrow.

The same science that has multiplied the savagery of man can also play an increasing part in maturing and civilizing him. Basically, science has solved the problem of production. There is no longer any scientific reason why there should not be, within a relatively short period of time, sufficient necessities and probably too many luxuries for everyone.

Of course, if population goes on increasing at its present rate, we may all either starve or smother. But if we can learn to control population decently and apply the knowledge we have, material necessities *could* be met.

Rival economic systems, in the face of their reliance upon the same scientific processes, are discovering their rivalries are more and more artificial, and less and less a reason for either fear or conflict. Ideologists still scoff at the thought, but modern technological imperatives are causing the various systems more and more and more to converge. Capitalism is tending to become more collectivist. Communism is tending to become more individualist. The differences between them are becoming more political than structural.

It is our political systems that have been most reluctant to yield to pragmatism and move toward toleration and accommodation. Happily, many of the technological facts that have been increasing economic interaction among nations are hard at work in the political field as well.

The flow of international communications and contacts, for example, is increasing geometrically. The mounting efficiency and declining costs soon to be ushered in by space communications will make attempts to control the international movement of ideas not only futile but silly and self-defeating.

Even the ecological threats arising from the advance of technology provide new impetus toward political cooperation. The most rigid isolationist, the most dogmatic ideologue, now must recognize that the very air we breathe is an international resource. No one nation, acting alone, can estimate, and even less control, the increase of the carbon dioxide content in the air through the burning of fossil fuels or the introduction of other harmful particles.

Oil dumping and waste disposal in the oceans are prime examples of issues that will be dealt with internationally or not at all.

Modifying other people's weather, redirecting the winds, changing by conscious decision the pattern of rainfall, all are exercises of power that no one nation, or a few scientifically advanced nations, can be allowed to derogate to themselves.

I am suggesting to you that the shapers of laws and the architects of institutions have been overtaken by science and technology. We have grown up in the comfortable sense that politics is the art of the possible. Few of us have faced the fact that science has transformed politics into the art of the indispensable.

In the vital area of relations between nation-states, the situation was summed up recently by a brilliant young political scientist who is, quite significantly, on the faculty of the Massachusetts Institute of Technology. Professor Lincoln Bloomfield described the United Nations as the only institution in the history of man that had become indispensable before it had become possible.

The sole burden of my comments today is that there is no more urgent necessity before mankind than to make possible that which has become indispensable to human progress and survival.

Despite increasing recognition of common interests, the United States and the Soviet Union remain at odds over how the world is to be organized. They persist in placing their reliance on unilateral measures in confronting political change in areas they regard as sensitive. Yet, they are not the only ones to press narrowly defined national interests. They are only the ones with the most power to do so. In many of the developing areas, middle and smaller states are either engaged in hostilities with neighbors or struggling with continuing internal disruptions.

The United Nations and its system of agencies still have very little ability to shape a disorderly world.

The United Nations system does not derive its powers from the consent of the governed, but from the consent of national governments. Experience has shown this consent to be limited, provisional, captious and subject at any time to being withdrawn. The jealous determination of nation-states to reserve all real authority to themselves is constantly reflected in the debates and frustrations of the United Nations.

The halting approach to world order begins with the fact that the most populous of all nations—the People's Republic of China—and three significant divided states—Germany, Korea and Vietnam—are not represented.

The early admission of mainland China, of the two Germanys, the two Koreas and the two Vietnams—regardless of what may later evolve in their own internal relationships—are essential steps that must be taken to bring the real world and the international system together.

These developments will not be long delayed. Thus, we should begin now to make the General Assembly of the United Nations a more effective means of fulfilling the Charter's directive that it be a center for "harmonizing the actions of nations."

An immediate start could be made by reassessing its concentration on passing resolutions by formal votes. The last General Assembly adopted 131 different resolutions. One wonders how many of them have been taken seriously even by the governments that voted for them.

The General Assembly provides the world community its best opportunity to develop consensus and understanding, and to review the functioning of the international system. It would be relatively easy to redirect its structure and its procedures toward more effective fulfillment of those aims. The start could and should be made at the session beginning in September.

One of the brightest areas on the world scene has been the United Nations contribution to economic and social progress. The magnitude of the results tend to obscure the smallness of the investments nation-states have been willing to divert from their bilateral programs. Their sense of priorities is revealed by the fact that this year they are directing less than seven billions to development assistance and over 200 billions to armaments.

Concern has been expressed over the capacity of the UN system to handle the massive effort that seems to be required. The Pearson and Jackson reports, and the response to them, are prompt and constructive reactions to this concern. More needs to be done. The role of the Economic and Social Council and its relation to the specialized agencies, clearly needs reassessment. Jurisdictions need clarification. And, clearly, more resources are called for.

The basic point is that the record thus far, with all its shortcomings, inspires confidence that the UN system is capable of adapting to changing needs. Certainly, the world community needs the sense of partnership that is indispensable to closing the widening gap between the two-thirds who are poor and the one-third who are affluent.

There is no more flagrant example of the disregard of nation-states for world order than the chronic under-employment of the International Court of Justice.

Secretary of State Rogers recently advanced suggestions that could mark a new start toward use of the Court. They include the greater use of chambers of the Court, the convening of such chambers outside The Hague to make the Court more visible in other areas; the establishment of regional chambers to make the Court more attractive to Latin American, Asian, and African states in disputes with states in the same region; and more frequent use of summary proceedings. These suggestions merit a prompt response.

Other steps could be taken to make the Court more useful to the United Nations itself by improving procedures for seeking advisory opinions. And, most importantly, real attention needs to be given to extending the writ of the Court itself through voluntary acceptance of its jurisdiction by nation-states.

Increasing use of the Court would be one of the clearest indications of the movement away from international lawlessness. It would be an appropriate expression of a new will to strengthen, through use, international machinery for the peaceful settlement of disputes.

This new will must also find expression in the United Nations Security Council. Until now, resort to the Security Council usually has been withheld until violence is imminent or in progress. The Council needs to develop methods—and the habit—of helping parties to a dispute reach an agreement before the onset of violence.

There is also a tendency to avoid difficult solutions in the absence of crisis and, when violence occurs, to go no further than to freeze the dangerous status quo. This is a prescription for the continuation of the tension.

There are many ways to strengthen the peaceful settlement role of the Security Council, once there is the will on the part of the member states to do it.

It is time for us to become impatient with the failure of nation-states to provide the United Nations with standing forces to carry out peacekeeping functions. This was a major promise made by the signers at San Francisco.

Even the fact-finding functions of the UN have been kept sharply limited. Nation-states are orbiting satellites with high-resolution cameras. We sit at home before our television sets and see events in other parts of the world transmitted by satellite. But no such eyes, and no such voice, not even such opportunities to watch, are yet available to the United Nations.

In those specific instances where it has been permitted to exercise limited peacekeeping functions, the record of the United Nations has been a good one. Indeed, the record stands in shining contrast to the costly and tragic unilateral actions that have darkened our age.

The relatively low investments in successful UN peacekeeping efforts make all the more shocking the fact that even these have been denied sufficient funds. The burden of debt left over from these operations totals $189 million. This is not large by the standards of those governments which have benefitted the most. Yet, the situation has reduced the Secretary General to borrowing from Trust Funds set up for other purposes and worrying about meeting successive payrolls. This is a disgraceful and degrading situation which must be ended.

Virtually the only voice raised in warning or in protest has been that of our colleague, the outstanding President of the General Assembly, Ambassador Hambro. He deserves the thanks—but more importantly—he deserves the support of all who have the slightest concern for the present as well as the future of the United Nations.

The assertion of a new will to world order must come. New and irresistible elements are being introduced into the world scene by science and technology. In the most profound sense, they impose disciplines that go beyond the capacities of the nation-states.

Problems such as abuse of the environment, management of seabed resources, modification and control of climate, genetic modification activities, the uses of outer space, satellite communications all will require some multinational framework for solution. The process has already begun with such quiet effectiveness that it has almost escaped our attention. The improved weather forecasting now available to every part of our globe, thanks to the world weather watch, is a case in point. The management of international air traffic is another. The process thus begun is bound to accelerate rapidly and across many areas of human endeavor and concern.

New thinking needs to be brought to the efficient application of international organization to these new dimensions of transnational activity. The issues posed will be complex and difficult. But I look upon them with the highest hopes. They will bring us, inescapably, face to face with the imperative of bringing a world view to the affairs of man.

The halting steps we have taken thus far suggest that we may yet be able to run. We *can* have progressively stronger international institutions. We *can* endow them with peacekeeping powers sufficient to restrain not only small but great states. We *can* assess, direct and control the power science has placed in our hands. We can have—without sacrificing wide diversity of belief, custom and structure—a single universal faith in the obligations, the brotherhood, and the destiny of mankind.

Science has made it possible for man to live bountifully upon this planet. But only man himself will civilize it and make it habitable. The United Nations provides the means for achieving greatly. We must lose no more time in using it.

SPECIALIST ROBERT L. WILLARD OF FREDERICK, MD.

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. BYRON. Mr. Speaker, the Defense Department announced this week that Sp-4 Robert L. Willard, son of Mrs. Mary C. Willard, 524 Grant Place, Frederick, Md. and the late Robert L. Willard, was killed in action in Vietnam on July 28, 1971.

Specialist Willard entered the Army in March 1970 and was serving with the 525th Military Intelligence Group in South Vietnam. Willard was killed while driving a military vehicle on a mission in Kien Giang Province. The convoy came under enemy attack, and the Frederick soldier was killed instantly.

I would like to express my sympathy to the family of Specialist Willard. I feel that all Americans owe Robert a debt of gratitude which can never be repaid. It is brave men of Robert's caliber who have helped preserve our freedoms throughout our history.

NO ROOM FOR DISCRIMINATION IN THE UNITED STATES

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. WOLFF. Mr. Speaker, in this Chamber, where so many Italo-Americans have distinguished themselves in the service of our country, we are especially aware of the important role Americans of Italian descent have played in building our Nation.

And, of course, the constant contributions of generations of Italo-Americans reach into every corner of this land and into every occupation and human activity. Make no mistake about it, this country has progressed to world leadership through the hard work, creativity and concern of all our citizens—Italo-Americans among them.

Thus it is that we must deplore any and all forms of discrimination whether it be directed against national origin or against race, creed, color. There is no room for discrimination—in any form—in the United States.

My colleague from New York (Mr. BIAGGI) understands this. He is a man who as a highly decorated police officer enforced the law and who, now, as a respected Member of this body helps to write the law.

I should also say that the gentleman is himself a product of hard work and devotion. While earning more decorations than any man in New York city police department history he managed to complete college and law school. And now, in just his second term, he commands the respect and admiration of all his colleagues here in the House.

Recently, on Italian American Civil Rights Unity Day, the able gentleman from New York (Mr. BIAGGI) addressed himself to the scourge of discrimination and to the role of Italo-Americans in our heritage. His words deserve the considered attention of all the Members and all Americans and, under leave to extend my remarks, I wish to include it in the RECORD at this point:

SPEECH OF CONGRESSMAN MARIO BIAGGI

Ladies and Gentlemen: I would like to preface my remarks by asking this great great gathering to observe a moment of silence in memory of two of New York's finest and bravest who were slain recently in the line of duty—Patrolmen Waverly Jones and Joseph Piagentini. Please join me now in a moment of silence.

Thank you.

I am here today as an American of Italian descent who is proud of his heritage.

I am here as an American in the fight against discrimination . . . be it against any national origin . . . religion . . . or race.

The fight against bigotry is not the personal charge of any one man . . . or any one group. It should be the conscience of every man to speak out at all times . . . in every place . . . and on all platforms.

In the civil rights movement . . . we may march to different drummers . . . but let us all march in step together. The fight against discrimination and bigotry should be fought with solidarity and unity.

The fear of controversy has stilled many timid tongues on this day . . . but not those who have found in controversy the path to truth.

It was controversial when I went to Parris Island to expose the Marine brutality that caused the death of Jose Concepcian . . . a young recruit.

I went because the cause was just.

It was controversial when I spoke out against our government's apathy in supporting help for the plight of the Soviet Jews.

But . . . I spoke out because the cause was just.

It was controversial when I defended in court last week charges by our government against 14 Rabbis who chained themselves to the United States Mission in sympathy with Soviet Jewry.

It might be deemed controversial to speak out today . . . but the cause is just . . . and I must speak out.

Hillel, The Rabbi and teacher of a great people . . . said: "If I am not for myself . . . who will be for me. If I am only for myself . . . what am I."

I cannot be silent . . . today . . . or ever.

If the cause is just . . . men of goodwill will rise above the issue of personalities . . . and realize that the voices that are crying out are the nearly 2-million Italo-Americans in our city . . . and the neary 20-million Italo-Americans in our nation.

I am heartened today by the even greater crowd gathered here than when I was with you last year.

I am heartened by the unity of purpose that has brought us together . . . the determination to have your voices heard in the cry for equality and decency.

I have been joined on this platform today by several public officials who respect your aspirations. The cause is just . . . and these men and women are here because of their abiding faith in principles and ideals.

But where . . . but where . . . are the many elected officials who at election time visit your neighborhoods . . . seek your support . . . slap your backs . . . and make promises.

By being absent today . . . they have again treated you like second class citizens.

As a Congressman . . . who sits in a national body of legislators . . . I cannot be silent on matters that test the conscience of America.

As President of the Grand Council of Columbia Associations in Civil Service . . . I cannot be silent as millions of Italian-Americans continue to be stigmatized . . . continue to be treated as second class citizens . . . continue to have their children psychologically scarred.

The sins of a few . . . have been visited on all law-abiding Americans of Italian descent. We cannot accept . . . without resentment a continuously distorted portrayal of being exclusively prone to criminal tendencies.

Our outcries are the voices of a proud people who have contributed to mankind such giants of accomplishment . . . in all fields . . . a Michelangelo . . . Da Vinci . . . Galileo . . . Columbus . . . Toscanini . . . Fermi . . . LaGuardia . . . Sergant Lasilone . . . DiMaggio . . . Marciano . . . Giannini . . . Marconi . . . and, of course, Sophia Loren. Educators, scientists, doctors, governors, legislators, philosophers . . . the whole gamut of greatness.

The Italo-American fully expects that reasonable people will not avoid the fact that the Italian heritage is worthy of more than mere superficial consideration in the face of strong detracting innuendoes.

I was a police officer on the streets of New York City for 23 years . . . holder of the department's highest decoration, the Medal of Honor . . . and 23 other citations . . . wounded many times in the line of duty.

If I have learned anything from it all . . . it is that organized crime . . . or any kind of criminal activity . . . is not now . . . or never was a matter of nationality

How will the bigots slander that fact?

Tens of thousands of Italo-Americans are in the field of law enforcement throughout the nation . . . risking life and limb daily to carry out increasingly difficult and dangerous duties for the preservation of law and order . . . more than 7,000 in the New York Police Department alone.

How will the bigots slander that fact?

Charles Bonaparte, an Italo-American who was attorney-general under President Teddy Roosevelt, was the founder of the Federal Bureau of Investigation.

How will the bigots slander that fact?

We must stop this discrimination.

And . . . what are some of its manifestations?

In our Public High School System there is only one Italo-American principal . . . and he is on leave. One out of 90 . . . I say not enough.

Only one Italo-American presently serves on the 21-member Board of Higher Education. I say not enough.

Not one of the City University College Presidents is an Italo-American . . . not one.

Out of 650 Federal appointments by President Nixon only 7 are of Italian descent. . . . I say not enough.

Not one President has ever appointed an Italo-American to the United States Supreme Court . . . not one.

It was not until 1962 . . . that an Italo-American was appointed to a Federal Cabinet Post . . . imagine . . . not until 1962.

And a thousand more cases can be given where qualified . . . I repeat . . . qualified . . . Italo-Americans were denied equality of opportunity.

We want to enjoy that which the Statue of Liberty promised our forbears when they came to this country.

We must fight the hypocricy that destroys the quality of our nation and the aspirations of its people.

I salute you.

Continue the fight against bigotry.

Continue to instill pride in our great heritage . . . continue to build children's camps . . . continue with scholarships for education . . . continue with your fight against drug addiction and drug abuse . . . continue with your fight for the betterment of Italo-Americans . . . and all people.

Let us be steadfast in our determination to wipe out all forms of defamation and discrimination . . . not only against the Italo-Americans . . . but against all ethnic . . . racial . . . and religious groups.

Let us all . . . in unity . . . dedicate ourselves to a better life for all Americans.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THEODORE L. SENDAK GETS WELL-DESERVED CREDIT

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. LANDGREBE. Mr. Speaker, the Indianapolis Star, one of our great Midwestern newspapers, believes in giving credit where credit is due. On July 30 in an editorial entitled "Cruel and Unusual" they gave well-deserved credit to Theodore Sendak, attorney general of Indiana, who is, in my opinion, our Nation's foremost advocate of the restoration of law and order. According to statements and statistics in the editorial attributed to Attorney General Sendak, the use of capital punishment is definitely a deterrent to major crimes and will have to be resorted to if crime in this country is to be brought under control and our streets made safe again for law-abiding citizens.

The editorial follows:

"CRUEL AND UNUSUAL"

Indiana Attorney General Theodore L. Sendak expressed some sound opinions on the constitutionality of capital punishment during a recent trip to Fort Wayne, stressing first of all that the legality of the supreme penalty was taken for granted by the Founding Fathers.

Criticizing the legalistic attack under way by opponents of capital punishment who would rely on the "cruel and unusual punishment" clause of the Eighth Amendment, Sendak pointed out that the Bill of Rights includes the Fifth Amendment which recognizes capital punishment but requires due process to bring it about.

"The Founding Fathers' proscription of cruel and unusual punishment," Sendak said, displaying a knowledge of historical fact lacking in many critics of the existing law, "referred to the medieval torture formerly used on prisoners . . ."

"Furthermore," he said, "the concept of capital punishment was constitutionally reinforced by the adoption of the 14th Amendment, with these exact words: Nor shall any state deprive any person of life, liberty, or property, without due process of law." It would take another amendment to change the Fifth and 14th Amendments, he pointed out.

Sendak said he was speaking out of "a humanitarian concern for the victims of crime," explaining, "Our system of criminal law seeks to minimize the quantity of human suffering by maintaining a framework of order and peace in which individuals are to be held accountable for individual actions. The innocent are to be protected and the guilty are to be punished in proportion to the seriousness of their crimes.

"Government statistics show that serious crimes have grown nation-wide 11 times during the last decade. The population has obviously not grown 11 times. In 1962, 47 murderers were executed, and few since. Statistics also reveal that 5,150 more innocent men, women and children were murdered in 1968, for example, than in 1962," Sendak continued.

"Is a course of action humanitarian which actually encourages such a vast increase in the number of innocent persons killed, maimed and brutalized?" the Hoosier attorney general asked. "In the equation of human suffering, what about the dignity, the sacredness and the human rights of the extra 5,150 innocent victims of murderers? Is that a result of which humanitarians can be proud?"

"There have been many sentimental journeys into the psychological realm of criminals," Sendak observed. "I believe there should be more sympathetic concern expressed for the thousands of innocent victims of those criminals.

"So far as human nature and hard statistical facts are both concerned, the certainty of punishment for the guilty is still the best deterrent to most crime. The death penalty for capital crimes has not failed its purpose; the failure has been the failure to use it in Indiana since 1961."

Sendak is right. If more officials in Indiana and throughout the nation shared his sound, tough-minded views and acted accordingly, the gory, brutal murders, rapes, assaults and other vicious crimes which are corrupting the quality of American life would diminish. Things would become more dangerous for the criminal and safer for the law-abiding citizen—for a long-awaited change.

GREECE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. EDWARDS of California. Mr. Speaker, I was gratified yesterday evening when we in the House made our decision to cut off military aid to Greece until democracy is returned to the people of that oppressed nation. By this action, we have earned the gratitude of the leaders of democratic Greece as well as the Greek people.

Panayotis Kanellopoulos, the leader of the Greek Conservative Party, Demetrios Papaspyrou, the last speaker of the last Greek Parliament, George Mavros, leader of the Greek Center Union Party and a former Minister of Defense, and John Zigdis, leader of the Greek Center Union Party, a former Minister of Industry who has served in many other Greek cabinet positions and who is presently being held in jail by the junta for advocating the formation of a coalition government to cope with the Cyprus crisis, have transmitted a statement out of that oppressed nation to us here in the free world. It is a statement both of principle and purpose. In the light of our action to cut off military aid to Greece in behalf of democracy, we can read their statement with a good measure of relief and hope.

It is apparent that the Greek people, the people who invented democracy, are desperately waiting for the day when the yoke of oppression will be lifted from them, when they can once again think and speak freely, and democratically determine their own destiny. We can only hope that the people of Greece will forgive us for our support of their oppressors during these last 4 years. However, by taking our stand now, by acting in behalf of the good people of Greece, we can look forward to the day when Greece will once again take its place among the free nations of the world.

Most of us remember back to those dark days of World War II when half the world was struggling under fascist oppression. That elated feeling we all

had when the fascists were defeated by the combined efforts of the free world is similar to the feeling that I have now. As part of the free world, we have acted again to defend those oppressed by fascism by refusing our support of this Fascist government. The Greek people know as well as we that there is nothing dearer than freedom. I think the statement by the democratic Greek leaders should be read by every Member of Congress .

The statement follows:

STATEMENT RELEASED IN ATHENS ON AUGUST 2, 1971, BY FORMER PRIME MINISTER OF GREECE PANAYOTIS KANELLOPOULOS

This is Panayotis Kanellopoulos, the leader of the National Radical Union, speaking from Athens. This is a statement by me, by Mr. George Mavros and Mr. John Zigdis who represent the Center Union Party, and by Mr. Demetrios Papaspyrou, the last Speaker of the Greek Parliament.

First: We do not forget that Greece's Armed Forces were reorganized after the Second World War with material assistance of Great Britain in the first instance and with that of the United States of America from 1947 onwards.

Two: We adhere to the democratic principles which inspired our decision that Greece should enter the NATO defensive organization and share the responsibility of its members in the safeguarding of peace.

Three: The dictatorial regime which has been in power since 1967 has exploited the military assistance granted by the United States of America to oppress the Greek People, to violate human rights, and to trample underfoot the principles upon which the Atlantic Alliance, the European Union, and the Common Market are based.

Four: We consider those in power today responsible for the isolation of Greece: They are responsible for Greece's expulsion from the Council of Europe, for the fact that Greece's association with the Common Market was frozen, and for the fact that the representative bodies of the great democracy of the United States of America are reacting against the further granting of military assistance to our country.

Five: The statement made by the head of the regime following the vote taken by the Foreign Affairs committee of the House of Representatives of the United States of America is not the Greek people's answer to this committee, but the personal reaction of the ones who deprived the Greek people of their freedom and political rights.

Six: The dictated reactions by the appointed organs of the regime which attempted to create the impression that their reply given to the Committee of the House of Representatives was comparable to the heroic replies given to the enemies of Greece from the time of Marathon until October 1940—these reactions are morally unacceptable and historically ridiculous.

Seven: The expression of solidarity amongst free people of whatever nationality towards each other does not constitute intervention in the internal affairs of a country. The frontiers of freedom are beyond the territorial powers of the various countries. The stand taken by the representatives of the American people that military aid should be linked to the restoration of free institutions in our country is not even technically an intervention in the internal affairs of Greece, but is the exercise of their mission as defined by their constitution.

This is the fallacy of the theory put forward by the dictatorial regime about the absolute independence of the country: it contradicts firstly the allied and other international friends of Greece, and secondly, the first obvious fact that under present-day historical circumstances, no country, not even the greatest in the world, can live in isolation. The economic and strategic interdependence of the nations of the world has become so tight that to ignore this factor would constitute a dangerous lack of elementary realism. This last statement was made by the most competent member, until his death, of the dictatorial government.

Eight: In order to avert the danger of the growing isolation of our country, the return to normal political life and democracy is essential. Upon this, Greece will automatically resume its connections with the countries and international organizations which constitute her natural climate. The Greek people, who are deeply democratic, tender no one the right to say, as the head of the dictatorial regime did, that it is only he who decides whether elections will be held in twenty months or twenty years.

Thank you.

LEGAL CHALLENGE TO MINNESOTA ABORTION LAW BY WOMAN DOCTOR

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. FRASER. Mr. Speaker, Dr. Jane Hodgson of Minneapolis is a Diplomate of the American Board of Obstetrics and Gynocology who has made a tremendous contribution of time, money and professional reputation in a heroic attempt to prove Minnesota's 98-year-old abortion law unconstitutional. On November 19, 1970, she was found guilty in Ramsey County District Court of violating Minnesota's abortion law and convicted of performing an abortion in a St. Paul hospital on a mother of three children who had contracted German measles in the 4th week of pregnancy. Her sentence was suspended.

Dr. Hodgson's case is historically significant because it is the only conviction in the western world of a physician who performed an abortion in a hospital. Minnesota's abortion law was written in 1873 and says that no abortion may be performed unless it is to save the life of a pregnant woman. There are 30 States with an abortion law identical to that in Minnesota. The remaining States have more liberal grounds for legal abortion. Dr. Hodgson's case is likely to go to the Supreme Court where it will challenge concepts of denial of abortion as denial of constitutional rights.

In light of the national debate centering on the legal and ethical questions surrounding the abortion issue, I feel that the facts of this case would be of interest to my colleagues, as well as the views of Dr. Hodgson expressed in an article by Edwin Kiester, Jr., in the June issue of Family Health.

DOCTOR HODGSON'S CHOICE

(By Edwin Kiester, Jr.)

Ordinarily, the young, attractive woman in Dr. Jane Hodgson's obstetrical examining room that spring morning would have been delighted. She was the mother of three children, and she had just been told that she was eight weeks pregnant with a fourth. She and her husband had always wanted a large family, and this should have been glad news.

But not this time. A few weeks earlier, she had come down with the rash, fever, and runny nose that mark rubella, or German measles. And she knew—as most women do—that early pregnancy exposure to this normally innocuous disease spelled probable deformity for her unborn child.

"I don't think that would be fair to the child, or to my other children," she told Dr. Hodgson.

A quick, merciful termination of the pregnancy—a therapeutic abortion—seemed the logical course to the 55-year-old St. Paul obstetrician-gynecologist. Yet the Minnesota criminal code permitted abortion only when absolutely necessary to save the life of the mother. And Dr. Hodgson's patient certainly was in no danger of death. Nevertheless, Dr. Hodgson made up her mind. "All right," she told her patient, "if you want, I will go ahead with an abortion."

For 23 years, she had been resolving all such dilemmas the other way—in favor of the law. Mindful that violation meant up to four years' imprisonment and loss of her medical license, she had refused abortions to a 14-year-old made pregnant by a relative, a 16-year-old on the threshold of emotional breakdown, a mother of four for whom a new birth meant economic disaster. She had also refused a Macalester College girl, pregnant from a casual date. In a few weeks the girl came back, hemorrhaging severely and raging with infection from a botched backroom operation. Reviewing all this recently, Dr. Hodgson said, "It's not the dozen 'legal' abortions I've performed in my career that I mind. It's the ones I've refused that haunt me."

Finally, confronted with the patient whose unborn infant was clearly threatened by the mother's German measles, she decided the time had come to take a stand.

Her decision has become a *cause célèbre* in Minnesota and has heightened the furor surrounding the issue of abortion across the United States. After fruitlessly attempting to obtain advance court sanction for the abortion, Dr. Hodgson performed it last April 29, in the twelfth week of the woman's pregnancy. She was subsequently arrested and tried. After a much publicized proceeding in which witnesses for both sides converged from all over the country she was convicted and given a 30-day suspended jail sentence. The case is now being appealed to the Minnesota Supreme Court, and will very likely wind up in the U.S. Supreme Court.

Dr. Hodgson's appeal, or one of some 70 other test cases now making their way toward the high court, may very well mark the final step in the remarkable revolution in attitudes toward abortion that has swept across the United States in the past 10 years. More than one-fourth of the states have recently revised their laws governing this once utterly unthinkable practice.

But many persons—including a great number of physicians like Dr. Hodgson—do not believe that even these changes go far enough. They favor outright repeal of all laws limiting abortion, leaving it to the physician (in consultation with his patient) to decide when one should be performed. If this were done, Dr. Hodgson says, it would eliminate the terrible dilemmas and heartbreak cases which now confront physicians every day.

Needless to say, such a suggestion still arouses strong and highly vocal opposition. The Roman Catholic Church has not relaxed its official stand that abortion is tantamount to murder. Several "repeal" measures are being considered by state legislatures, including one in Minnesota, but no one gives them much chance of quick passage. The courts seem a more likely route.

Dr. Hodgson's appeal argues that the Minnesota abortion law is unconstitutional, in that the state has no business in what is essentially a private matter. The laws, her

case contends, interfere with a doctor's right to practice medicine according to his best professional judgment and the patient's right to her own body.

That Jane Hodgson should champion such a radical cause is itself an irony. "Why, I've never even had a traffic ticket!" she says. A straightforward, direct, friendly woman whose blond hair, young figure, and boots-and-miniskirts elicited daily comment in the newspapers during her trial, she describes herself as a believer in the old values, "with the utmost respect for the law." She lives quietly and unpretentiously with her husband, who is a heart surgeon, and two teenage daughters in a rebuilt farmhouse on the edge of St. Paul. She is "not a permissive parent." In her career, Dr. Hodgson has delivered more than 4,000 babies. And many times she has talked women out of abortions, arguing that childbirth is a blessing not to be postponed merely because its timing seems inconvenient.

As the only woman obstetrician-gynecologist in St. Paul, Dr. Hodgson occupies an extensive suite of offices in the Lowry Medical Arts Building. Hundreds of women come to her examining rooms every year. All are devoted to her and she to them. It is this concern that made the confrontation inevitable.

"When I first started practicing," she says, "I accepted the law as someting inevitable. It never occurred to me to try to change it. I tried to help patients as best I could under the circumstances, referring them to the clergy, warning against the dangers of criminal abortion."

There were several steps in what Dr. Hodgson calls her "reeducation" on abortion. One experience that helped to crystallize her thinking was a tour of duty on the medical ship S.S. Hope, which visited underdeveloped Latin-American countries to provide medical services for the poor. "We had to make constant choices," Dr. Hodgson recalls. "We could not treat all those who came to us for aid, and we had to choose from thousands the few who could be helped. Likewise with abortion. You have to decide between the living and the unborn. You have to weigh the preservation of the fetus and its right to life against the welfare of the patient, her family, and society."

Certainly, Minnesota's restrictive law did little to stop or reduce abortions. The affluent still obtained them in St. Paul hospitals regardless of the law, or they went to Mexico City, Montreal, or New York. The less well-off visited illegal abortionists or tried to perform the operation themselves with coat hangers or knitting needles or by drinking caustic solutions. About once a week, a victim of such self-inflicted butchery would turn up in Dr. Hodgson's office, hemorrhaging or badly infected, her future fertility jeopardized if not her life.

In the late '60s, Dr. Hodgson joined with others in an attempt to amend the law. Serving as a member of a 15-physician *ad hoc* abortion committee of the Minnesota Medical Society, she helped draft a proposed new law, then testified in favor of it before Minnesota's House Health and Welfare Committee and Senate Judiciary Committee. The bill was a strange amalgam. In its original form it called for outright repeal of all abortion laws, as Dr. Hodgson and others favored. In the process of being approved by the state Medical Society, however, a provision was added that every abortion be endorsed by a committee of five doctors including the one performing the operation. This would have made it one of the strictest measures in the nation. The bill never came to a vote.

Dr. Hodgson began to feel that only the courts offered final relief. She was aware of the Supreme Court case of Dr. C. Lee Buxton, chairman of the department of obstetrics-gynecology at Yale, who had deliberately broken Connecticut's law prohibiting dissemination of birth-control information. The Supreme Court eventually ruled that the law was an unconstitutional invasion of privacy. She felt there might be a precedent there for abortion law. Dr. Hodgson and a group of other St. Paul and Minneapolis physicians first tried to have the local courts rule the law an invasion of their right to practice medicine. The request was rejected because they had no specific case.

When Dr. Hodgson's patient—she has steadfastly tried to keep the identity of "Mrs. John Doe" from becoming public—first came to her office in early April, "I knew we had our ideal," Dr. Hodgson says. "Public opinion is often punitive about an unmarried girl who wants an abortion, but this woman was married and had three children. And most people understood about the dangers of rubella, and would sympathize with her plight. Also, she had not been pregnant long. That gave us a little time to obtain court approval before we reach the danger point for performing the abortion."

The woman herself bravely agreed to cooperate. She said afterward in court that she could have afforded to go to another state where abortion was legal, but that she had preferred to have Dr. Hodgson perform it. Her decision put her own freedom in jeopardy. Under the Minnesota anti-abortion statute, patient as well as abortionist is guilty of a felony, if convicted. For the patient this may mean up to two years in jail.

Medically, of course, the risks to Mrs. Doe were slight. Today an abortion in the first 12 weeks of pregnancy is a quick and routine procedure. The death rate for early abortions performed under hospital conditions is only one to three in 100,000—fewer than the number attributed to use of oral contraceptives and about half the number of deaths caused by childbirth itself. (After 12 weeks, however, the risks go up sharply, some statistics reporting them as 40 deaths per 100,000.)

The possibilities of the baby's deformity, however, were grave. Rubella before the twelfth week of pregnancy wreaks terrible consequences in more than two of three cases. Deafness, blindness, retardation, and congenital heart defects can result from a disease so slight the mother may not even be aware she has it. Following the rubella epidemic of 1964–65, more than 30,000 deformed children were born.

Dr. Hodgson's own decision to proceed was not an easy one. The case was sure to inflame passions, and she could expect bitterness, name-calling, and recrimination against herself and her family. She was jeopardizing her whole career.

"But I was really in a unique and ideal position to make the challenge," she said. "Being a woman, I think I better understand the real meaning of unwanted pregnancy. And I could have quit practicing medicine if I wanted to. My husband could support me and the children quite well if I lost my license."

Stipulating that a decision was necessary before May 1 to protect the life of her patient, Dr. Hodgson and her attorneys now went before the federal district court in St. Paul. They asked that the state be prevented from prosecuting her if she conducted the operation. They argued that the law should be declared an unconstitutional interference with her rights and the patient's. The district judge agreed to call a three-judge court to hear the constitutional issues involved. But before the case could actually be called, time ran out. On April 29, fearful of further delay, Dr. Hodgson performed the abortion.

She had already solicited confirming opinions from five other physicians—three obstetrical specialists from Mayo Clinic and two from St. Paul-Ramsey Hospital and Medical Center. They endorsed her decision.

It was a week before authorities got around to arresting her. There had been some belief that they might choose to ignore the whole matter. But then one day a policewoman turned up at Dr. Hodgson's office, and not long after that, she recalls smiling, "I was standing before a police sergeant, amid the narcotics users and the strong-arm muggers, admitting to the commission of a felony for the first time in my life."

The trial in November was most unusual. Conveniently, the courthouse was near Dr. Hodgson's office, enabling her to be in court all morning and see patients during the noontime recess. Very little of the testimony dealt with the alleged crime. Dr. Hodgson pleaded not guilty but freely conceded that she had performed the abortion. "It was," Dr. Hodgson says, "probably one of the few cases where the defense sought a conviction as ardently as the prosecution." Most of the defense witnesses were experts from the Population Council, Johns Hopkins University School of Medicine, and Mayo Clinic, who testified to the dangers of rubella for fetal deformity, the relative safety of therapeutic abortion under hospital conditions, and the changes of abortion law that had come with development of safer techniques in this country and abroad. Prosecution witnesses disputed some of this testimony and argued that the state had a duty to protect the rights of the unborn child. The trial lasted 10 days, after which Judge J. Jerome Plunkett pronounced Dr. Hodgson guilty and sentenced her to 30 days in jail (suspended) and a year's probation. The judge, himself a Catholic, afterward complimented Dr. Hodgson on her dignity and dedication, commenting:

"I had to make a decision that I feel is proper, just as you had to make one you felt was proper. I also know that the position you took was far more difficult than mine.

"The ramifications and consequences are [for you] far more reaching, and I say frankly you are very courageous and a credit to yourself."

Since then, the appeal has been taken to the Minnesota Supreme Court. The atmosphere surrounding the question has also changed slightly. A recent public-opinion poll showed that seven of 10 Minnesotans now favor some form of liberalization of the state's abortion law. But the repeal measure now before the legislature is unlikely to pass. The majority leader of the state Senate, Nicholas Coleman, says, "I don't think the members will risk their political necks."

As for Dr. Hodgson, she says with a laugh and a wave toward her crowded waiting room, "My practice doesn't seem to have suffered from the fact that I'm a convicted abortionist. Many of my patients have even gone to the trouble to call and assure me of their support."

Medical students and other young people have also rallied to Dr. Hodgson's cause but among her own generation she is less well received. "I've detected a certain coolness on the part of old friends," she says. "I've become controversial." Her contemporaries in medicine have disappointed her, too. Many of them have assured her privately of their support, but they have been unwilling to stand up and call for a change in the law.

In spite of that, says Dr. Hodgson, she has no regrets. "I believe the time has come when we doctors must concern ourselves not merely with the preservation of life, but with its quality, and I see abortion as a humane medical act within that context," she says. "I have heard all the arguments raised in behalf of the fetus' right to be born, but I am too much of a pragmatist to be concerned with the rights of a few embryonal cells as against the rights of those currently living. And I think that every child has the right to be born into a family

where he is wanted and will be loved. There are too many children who are unwanted in the world already.

"We've had abortion laws for a century, and they haven't stopped abortions or reduced the rates of maternal deaths. Women continue to abort themselves, or go to quacks. A fortunate few go to more enlightened states and countries where the operation can be performed in safety and without question. Abortion was originally restricted to protect the health of the mother. Now the decision should go back to the doctor for the same reason."

During and after the trial, the flood of hate mail to Dr. Hodgson was offset by letters from women who supported her stand or who had themselves been victimized by the abortion laws. Typical of the supporting letters was the following, signed simply "Vicky":

"I am writing to you to add my support to you and your ideals. I had an abortion in Mexico City last spring. Not only was I frightened but very ashamed of having to sneak away as I did and try to right a terrible mistake. . . .

"Thank God there are wonderful people like you who will stand up for something they believe in. I know there are many young girls as well as older ones that are thanking you for trying to spare other girls the torment we went through. . . . God bless you."

ODY H. LAMBORN—"SICK"

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. HOGAN. Mr. Speaker, much has been written about the "middle American"—that forgotten individual who leads an ordinary life of paying his taxes and bills, working steadily at a job, obeying the laws, and leading an "unexceptional" life with his family. In other words, he is what America is all about!

No revolutionary he—his values are those on which this country was founded and his beliefs are basically those of his forefathers. Common decency is a way of life for him.

One such man is Ody H. Lamborn of New York City. Mr. Lamborn, however, is "sick." He is "sick" of all those elements which seem to be undermining our society. As a matter of fact, he is so "sick" he compiled a list of his grievances, which was published in the Sarasota, Fla. Herald Tribune.

Since a great many of us have been infected by this illness, I ask that a list of the symptoms be inserted in the RECORD at this point:

[From the Sarasota Herald Tribune (Fla.), April 16, 1971]

I AM A SICK AMERICAN

"There are those who claim ours is a "sick" society; that our country is sick; our government is sick; that we are sick. Well, maybe they're right. I submit that I'm sick . . . and maybe you are, too. I am sick of having policemen ridiculed and called 'pigs' while cop killers are hailed as some kind of folk hero.

I am sick of being told that religion is the opiate of the people, but marijuana should be legalized.

I am sick of commentators and columnists canonizing anarchists, revolutionaries and criminal rapists, but condemning law enforcement when such criminals are brought to justice.

I am sick of being told that pornography is the right of free press, but freedom of the press does not include being able to read the Bible on school grounds.

I am sick of paying more and more taxes to build schools while I see some faculty members encouraging students to tear them down or burn them.

I am sick of Supreme Court decisions which turn criminals loose on society—while other decisions try to take away my means of protecting my home and family.

I am sick of pot-smoking entertainers deluging me with their condemnation of my moral standards on late-night television.

I am sick of being told that policemen are mad dogs who should not have guns—but that criminals who use guns to rob, maim and murder should be understood and helped back to society.

I am sick of being told it is wrong to use napalm to end a war overseas—but if it's a molotov cocktail or a bomb at home, I must understand the provocations.

I am sick of not being able to take my family to a movie unless I want to have them exposed to nudity, homosexuality and the glorification of narcotics.

I am sick of riots, marches, protests, demonstrations, confrontations, and the other mob temper tantrums of people intellectually incapable of working within the system.

I am sick of hearing the same phrases, the same slick slogans, the cries of people who must chant the same thing like zombies because they haven't the capacity for verbalizing thought.

I am sick of those who say I owe them this or that because of the sins of my forefathers—when I have looked down both ends of a gun barrel to defend their rights, their liberties and their families.

I am sick of cynical attitudes toward patriotism. I am sick of politicians with no backbone.

I am sick of permissiveness.

I am sick of the dirty, the foul-mouthed, the unwashed.

I am sick of the decline of personal honesty, personal integrity and human sincerity.

Most of all, though, I am sick of being told I'm sick. I'm sick of being told my country is sick—when we have the greatest nation that man has ever brought forth on the face of the earth. Fully fifty percent of the people on earth would willingly trade places with the most deprived, the most underprivileged among us.

Yes, I may be sick, but if I am only sick, I can get well. I can also help my society get well—and help my country get well.

Take note, all of you . . . you will not find me throwing a rock or a bomb; you will not find me under a placard; you will not see me take to the streets; you will not find me ranting to wildeyed mobs.

But you will find me at work, paying taxes, serving in the community where I live. You will also find me expressing my anger and indignation to elected officials.

You will find me speaking out in support of those officials, institutions and personalities who contribute to the elevation of society and not its destruction. You will find me contributing my time, money and personal influence to helping churches, hospitals, charities and other establishments which have shown the true spirit of this country's determination to ease pain, suffering, eliminate hunger and generate brotherhood.

But most of all, you'll find me at the polling place. There—if you listen—you can hear the thunder of the common man. There, all of us can cast our vote—for an America where people can walk the streets without fear.

AUTHOR UNKNOWN.

PENTAGON PAPERS

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. DOW. Mr. Speaker, I would like at this time to share with my colleagues in the House some thoughtful conclusions 15 of my fellow Representatives and I reached as a result of a conference we sponsored last week on the Pentagon papers. Following is the text of a statement we released this morning:

The Conference has heightened the outrage we share with many of our fellow Americans from our consideration of the deceptions, the arrogance of power, and the callous disregard of the Constitution we find documented in the Pentagon Papers.

We conclude that the responsibility for our disastrous course of action over the past twenty years in Southeast Asia belongs not only to our Presidents, but also to the Congress, to the people and to the press of this nation.

The sponsors remain deeply concerned about the present course of the Vietnam war. We continue the killing of Asians and the destruction of their countries. While the President states on one hand, that he is "winding down the war" by gradually reducing U.S. ground forces in Southeast Asia, on the other hand, he increases the bombings in those countries.

Tactics change but the policy endures: senseless death and destruction. The public must realize and the Congress must accept responsibility for the fact that Vietnamization is only a euphemism for more killing.

But it is not only the war policy which endures. As one Conference participant accurately noted, the "greater concern is the pattern of deception in American foreign policy—deception of the Congress and the American people. The truth about U.S. objectives in Indochina is being distorted or hidden as much now as before and this circumstance is as intolerable as the policies themselves."

Congress must demand a full report about American bombing in Northern and Southern Laos, Cambodia and South Vietnam—about the Phoenix program and the forced relocation of South Vietnamese—about U.S. involvement in the South Vietnam elections and about the Administration's failure to respond positively to the latest proposal by the National Liberation Front.

Congress has failed not only in its duty to exercise a vaguely defined right of oversight; the role of the Congress should be to challenge critically the foreign policy assumptions of the Executive Branch. This is not simple negativism. Rather, human judgments are historically best when exposed to a relentless cross-examination. When that process fails, the essence of our government—balanced and checked powers—fails. Such failure cannot continue indefinitely without the gravest fears for the survival and progress of our form of government.

Without this cross-examination, the public's role in foreign policy diminishes. An aggressive Executive Branch which proceeds unimpeded by a lethargic Congress cannot be effectively questioned by the people. Resignation and cynicism become the response of an uninformed public. Elections, particularly for the Congress, become contests based on superficial and peripheral issues. The most important questions of peace and even survival cannot be meaningfully presented for the vigorous debate they deserve.

The result is the election and re-election of Members of Congress who reflect the un-

enlightened voting behavior which produces them.

The necessary tension between the press and the government faltered as we settled into the quagmire in Southeast Asia. Yet the failure of significant segments of the press—like the failure of broad public debate on the war—reflects ultimately a failure of government to govern itself. A heroic press was needed in the early 1960's. But far more realistically, we needed not only heroes but ordinary men and women in government and outside to question policy intelligently.

Here are some of our preliminary conclusions from this Conference:

If Congress is to reassert its proper constitutional role in the area of foreign policy, it must develop and use independent sources of information. Congress and the people can never make proper judgments if they must solely rely on the executive branch for their information.

Specifically, we recommend:

Congress should establish an Office of Foreign Policy Analysis to advise Congress and to evaluate our foreign policy in various areas of the world. The Office might also award scholarships to train students in the field of foreign policy analysis. Reports of the Office to Congress would be made public unless Congress voted to withhold the information.

Congress should implement the Legislative Reorganization Act of 1970 to provide itself with the staff and equipment absolutely essential for coping with the complexities of a $200 billion-a-year government operation.

Congress should emphasize the responsibility of the General Accounting Office to initiate periodic reviews of the foreign aid expenditures of the State and Defense Departments.

Congress should accept the responsibility of questioning assumptions and applications of our foreign policy.

No supply of information will substitute for the present lack of congressional will to take this responsibility.

Beyond these long-range recommendations, we face the central matter of greatest urgency—the immediate withdrawal of United States forces from Southeast Asia. The responsibility for peace does not only lie with the Administration—it lies with the Congress and with the people.

The Congressional Sponsors of the July 27–29, 1971, Conference on the Pentagon Papers—held in room 2141 Rayburn House Office Building, Washington, D.C.—are as follows:

James Abourezk (S.D.), Phillip Burton (Calif.), John Conyers (Mich.), John Dow (N.Y.), Robert Drinan (Mass.).

Bob Eckhardt (Texas), Don Edwards (Calif.), Don Fraser (Minn.), Michael Harrington (Mass.), Henry Helstoski (N.J.).

Bob Kastenmeier (Wis.), Edward Koch (N.Y.), Abner Mikva (Ill.), Parren Mitchell (Md.), Benjamin Rosenthal (N.Y.), William Ryan (N.Y.).

"ON MINORITY INVOLVEMENT IN CATV"

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. REES. Mr. Speaker, it now appears that cable TV is becoming a national reality and that soon most communities in this country will have the opportunity to greatly expand their choice of programing.

I would like at this time to print in the RECORD a speech by Mr. Geoffrey Nathanson, President of Optical Systems Corp., dealing with minority involvement in cable TV.

ON MINORITY INVOLVEMENT IN CATV

(By Geoffrey M. Nathanson)

Less than two years ago I sat on a luncheon platform at a CATV convention next to the guest speaker for the occasion, a Black man named John B. Williams, Director of the Oakland Redevelopment Agency. Oakland at the time was in the process of drafting a CATV ordinance and as I recall, Williams was involved as a committee member or consultant.

I'll never forget his opening comment and its effect on the audience. After a long pause following the acknowledgement of his introduction, he said something like this:

"I've spent the past half hour enjoying this lunch and looking out over this impressive audience. When I got up to speak it gave me an even *better* chance to look you over, and I've come to the conclusion that CATV must be a white man's business because I don't see a single black face in the crowd."

This gentle observation made by Williams was indeed an eye-opener for most of us. By the time he was finished a good cross section of the cable TV industry realized that while they were busy making money hand over fist these past 15 years and building the so-called "communication industry of tomorrow" they had created what in this day and age is considered a sociological phenomenum.

John Williams was very discerning. There are supposedly 2500 CATV systems in this country, and I doubt if three of them are owned on the whole part by minority businessmen.

Some cable people excuse this on the grounds that CATV is after all a product of rural or suburban residential living and that minority groups, clustering as they have been forced to do in urban centers where television reception is generally no problem, have simply been unexposed to the medium.

I could argue both sides of this rationale, however, suffice it to say that the rural or suburban character of CATV is about to undergo a change of image as the government imposed freeze is lifted and cable moves into the nation's major markets. It's moving into the big cities and the urban centers where minority groups form a large and politically important segment of the population. The big cable companies will be going after CATV franchises in those cities. The question facing minorities, especially Blacks, is are they going to buy subscriptions and watch from the sidelines or are they going to put together a group of their own and go after the franchises themselves?

I recommend that minority groups should be prepared to go after franchises that will serve the entire city or town. They should not settle for a ghetto franchise as some kind of bone. If the entire franchise is too big a chunk to bite off, half a CATV company is better than none. They should consider making a participation deal with one of the other applicants. There's plenty of room for partners in major market CATV. I'm not in the operating end of this business anymore, but if I were still running a big cable company I would be out hustling for franchises, and being a realist who recognizes the importance and influence of minority involvement, you can be sure I'd be looking for minority partners in every large city.

The minorities got the short end of the stick in conventional television. There's really nothing left. All the licenses have been allocated and short supply has skyrocketed the prices of existing stations. Even if licenses were available, it would cost $1,500,000 to $2,000,000 to get a station going, and attempts to program anything meaningful for minority communities would result in insupportable overhead. Unfortunately, the few attempts to launch black-oriented commercial TV have failed because the advertising dollars just weren't there.

CATV is something else, however, the operator can rely on a strong subscriber base and the income therefrom to support minority-oriented programming. Minority groups should go after CATV franchises in the nation's major TV markets, and go openly as a minority controlled company. They've got more political muscle than they realize. And I suggest they hedge their bets so they are covered if they lose by making sure that the City ordinances set aside channels for "open access", guaranteeing any group of citizens the right to lease channels at reasonable rates for commercial, educational and public service purposes.

This latter idea has every bit as much excitement for me as owning the cables themselves. If the government makes a true common carrier out of the cable operator, he may be restricted from originating programming on his own system. And in my opinion, this is where the important activity is going to be. With all the things that can be done over coaxial cable, the man who leases the wires is going to have as much to say about the future of CATV as the man who owns them.

Coincidentally our company happens to be involved in a Minority Enterprise Small Business Investment Company, a "MESBIC". We have been actively investigating ways in which we can help involve minority businessmen in CATV. Because the SBA limits the size of a MESBIC's investment in any one venture, major market CATV system ownership may be prohibitive. On the other hand, we have been considering the possibility of helping set up a minority-owned company which would lease CATV channels from existing system operators. Using a new private channel technology developed by Optical Systems Corporation, it won't be long before our MESBIC supported leased channel venture could bring first run movies, closed circuit and blacked out sporting events and even a college education to CATV subscribers right in their own living rooms.

In conclusion, let me say that CATV is probably the easiest business I know. It's like owning a water company where you put in pipes that last for years, maintain a few pumps, and send out bills every couple of months.

But CATV has something bigger going for it, because those electronic pipes can do a lot more than pump TV signals. Some day they are going to do everything from sprinkle the lawn to bake bread. If we believe in the "wired nation" concept, we have to believe there's going to be a cable going into every home in every city in America. Many of those cables and/or the channels they carry should be owned or leased by minority businessmen.

CUMBERLAND TIMES PRAISES PAN AM'S CONSERVATION POLICY

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. BYRON. Mr. Speaker, recently, the Cumberland Evening Times in an editorial praised Pan American World Airways for its policy change in not booking hunting and fishing tours when the participants would be taking endangered species. I feel this is a very meaningful step by Pan Am and would like to share the thoughts of the editors of the Cumberland Times:

AIRLINE EMBARKS ON CONSERVATION POLICY

Pan American World Airways has announced that, as of the end of August, it will no longer book tours of hunters and fishermen bent on taking animals of endangered species. This decision is a good example of enlightened corporate concern about our environment.

Executives of the giant airline are not merely being spoilsports; tours and safaris will continue to be booked for those who want to hunt animals not in danger of extinction. The intention is only to help protect species which are close to dying out.

There are several hundred such species, according to the World Wildlife Fund. Not all are game animals, of course, but some considered prize catches are included on the list.

Determined trophy hunters will still be able to get to the far places where rare animals live. Pan Am's action is, all the same, an important step that illustrates one of the many ways in which business can act to advance broad public interests.

CANADA AND UNITED STATES CO-OPERATE IN VETERINARY MEDICINE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. NELSEN. Mr. Speaker, last month the American Veterinary Medical Association and its Canadian counterpart, the Canadian Veterinary Medical Association, held a joint meeting in Detroit, Mich. This was the first such joint meeting of these two associations, and its significance was properly noted by President Nixon in a message to Dr. M. R. Clarkson, executive vice president of the A.V.M.A. I include the President's message at this point in my remarks:

THE WHITE HOUSE,
Washington, D.C., July 16, 1971.

Mr. M. R. CLARKSON,
Executive Vice President,
American Veterinary Medical Association,
Detroit, Mich.

The First Joint Conference of Canadian and American Veterinary Medical Associations is a valuable step forward in the exchange of useful information between our nations in an area where progress will surely benefit the citizens of both.

A vivid example of how basic such international cooperation is to public health is evidenced by the epidemic of equine encephalitis which has spread northward from Venezuela through Mexico and most recently appeared in both horses and humans in Southwestern Texas.

May your deliberations serve to reduce the future threat of this and other diseases to animal and human life, and may they advance the well-being of both our nations.

RICHARD NIXON.

A major address at the joint meeting was delivered by the Honorable H. A. Olson, Minister of the Canada Department of Agriculture. In his speech, the Canadian Minister emphasized the importance of the contribution of the veterinary medical profession toward meeting the food needs of our world's constantly expanding population, and he stressed the importance of cooperation among veterinary groups of the various nations.

He also pointed out:

On this continent, there are no serious animal plagues or parasitic problems which have the effect of curtailing livestock production. I recognize that this is no accident but rather the result of organized disease control programs and I further recognize that continual vigilance with respect to all avenues of possible disease introduction must be forcefully continued.

The Minister went on to stress what great assistance veterinary medicine can provide to underdeveloped nations where the food supply potential is restricted by the existence of various diseases.

Because of the significance of Minister Olson's comments, I include a major portion of his address at this point in my remarks:

ADDRESS BY THE HONORABLE H. A. OLSON

President Tucker, President Cousineau, Presidents Elect, Distinguished Guests, Members of the American and Canadian Veterinary Medical Associations, and Ladies:

It is indeed an honour and a privilege to to be asked to address this first combined annual meeting of the American and Canadian Veterinary Medical Associations.

I think it is significant that veterinarians of the United States and Canada are meeting together to discuss our countries' individual and mutual interests and concerns. From an animal diseases point of view, the countries of North America must certainly work closely together if disease programs are to be effective. I feel that our two nations have much knowledge and understanding to offer and share with each other and by combining our resources, we then have that much more to share with the rest of the world.

There was a time when veterinary medicine dealt almost exclusively with diseases of food producing animals. That day is long past. Now we must look to the veterinary profession for assistance and guidance on additional matters, such as the care of companion animals, the preparation and preservation of foods, concern with respect to animal diseases that can be transmitted to man and vice versa, with research and scientific development, the control of pollution and the development of space exploration.

That's an impressive list, and it's only a partial one. But it establishes clearly the responsibility your profession must bear to the well-being of mankind within our civilization.

Every problem arising from man's dependence on animals is part of the veterinarian's work. The workload of all those concerned with the health and production of animals is a heavy one, and in the future it will even be greater. The demand will persist. As the human population grows, it will be increasingly difficult to produce enough animal proteins and products to match the demand. As people in the different countries increase their standard of living, there will be changes in their diets. Experience has taught us that after people have satisfied their calorie needs, they turn to improving their diet. So, as much as they can afford it, people shift from carbohydrates to animal proteins.

We are advised to expect a food trend revolution in the developing nations; one characterized by an increase in the consumption of animal products.

By 1985, food consumption in the developing countries will need to be 140 percent above the 1962 level. The future demand for meat, milk, and eggs is predicted to grow at a higher rate than that for nearly all other agricultural commodities. We know that there is a movement of countries to increase their own output in animal products. They are looking for new bloodlines and breeding them. Our export records show that during the past five years, there has been a higher interest in Canadian cattle, particularly dairy cattle. This trade gives impetus to increasing the quality of animals in other countries and it also strengthens our own breeding herds.

The increasing demand for animal products is accompanied by an increasing demand for the skills necessary to produce more of these products with greater efficiency, because synthetic products cannot fully replace the proteins which have their source in animals. So the pressure will be on you ladies and gentlemen and your profession to aid in providing an adequate and healthy supply of these food needs.

It is estimated that there are about 1,000 million cattle and buffaloes in the world; almost the same number of sheep, 551 million pigs, and innumerable goats and poultry. There are approximately only 200,000 qualified veterinarians to deal with this huge practice and even fewer husbandry and nutrition specialists. A large proportion of this personnel is concentrated in the developed nations of the world, while the less developed nations suffer an obvious lack of them.

Training of veterinarians in animal husbandry, nutrition and production is often inadequate. FAO officials suggest that since veterinary personnel play the key role in production in many countries, the curriculum of teaching institutions should be altered to training that will meet the requirements of developing countries rather than the needs of developed countries, where the veterinarian may fulfill an entirely different role. There is a shortage of good technicians who understand which parts of their skills can best be used by developing countries.

We cannot plead ignorance to these people's needs. We do indeed live in what Marshall McLuhan calls the global village and we are as aware of the suffering and need of a man in Asia as we are of that of one of our own citizens'. There has been a movement among the developed countries towards increased sharing of our specialists with underdeveloped and developing nations, in order to help them attain their food goals.

It is self-evident that a prerequisite to animal production improvements is the control of major livestock diseases.

From a straight production point of view, the North American continent, with considerable credit to the veterinary profession, can be justifiably proud of the health status of our livestock. In fact, on this continent, there are no serious animal plagues or parasitic problems which have the effect of curtailing livestock production. I recognize that this is no accident but rather the result of organized disease control programs and I further recognize that continual vigilance with respect to all avenues of possible disease introduction must be forcefully continued.

But this North American situation, unfortunately, does not exist throughout the world. There are many countries that have disease problems which do have the effect of curtailing productions. As you are aware, the major diseases in this group are Rinderpest, Foot and Mouth Disease and African Swine Fever. There are continental diseases such as the arthropod diseases of Africa including Tripanosomiasis, East Coast Fever and Heart-Water.

In Nigeria, they can't even produce chickens because of the tsetse fly. We know that the largest and perhaps most far-reaching prospect for expanding ruminant livestock production in Africa is the control of the tsetse fly. And in the meat-exporting countries of Latin America, an essential factor in livestock productivity is the control of foot-and-mouth disease.

In many cases, we have the technological know-how to deal with these diseases, in-

cluding the problem of eliminating insects, subject, of course, to the increasing difficulties in the mass usage of insecticides.

While it is recognized these world disease problems are not, in fact, the sole responsibility of the veterinary profession in the more developed countries, I do believe that governments with highly developed veterinary professions and organizations must take a greater interest in providing veterinary assistance to countries with severe disease problems in order that their own livestock production can be increased.

With such a program of veterinary assistance in developing countries for the control of serious diseases, we are, in fact, to a certain extent helping ourselves for every reduction of a serious animal disease anywhere in the world reduces the chance of introduction to the North American continent.

Once major diseases are brought under control, animal health activities will need to be maintained and strengthened in order to safeguard the value of the livestock industry. Diagnostic facilities will need to be strengthened, particularly in countries hoping to develop an export market. They will want to raise their health standards to the requirements of importing countries.

Not only is disease control necessary within the countries in order to protect their own food supply, but it is also necessary in the interest of their economic growth and trade development since the occurrence of certain diseases can distort international trading patterns in animal products.

Improvement of breeds necessitates international movement of breeding stock. The improvement of livestock productivity throughout the world can be hampered by national restrictions set up to guard against disease. While I recognize that every country must protect itself against introduction of serious diseases, I submit to you that the veterinary profession now has the technological tools which should make possible under strict controlled and regulated conditions the movement of livestock for genetic improvement purposes throughout the world.

As you are aware, it is under this belief that we in Canada established in 1965 our maximum security quarantine system to permit the introduction of cattle from countries which would normally be prohibited because of foot and mouth disease. This has enabled us to import various breeds of European cattle such as Charolais, Pie Rouge, Simmental, Limousin, Maine Anjou and Chianina. These have been imported for genetic characteristics. By their demand and popularity in both Canada and the United States, these cattle are adding considerably to the beef productivity of this continent.

To summarize, we realize that efforts from all developed countries will have to be intensified to raise the standard of living in less developed countries. These countries are hampered by disease of livestock and poultry and lack of use of known technology. There are thousands of acres of land in the world which are not producing one percent of the animal products they could. Throughout the world, there exist enormous areas which have enormous potential to be productive in agricultural commodities if only we could come to grips with disease.

Developed nations can offer aid in production, disease control and marketing methods. These contributions, augmented by judicious domestic marketing and co-operative international marketing, will enable us to help underdeveloped and developing nations meet their food needs.

Meanwhile, in the developed nations of the world technological advances have afforded us a higher standard of living than ever before in history. There exists today a heightened sense of consciousness about the quality of the environment and our citizens want the right to enjoy this high standard of living in a high standard of environment.

We have a multitude of herbicides, pesticides and additives at our disposal. There is a degree of apprehension and a call for more caution concerning these substances in our food industry. The governments and the scientists occupy exalted positions of trust in safeguarding the lives and health of our citizens when these substances are used.

When life or health is endangered, it is necessary to make wise and expedient decisions concerning the use of these substances. As legislators, my colleagues and I in government depend upon the expertise of scientists such as yourselves to provide us with concise and scientific information. When a substance is under scrutiny, we want to know what the advantages of using it are. We want to know what effects the product will have on human life. We want to know what effect the product will have on the environment. We want to know if testing was done in a realistic method. We want to know what the disadvantages of not using the product will be and what the consequences of not using the product will be.

These facts are then weighed taking into account how the public feels about the risks involved in using a particular substance. It may be that the public does not want to forego the advantages or conveniences of the substance in question, even though there are possible risks to the health.

If that product is demonstrated to have a potentially adverse effect on human health, then we must act to regulate its use. It does not mean that it would be automatically banned. It may mean that we act to control the amount of a product which humans may take in as we do through regulations of residue tolerance levels in the case of pesticides on food, to keep its use at a safe level.

We ask the scientist for careful, responsible, complete scientific statements in order that our decisions may be as sound as possible.

In my work as a Minister of Agriculture, my political decisons must reflect scientific opinion and evidence. Government regulations are based on scientific evidence. However, it is not always possible to transfer scientific evidence in its minutest detail into a law. Laws must be workable and for this reason, we cannot always be purely scientific.

There are times when the weight of scientific evidence can be offset by political and international considerations. A good current example of this is the situation as it pertains today to DES, the additive which is used to increase feedlot gains for beef cattle.

All of our tests in Canada indicate that this is a perfectly safe chemical to use, and that it makes a significant contribution towards economies at the form level in beef production. The tests show there are no problems with the use of DES if the chemical is withdrawn at least 48 hours before the animals go to slaughter.

Yet there are countries which have banned the use of DES, including the European Economic Community. Now I don't want to go into the details or the reasoning for this action, but it is enough to say that this is a fact today. These bans do, of course, have a direct bearing on international trade, and in that respect, it is something that we in Canada must recognize.

The situation today is that we in Canada enjoy excellent relations with the United States with respect to trade in cattle, and we would not wish to take action which would interfere with that trade. So, even though it might be desirable from an export market point of view to ban the use of DES in cattle in Canada so we could sell into the European Economic Community, we would certainly not wish to endanger the competitive position of our beef producers, with regards to the U.S. market.

We know that the use of DES gives producers a competitive advantage, and if Canadian producers could not use DES, but their counterparts in the United States, could, then our Canadian cattlemen would be put in an unfair disadvantage.

The converse is also true; this is an example of one of the many matters on which we should act together.

I want to stress, however, that our actions are based on scientific evidence insofar as that is possible and practical. Certainly if scientific evidence indicated that the use of DES or any other chemical could endanger humans or the environment, we would not hesitate to take prompt action.

In closing, may I summarize the main points. In the world today, we are faced with the population expansion, with food production problems in the underdeveloped countries of the world, and with marketing problems. As veterinarians, you face a major challenge in disease prevention, eradication and control in these underdeveloped countries of the world. In our developed nations, the challenges may be much different, and we have touched on a few of these such as the use of pesticides and feed additives.

While the challenges are certainly great, we have no lack of resources or technology to provide the world food supply.

I have no fear at all that we will be unable to meet the future food demand. I become very impatient with people who spend much of their time and energy telling us we won't be able to. We have all the resources and the capabilities now. If we could exercise these to the optimum to get disease under control and to establish orderly domestic and international marketing systems, no man need starve. We must summon and mobilize the willingness of the social, political, and economic sectors of our societies to work towards this goal.

Our resources and technology are greater than ever before in history. It is time to match our impressive technology with an equal level of humanity and enlightenment. We cannot bury our consciences in credit cards and academic discussions. Good intentions are no substitute for moral and financial commitment. The technology and education which we have at our disposal can be utilized to ensure that each man on this earth can see that his life's purpose is positive. I feel that we should be equally positive in working towards this objective. Any reasons for failure have no foundation in known technology. Any excuses for failure have no validity in humanitarian terms.

LIMEHILL, MESSHOLE, STINKWATER

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. FRASER. Mr. Speaker, Limehill, Morsgat—Messhole—Weenen—Place of Weeping—and Stinkwater are the names of areas where South African black citizens are being involuntarily resettled. An article in the May 14, 1971, London Daily Telegraph magazine points out that these place names—most the names of old farms—"share something of the spirit of the places."

The South African Government's coercive removal program aims ultimately to locate South Africa's 15 million blacks on less than 15 percent of the nation's land, leaving the 3½ million whites to have the remaining areas, including the most productive and hospitable.

This inhuman program is an ideologi-

cal imperative of apartheid, the system of race-separation enforced by the South African Government.

The author of the Daily Telegraph article writes:

It would need a whole book to tell the Limehill story adequately. But perhaps enough has been said to show what people are subjected to in South Africa today for the sake of a political ideology. On the old Mission farms, both the owners and the African tenants were content with the existing arrangement; but there was no stay of execution for them. They were not being moved from slums or insanitary conditions. They were moved to tidy the map, to separate them from contact with whites, to lose them in the remotest, poorest land set aside for Africans. This is policy, carried through regardless of African wishes, the disruption of their lives, the ending of their livelihood and the inevitable suffering that ensues.

Father Cosmas Desmond has written a book, "The Discarded People," to tell this sordid tale. The magazine article "Black Exiles in the Veld" is extracted from the book.

The brief Daily Telegraph biographical sketch of Father Desmond and the article follow:

BLACK EXILES IN THE VELD

A story of South Africa today. Born in the East End of London 35 years ago, Father Cosmas Desmond was ordained in the Franciscan Order and sent to South Africa in 1959. But it was not until 1968 that he became fully aware of the agonies of the rural African tribes being forcibly removed from their homes by a Government anxious to "tidy up the present chessboard pattern of black and white areas", and resettled in totally alien locations. The quiet priest from Stepney became an ardent crusader for the rights of the black Africans to live on their own land. Father Desmond's attempts to help these people brought him almost at once into conflict with the authorities—and he was often reported to them by fellow priests as a troublemaker. When he applied, as a South African citizen, for a passport to visit his sick father in England, he was accused of being a Communist and his request refused. In August this year Father Desmond's book, *The Discarded People*, will be published as part of the Penguin African Library. It is a detailed account of the resettlement schemes and Father Desmond's efforts to help the bewildered Africans. Extracts from the book begin on page 14.

LIMEHILL, MESSHOLE, STINKWATER

From January 1964 until May 1967 I was the priest in charge at Maria Ratschitz Mission in the Dundee district of northern Natal. I had an African assistant priest and we had about 2,000 parishioners. The Mission, and the neighbouring tribally-owned farm Boschhock, were among a number of "Black Spots" in the Dundee district which were to be cleared. "Black Spots" are places outside the tribal reserves ("homelands") where Africans live, whether as tenants, in the case of the people on our Mission, or as owners of land they have held for generations, or as labour-tenants (paying rent in the form of labour) on white farms. The *apartheid* system demands that all Black Spots must be removed and the people from them concentrated in the "homelands."

I had heard talk of such removals for ten years past, and during that time I had seen some of the effects; the insecurity caused by the threat of removal among the people in the Missions where I lived, and the sad waste of Mission schools having to close. But like all white people in South Africa, I had no real awareness of the full impact of these removals until the people at the Maria Ratschitz Mission, Boschhock and Meran, another African-owned farm, were moved to Limehill. These are places in northern Natal. From these people I learnt of the heartbreak involved in being arbitrarily uprooted from home.

I have seen the shock of simple rural people told that they must leave their homes, which were the homes of their kinsmen for generations, to go to a strange place. I have heard their cries of despair and their pleas for help.

I have seen the sufferings of whole families living in one tent or a tiny tin hut, of children sick with typhoid, or their bodies emaciated with malnutrition and even dying of plain starvation. I have seen all this in these last few years, in 1968, 1969 and 1970, in the richest, most advanced and most rapidly growing economy on the continent of Africa.

I knew the Limehill area well, for we had another Mission there (which the Government was preparing to expropriate), and when the removals were announced I visited the area frequently and kept in close touch with a number of people, especially Father Rodney Nelson, the priest in charge of our Mission. The land at Limehill used to be European farmland and it was bought by the Bantu Trust some time ago. (The Bantu Trust is a Government body which administers the African Reserves.) Our Mission was called "Amakhasi", which means "dry leaves". It was extremely dry.

The first sign of the removal was a visit in 1965 from a man purporting to be an official of the Department of Bantu Administration and Development (BAD.) He called a meeting of tenants of the Mission, without my knowledge, and told them they were all to be moved in July 1966. When I protested at this high-handed action to the local Bantu Affairs Commissioner he disclaimed all knowledge of the man or the visit.

Then nothing happened until in August 1967 another man came to the Mission, again without reference to the owners, and painted numbers on the doors of all the African homes in the Mission. This time the Commissioner replied to our complaint that the man was acting on instructions from Pretoria and without his knowledge. In September the Bantu Commissioner himself visited the Mission, and had the courtesy to inform the priest. He held a meeting at which he told the people that they would probably be moved in May 1968, but they would have the opportunity of building houses in the new location before they moved, and a school and other facilities would be ready.

On October 19 the Commissioner held another meeting. The move was now to be on January 20, 1968. The school was not ready and would be temporarily housed in tents and the people would have to "provide their own accommodation" while building their houses.

Then came a duplicated letter, addressed to the priest-in-charge, at the beginning of November, notifying him that, as one of the Black Spots in the Dundee district, the Mission was to be cleared on January 29.

People in the adjoining farm, Boschhoek, had been receiving much the same treatment for three or four years. Twice they were told not to plough because they were going to be moved before the reaping season. Then the date was put back to November 1967; then January 1968; then May 1968. Finally they followed the people from our Mission.

Three months before the date fixed for removal the only signs of development at Limehill were a few dirt roads and the foundations for a school. It was obvious that the place could not be made habitable in time.

On Friday, January 26, the schoolchildren at Meran were ordered to tell their parents that the lorries would be arriving on Monday January 29 to take them to Limehill.

Despite the Commissioner's promises, there was very little sign of preparations at Limehill. I visited it regularly and all I saw were a few boreholes being drilled and the school going up very slowly.

The official estimate of the number of people removed in this single district was 12,800. About 1,200 of them were from Meran, the first place to be cleared.

Early in the morning on January 29, ten priests arrived at Meran, and waited with the people for the lorries to come. There was no sign of any activity; everyone was waiting except for one man who was desultorily dismantling a fence.

Later the first lorries arrived, together with officials, including Special Branch men who stood all morning watching us from across the road. One of the Special Branch photographed us, shooting professionally from the hip. We priests refrained from helping the people to strip their houses and load their belongings, lest it be construed as implying our agreement with the removal. The people were aware of why we had come and they brought us umbrellas to shield us from the rays of the sweltering sun.

The people seemed passive, though some let their anger show, especially when the Bantu Commissioner failed to arrive for a meeting which he had promised to attend. But everyone went docilely. Uniformed police only appeared on the scene to tell the priests and the Press that it was illegal to take photographs because we were "making contact with the people"—although we were on a public road in what was being forcibly proved to be a White area!

The first lorries with families left at about 11 a.m., managing to look cheerful and calling "Sikhulekele"—"pray for us". Later, when Archbishop Hurley had arrived, we drove to Limehill, 20 miles away. We found the first arrivals sitting in the bare veld, surrounded by their belongings, lost and still bewildered. There was a water tank a little distance away and a pile of folded tents; these people had never erected a tent in their lives. There was nothing else.

On that first evening there was a heavy rainfall. Many of the tents were swamped as the people knew nothing about the need for drainage trenches around the tents. Instead they piled earth around the tents, which made them insufferably hot during the day and did not keep the water out.

In the House of Assembly, Mr. Blaar Coetzee, then Deputy Minister of BAD, said in reply to questions that the Africans were expected to build their own houses and latrines; no sanitary arrangements were made before the removal; the department made no provision for the people to purchase bread, meat, milk and vegetables, but there was a general dealer two miles away and another five miles away.

The nearest school was seven miles away and not intended for people at Limehill.

At Limehill each family was allocated a tiny plot, 50 yards square. No livestock, except chickens, were allowed. There is no land for ploughing. The women have lost their income from working in Wasbank as the bus fare costs more than they could earn. They have neither shops nor any medical services. Even elementary sanitation is lacking. Most of the men have to work in Johannesburg or Durban, several hundred miles away, so the building of the new houses had to be left to the women and children in many cases. Some people remained huddled in tents for months.

Our own people from Maria Ratschitz Mission were duly moved.

In August 1968 about 500 families were

moved from Boschhoek to a farm called Vergelegen, about three miles from Limehill.

Officially they moved voluntarily even though they had submitted a petition to the Bantu Commissioner asking to be allowed to remain at Boschhoek. Some of them were threatened with imprisonment if they continued to oppose the removal. As at Limehill, very little preparation was made for their arrival. They complained at the type of land they had in the new place, the shortage of water, and its bad taste. For five months the water was kept in uncovered tanks some distance away, and they were warned to boil it before drinking. I saw women and children scooping water from holes in a river bed rather than drink water from the tanks.

Limehill rapidly took on the appearance of a slum and acquired the nickname "mshayazafe"—"beat him until he dies". The Deputy Minister of BAD admitted in the House of Assembly on March 14, 1969 that there were still 76 families living in tents in the Limehill complex.

Two years later Limehill is still a depressing place to visit. One of the greatest difficulties is the simple fact that the people are rural people who lived by farming and now they have to adapt to a quasi-urban way of life. But there is no source of income and none of the amenities of a proper town. There is no sign of the provision of any local employment and a Government statement on May 14, 1968 said that it is not proposed to establish any "border industry" in the area. This is not surprising since Limehill is 20 miles from the nearest railhead, town and electricity supply and there is a chronic, perennial shortage of water.

In November 1968 it was reported that typhoid had broken out in the area. Officials of the State Health Department denied that there was any serious outbreak of the disease. The Regional Director of State Health, Dr. Hooey, said that to his knowledge there had not been a single case of typhoid. Yet I had seen the carbon copy of an official notification of a case of typhoid which had been sent to the magistrate at Dundee on November 14.

I photographed the headstones of some 60 new graves in the five cemeteries of the Limehill complex and I learned that there were at least six others buried (illegally) outside the cemeteries. Most of these people—they were mainly children—had died between October and December. Later—on February 7, 1969—the Minister of BAD admitted in the House of Assembly that there had been 73 deaths.

Eventually 16 cases of typhoid were confirmed, of which one died, in the single area of Uitval, where there were only about 70 families. One family had four children ill at the same time; another had all their five children ill. Throughout November and December the Press published reports of deaths in the area. But, apart from inoculating the people of Uitval alone, there was little activity by the State health authorities. Most of those who died, and hundreds of others who were ill, had the same symptoms: diarrhoea, vomiting and high fever. Almost every house had at least one sick child; in one family two children died in the same week. The people said "a plague has struck us," and many could be seen wearing charms to ward off this unknown evil.

It would need a whole book to tell the Limehill story adequately. But perhaps enough has been said to show what people are subjected to in South Africa today for the sake of a political ideology. On the old Mission farms, both the owners and the African tenants were content with the existing arrangement; but there was no stay of execution for them. They were not being moved from slums or insanitary conditions. They were moved to tidy the map, to separate them from contact with whites, to lose them in the remotest, poorest land set aside for Africans. This is policy, carried through regardless of African wishes, the disruption of their lives, the ending of their livelihood and the inevitable suffering that ensues.

It can be concluded that the first million Africans had been removed by 1970. The objective is to return five per cent of the African population from white areas to the "homelands" every year. Demography and the demands of the economy frustrate the total removal of African workers, but the policy is satisfied by a charade of double-think. Families are removed and the workers turned into migrant workers.

Present population of the "homelands" is 6.9 million. Most of these people rely on money sent by workers in the white areas. The rest of the 15 million Africans live on temporary sufference or as migrant workers, in the white seven-eights of the country.

When the conditions at Limehill became common knowledge I hoped that some official organisation of a Christian character would back my plan to visit and report on African resettlement schemes throughout the country. But after months of trying I found that such support was not forthcoming, for financial or other reasons. My own immediate superior gave me permission to devote my time to the project and pledged his support.

I started my tour at the beginning of March 1969 and in the course of the following six months covered 24,000 miles, crisscrossing the country in search of resettlement schemes.

Perhaps the most distressing features were the ignorance, apathy, fear and suspicion of so many of the white people to whom I spoke. Often the white clergy, for example, were not even aware of the existence of resettlement villages within their parishes; others knew about them but saw nothing wrong.

But the majority were too frightened to offer any criticism of the Government's plans and actions. They fear that if they say or do anything they will be refused permission to continue their Church work within the Reserves and perhaps in the whole country, and that their schools, hospitals and other institutions might suffer. So, following rather dubious historical precedents, they prefer to be silent, working within the system.

The resettlement camps are sometimes at places whose names reveal with unconscious irony the bitterness of the experience for those who have to live there. To read the grim litany of these names—Limehill, Morsgat (messhole), Weenen (place of weeping) and Stinkwater, is to share something of the spirit of the places. The Minister of BAD, Mr. M. C. Botha, explained that these names were "unfortunate". "They are nearly all the names of old farms where the settlements are being carried out," he said. Mr. Botha also assured us on the same occasion: "The Bantu people like being moved . . . The Bantu people like the places where they are being resettled."

The clearance of the Black Spots might be called the completion of the process of white takeover and settlement in South Africa. Mr. G. F. van L. Froneman, MP, Deputy Chairman of the Bantu Affairs Commission, said: "The policy of the present Government is to consolidate as far as possible all Bantu land into consolidated blocks, i.e. by excising smaller scattered areas out of scheduled or released areas and giving compensatory land of equal value contiguous to the larger Bantu blocks . . . When all these Black Spots and isolated scheduled and released areas are once removed, the chessboard pattern of Bantu Areas and White Areas in South Africa will also to a great extent be eliminated."

A glance at the map shows how much sorting out of land is needed to eliminate the chessboard pattern. When the whole process is finished, Africans, numbering 15 million at the last census, will have 13.7 per cent of the land surface. Whites, numbering about three and a half million, will have 86.3 per cent. In the meantime, Africans do not have even as much as their promised 13.7 per cent.?; what they have is in large degree economically marginal land—too mountainous, or too dry, or too remote from markets and means of transport to be productive.

Many of the evils of resettlement schemes are exemplified in the case of the people of Babanango. They were a group of people who had been living for generations in Zululand. Suddenly they were brought into contact with white officialdom. Here is their story, in their own words, of the efforts they made and the frustrations they met.

"Father, we come from Babanango. We are suffering and ask you to intercede with the Government for us so that we too may be able to live as people with sensitive souls.

"Our ancestors were living in the place at the time of Senzangakhona (the father of Shaka). Afterwards the place fell into the hands of the white man and we gave our allegiance to them. Now we are being expelled. We do not wish to argue with the law but we ask the authorities to sympathise with us in this matter. If we are moved from here we request the Government to find us a place where we will be able to keep cattle and have fields. The reason for this is that some people here have three or four wives and others, while having only one wife, have more than ten children. There are also widows with their children and old people who have no one to look after them. All these people gain their livelihood from keeping cattle and farming.

"On October 12, 1967 we went to the Bantu Affairs Commissioner at Babanango to ask him to find a place for us since on our own we had failed. We asked him to find a place in a Reserve. The Bantu Affairs Commissioner replied: 'There is no place because in the Reserve which is near you there are a hundred people for whom I have to find a place to live. But I promise to look for a place for you on farms. Do you agree to this?' We agreed.

"He sent us to a Mr Kooes to find a place, we went, but he told me that he could not take us as we came from his neighbour's place. On October 13, 1967 we returned to the Commissioner at Babanango. He sent us to another man, Mr Bill Delport. He too refused.

"On November 23, 1967 we took our plea to Mr Boshoff and asked him whether he could find us a place. Mr Boshoff said: 'You cannot get a place in Nongoma. But go back to Babanango and I will write to the Commissioner.'

"On November 23, 1967 we went to the Commissioner and lodged our plea. He replied: 'There is no place; but I will write to Maritzburg. Come back on December 21, 1967.' We duly returned. He said that he had not yet received a reply but that when it came we would get it through a Mr Almaan.

"On January 25, 1968, all those who had received notices to quit sent a representative to the Commissioner with the notices. The Commissioner did not take the letters but said that no reply had yet been received.

"On January 31, 1968 the owner of the farm closed the dip for the cattle of the people living there.

"On February 5, 1968 this matter was reported to the Commissioner. He said: 'I already know that; the owner of the farm, Mr France, has told me. The people of the farm are summoned to appear in Court on February 9, 1968.' They were charged with refusing to leave the place and were given 20 days to leave.

"On February 23, 1968 we had a meeting with the Bantu Affairs Commissioner of Nongoma, Mr Vosloo. We told him all that happened and asked him if he would find us a place. He asked us whether we wanted

farms or a Reserve. We replied that we wanted a Reserve so that we would be able to live.

"Mr Vosloo said: 'Go back to Babanango and find out when the surveyors are coming, and when all those who are being moved are finished there, I will give you a place in a Reserve as you want.'

"On February 23 we went to Babanango. The Commissioner said the surveyors would arrive on February 27, 1968. On February 27, 1968 all those to be moved went to Babanango. The Commissioner said: 'Go away and come back on March 1. I will see Mr Vosloo.'

"On March 1, 1968 we were all present and so was Mr Vosloo. We were divided according to the different farms from which we came. Those from the farms Witklip and Nokhulu were called although we all had the one complaint. We were all called and had a great surprise. These people were assigned to a location and moreover nothing had been prepared there.

"Mr. Vosloo said: 'Your report is false. There is no one who has spent five years looking in vain for a place to live as you say.' He asked one man to give evidence of this. He gave it, emphasizing that such people were present at the assembly and if asked could reply for themselves. Two came forward but Mr. Vosloo would not accept what they said.

"Mr. Vermaak said that there was a location that had been surveyed but that it would be necessary for us to build our own houses. Further, no cattle would be allowed and there were no fields. The cost of a site for a house would be £41. He further said that if anyone did not want to go there, where there would be neither land nor cattle, there were whites who needed farm tenants at Uitlicht, Harwick and Babanango itself. Mr. Vermaak's parting words were: 'All the people must be off the white farms at Babanango within 14 days. After that the owners of the farms would take a certain step.'

"On March 23, 1968 the houses of two of the people were burned.

"On March 20, 1968 we went to Pretoria. We said where we came from and asked for a place in a Reserve so that we might live. Mr. van der Merwe gave us a letter to take to the Commissioner at Babanango. He received it on March 28, 1968. He said that there was nothing he could do to help us. If we had the money we could buy a plot in the location that had been surveyed. He returned the letter to us and we took it with us.

"On April 2, 1968 two houses on the farm Witklip were pulled down by the South African Police. Also after March 22, 1968 each person who had not moved was fined £15.

"On April 19, 1968 the police took the letter that we had been given in Pretoria.

"Father, in all this remember us and do not tire of it."

A number of the people of Babanango have since been arrested and prosecuted for not moving. But they have absolutely nowhere to go. I had to go into the hills to see one man who was hiding there with his cattle for fear that if he returned to his home he would be arrested again. He had already spent one night in jail and had paid a fine. It looks as though these people will have to go eventually to the "closer settlement" at Mpungamhlophe or to work on white farms. There is no hope that they will be able to keep the cattle which represent so much for them. One man had been given a letter by the Bantu Affairs Commissioner to present to another Commissioner, which sums up the official attitude:

"The bearer has been given a trek pass and is referred to you for the satisfaction of your farm labour requirements or for resettlement if your farm labour requirements have been satisfied."

Limehill has become symbolic of the plight of Natal's rural Africans. In the same way, Mnxesha has become a symbol for the Ciskei. As I travelled from Cape Town eastwards, the name kept recurring. Obviously conditions in this resettlement camp were more than usually atrocious.

When you have seen Morsgat, Weenen, Limehill, Stinkwater and so many others, it is difficult to be shocked or distressed by similar places. But one look at Mnxesha was sufficient to convince me that the reports I had heard had not been exaggerated and that here was grinding poverty, squalor and hardship equal to the worst places I had seen. There were tiny one or two-roomed houses, many with a number of ragged, hungry-looking children or a bent old woman sitting outside. It was not quite true that I could no longer be shocked or disturbed. I was, in particular, by the sight of one tiny baby, a virtual skeleton, unable to move or even to cry and covered with flies. I have been through the children's wards in African hospitals throughout the country and, over the past ten years have seen thousands of starving, dying children. But I doubt whether I have ever seen anything worse than this. I cut short my tour to take the child to a hospital.

Mnxesha is about ten miles from King William's Town, on the road to Alice. The first people were "settled" there in December 1967 with the aim of eventually accommodating 1,800 families, (about 10,000 people). The Minister of BAD said in the House of Assembly on March 4, 1969 that 2,897 people, of whom 2,041 were children, had been moved there. Most of these had come from Middelburg (203 families), Burgersdorp (67 families) and Cape Town (39 families), with a few from a number of other towns. By May 1969 the official population figure was 3,400. My own estimate was much higher and seemed to be borne out by the numbers on the houses.

The first arrivals were put into wooden huts, with zinc roofs. The huts measured roughly 10ft by 16ft and 10ft high, with no ceilings or floors. There are 99 of these which are still in use. In one of them, chosen at random, there were three adults and four children; I was assured that some of the others contained more. These people are mainly pensioners and indigents who do not pay rent.

The bulk of the houses are two-roomed, cement-under-asbestos structures with no floors or ceilings. Some stand alone, others are semi-detached so that they appear to be four-room houses, but are in fact two-roomed ones. The rent for these is R3.42 (£1.99) a month, including rudimentary sanitation services. In one of them there were 13 children whose mother was working in Cape Town. Many, if not all, of the houses are grossly overcrowded. Because of the number of widows and pensioners, the majority (53 per cent of the total in May 1969) of the householders are women. There are a few four-roomed houses for teachers and Government employees.

An official of the Information Office attached to the Chief Bantu Affairs Commissioner's Office in King William's Town was quoted in the *Daily Dispatch* of January 16, 1969 as saying: "Redundant people are being moved to Mnxesha. The township is the same as Illingi near Lady Frere and Sada near Whittlesea. We house redundant people. The people would be of no particular age-group and could not render productive service in an urban area. Among such people were men who had lost their jobs and could not find new employment, old and infirm people and unmarried mothers. The Government would provide the children with one substantial meal a day and rations would be given to the old and infirm people. Able-bodied men would be able to enter into contracts for work on the mines, industries and other avenues of employment. The provision of employment in the new village is receiving the attention of the authorities."

How much attention they gave the matter we do not know, but they evidently decided against it. In the House of Assembly on March 4, 1969, the Minister of BAD said that the Government was not contemplating establishing any industries in or near Mnxesha. By May 1969 more people had arrived from Middelburg and others were still coming. These, and many of the others, were victims of the Government policy of moving all Africans to the eastern area of Cape Province. Since this had been the intention for some time it seems that little or no development of African locations in towns west of this line had been made. So, at Middelburg, the Government had built a large new township for coloureds, but had for many years done nothing about the African location where many people were living in tin "pondokkies" (rough shacks). Conditions were thus far from satisfactory, but they did at least have better facilities than they found at Mnxesha.

At Middelburg there were two established schools, a clinic with a permanent staff, lighting in some of the streets and a satisfactory water and sewerage system. Rents were R1.75 (£1.02) a month for a two-roomed house; R4 (£2.53) a month for a three-roomed and R2 (£1.16) a month for a "private stand"—at the time of the removal this was increased to R6 (£3.49) a month, presumably to encourage people to "agree" to move. Many people at Mnxesha were quite adamant that they had been employed, reasonably housed and very much wanted to stay at Middelburg. But, as one said: "You can't say no to a white man."

They said they were told by an official that at Mnxesha they would have proper houses with a bath and a stove; there would be shops and other facilities and special bachelor quarters with their own kitchens and cooks. Others claimed they were told that if they did not move dogs would be set on them. Some were told to settle their families in Mnxesha and return to work in Middelburg. Those who owned their houses in Middelburg were promised compensation at the time of the removal; but some said they received it several months after the move. The highest compensation that I heard of was R240 (£140.18) for a four-roomed house; others received between R25.25 (£14.74) and R80 (£46.72).

By the time of my visit the health facilities had improved considerably; previously, I was told, they were virtually non-existent. A qualified nurse was appointed in May 1969 to run a free clinic, with a doctor visiting once a week. Until that time a nurse from Mount Coke had visited once a week. But the charge was 20 cents (11p), so most people could not afford treatment. There was also a TB clinic once a week. Free medical treatment was available in King William's Town but the return bus fare of 40 cents (22p) was prohibitive. There was (and still is) a free ambulance service. But the African superintendent has to drive four miles to the nearest telephone to call it and this telephone does not operate in the evenings or at weekends. The district surgeon ran a clinic about three miles away. He normally charged R1.50 (87p) for an adult and R1 (58p) for a child, which was well beyond the means of most.

The signs of malnutrition are obvious throughout and there have been many deaths. In May 1969 there were over 90 graves, of which more than 70 were children's. The bulk of the population only arrived in December–January 1969.

There are now taps in the streets. They first appeared in February 1969. Until then water was brought in once a day Monday to Friday, twice on Saturday and not on Sunday. The people were told to boil the water before drinking it. Pit latrines are provided, but they appear to be very shallow and are prone to overflowing.

Almost half of the men are migrant workers. The only employment in the area is on the building of houses in the settlement, for which men are paid R16.50 (£9.57) a month. Women are paid R6 (£3.49) a month for such work as planting grass in the settlement; this work is a form of poor-relief. In the beginning there was some employment in the settlement for one person from almost every house. But now there are many with no wage earners who are provided with rations each month.

People complained that the rations were issued irregularly and that it appeared they were being cut down. Some said that the rations lasted them only two weeks. "After that we have to pawn our clothes in order to buy food at the European store." There are no shops in the settlement. The nearest one, which is white-owned is about two miles away; there is another one and a post office about four miles away. The Border Council of Churches is subsidising the sale of milk and soup powders. There is no fuel available in the area; I passed some children carrying wood four miles from the settlement. At first wood was being sold for 35 cents (20p) a bag and then for 25 cents (14p). It is now being sold for 15 cents (8p), the balance being paid by a relief organisation. But even with this subsidy, wood was piling up with the distributor because the people could not afford it. A number of people have been fined R10 (£5.84) for trespassing while in search of fuel.

At Middelburg, and some of the other places from which they came, some of the people had been receiving maintenance grants of R5 (£2.92) a month for every child. But these grants are only applicable in urban "Bantu areas", so they lost them on their removal to Mnxesha, which is a rural township. The Bantu Affairs Department in Zwelitsha had said that they would apply to Pretoria to make the grants applicable to Mnxesha.

A lower primary school was opened on March 14, 1969. Before that, the children had to walk about three and a half miles to school and often arrived exhausted, not surprising considering their under-nourished state.

No matter how bad a settlement is there are usually some people from white farms who prefer it; this is true even at Mnxesha. In general, the people from the towns did not want to move, but some said that, despite all the hardship, they were "happy" because they felt that they had some security and were free from continual harrassment about reference books. For example, at Middelburg many had to report every month.

The sufferings of the people at Mnxesha are exemplified in the case of Mrs. E. M.; she arrived at Mnxesha from Burgersdorp in December 1968, with her six children. By May 1969 two of the children had died; two others, aged 13 and 6 years, had "gross pellagra" according to the doctor; another younger child was in hospital with malnutrition. She is a widow and was supporting herself in Burgersdorp by doing domestic work; now she has no employment. She is only 37 years old and so does not receive a pension. As Mnxesha is a rural area she cannot get a child maintenance allowance. Since she went to Mnxesha she had had no source of income apart from the few cents which she manages to earn by collecting wood from miles away and selling it in the settlement. She has taken her children to the nurse several times but because she did not have the 20 cents they were not attended to. She was receiving Government rations, obviously inadequate.

About one and a half miles from Mnxesha there is a growing settlement for pensioners and their families, called Emadakeni. In May 1969 there were 16 mud huts, measuring about 10ft by 15ft; the roofs were also mud with a layer of tarpaulin in between. There were no windows, only two small openings. These huts housed more "redundant" people from town locations. They did not pay any rent for the mud houses, which were certainly inferior to the normal farm house. There were no toilets provided and there was no sign of any having been built by the occupants of the 16 huts. There was a water tank which was filled by a tanker. Some were building their own houses, for which they had been given doors and windows, a few yards away.

At Mount Coke there is a big Methodist hospital and very little else. All around there are the usual Trust villages. But just a little way from the hospital there is a strange-looking settlement. It consists of about 40 wooden huts, similar to those at Mnxesha, all huddled together. I was told that the African superintendent lived about three miles away at the Reformatory of which he was the principal and that I should go to see him to find out about the place. I went but he, very politely, explained that he had strict instructions not to give any information about the settlement. So I had to return and find out what I could for myself.

It appears that this settlement started off about five years ago as a transit camp. At first people stayed a year or two and then moved on. But for the last two years only a few people have moved on—to Sada. It now seems to have become a settlement for pensioners, some of whom have been there since the establishment of the settlement and presumably will stay there. In May 1969, about 25 of the huts were occupied, all by old-age pensioners or disabled people. There were also a number of small children. Most of them are the illegitimate offspring of the inhabitants' children who either cannot afford to support them or cannot have their children with them in an urban area. The old people whose children could assist them were able to get a house in Zwelitsha.

These old or disabled people are mainly "rejects" from farms in the Karoo who were evicted when the five labour-tenants law was enforced; there are also a few "redundants" from urban locations. The Secretary of the Farmers' Union denied that these people had been evicted from farms. However, one family was found living in an old motor-car and another in a cave, after having left a farm, and other people said that they were evicted, put on a train to King William's Town and then brought by lorry to the settlement.

They receive a pension of R5.05 (£2.94) every two months and rations every three months. The rations are in the form of a coupon, valued between R3 (£1.75) and R6 (£3.49) to buy food at the local store. They also receive skimmed milk when it is available, and Pronutro (though they were not receiving the latter when I visited). Fruit from a Government farm, which is rejected at the market, is sometimes dumped there. About a ton of rotting pineapples was once dumped (so that the statistics can show that 75 people were given one ton of fruit in a year).

They do not pay rents for the huts, and between them they have two taps. The people complained about the lack of food and the poverty, but the general attitude was that experience has shown it is no use complaining. One old person commented: "Death is a release from such a place." They said they were better off on the farms. Those at Sada said they had been better off at the settlement, which does not say much for Sada.

Mr. Botha, Minister of BAD, boasted at a meeting on October 19 that there was not one African in South Africa who was starving, and he added that the Nationalist Government would not let it happen. When one has seen death certificates with the cause of death simply "starvation"; when one has seen hundreds of children in hospitals throughout the country too weak from starvation to stand, one is no longer able to feel anger at such claims—one feels an immense pity at the wilful blindness of these men.

At one hospital, I met a woman of 35 who was admitted to hospital weighing 50lb. The nurses told me that she had been on the point of killing and eating her 16-month-old baby when she was admitted. In the same hospital I saw a 15-month-old baby weighing less than 10lb and a child of five who weighed 20lb. There were dozens of similar cases.

No doubt there is starvation in other countries in Africa and the rest of the world. The difference is that starvation in South Africa is not due to natural disasters or the poverty of the country, but to ideology. Malnutrition is increasing and will go on increasing in the resettlement areas. This worsening situation is being imposed while Whites enjoy conspicuous wealth and fast-increasing incomes.

The removals are, if anything, being speeded up and planned on an even bigger scale than before. Large townships are being planned in the Eastern Cape, at Kidd's Beach and Middledrift; 600,000 people are to be resettled at these and other settlements in the Ciskei in the next ten years.

This year thousands more of our people will be transported to some hellish replica of Morsgat, Illingi or Kuruman. Next year there will be thousands more. How long shall we allow this to go on? How many more human cargoes must be dumped in the Reserves before we find a way of stopping this crime? If it is not stopped soon, will the rumble of the "GG" lorries driving the people away from their homes haunt us all our lives?

THE 181ST ANNIVERSARY OF THE COAST GUARD

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. GARMATZ. Mr. Speaker, for as long as memory serves me, too many Americans have taken the Coast Guard for granted. In fact, for the better part of two centuries, from the turbulent and uncertain beginning of this vast Nation, I suspect that the name Coast Guard has meant little more to many Americans than just that—the protection of our coasts.

But those of us who have known the Coast Guard know that nothing could be further from the truth. For the Coast Guard's deceptively modest name conceals a wide versatility of duties and responsibilities that literally is global. Quietly and without fanfare, the Coast Guard has provided a constant and valuable assistance to the Navy in the tough and seemingly endless Vietnam conflict—just as it has fought side by side with the Navy through every one of our wars. It has blazed a trail through the icebound waste of polar regions—and broken the grasp of winter on our northern ports and waterways. It has led the fight against pollution and through its preventive safety program has helped make the American merchant marine the safest in the world. It builds, maintains, and operates an extensive system of aids to navigation to guide maritime traffic safely through congested waterways. And each year the Coast Guard saves thousands of lives and millions of dollars

of property as it performs its traditional duties in search and rescue.

Any day, it seems to me, would be a good one on which to congratulate the Coast Guard for its extraordinary achievements and devotion to duty. But today, which marks the 181st anniversary of the founding of our oldest continuous seagoing service, it is especially fitting to pay respect to the smallest of our Armed Forces. In peacetime, as part of the Department of Transportation team, or in wartime as part of the Navy, the U.S. Coast Guard has earned my deepest respect.

From the earliest days of this great Nation, the Coast Guard has assumed an ever-increasing variety of duties and performed them with a zeal and devotion that in themselves merit the highest praise. I can think of no more fitting occasion, therefore, than on this, the 181st anniversary of the Coast Guard, to express my deepest appreciation for its numberless deeds well and loyally done.

To enumerate the many involvements of this small but vigilant Service would take too long, for indeed they would fill a book; but as we look back there has scarcely been any area of endeavor—from life saving to pollution control; from law enforcement to polar research—in which the Coast Guard has not played a vital part. In fact, we have a great deal for which to thank the Coast Guard. Its deeply rooted humanitarian traditions, to which we may point with pride, are very definitely a part of the American way of life.

It is therefore with much pleasure and an abiding sense of pride that I say, "Happy anniversary, Coast Guard, and countless more happy returns!"

SOVIET MILITARY RESEARCH AND DEVELOPMENT—PART V

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. HARRINGTON. Mr. Speaker, in 1969 Senator JOHN STENNIS, chairman of the Senate Armed Services Committee, and Senator PETER DOMINICK requested that the Defense Department provide the Armed Services Committee with material comparing Soviet military technology with U.S. military technology to support DOD's charges that the Soviets were rapidly catching up technologically. It was also requested that this information be in as unclassified a form as possible.

It was not until 1971, after public attention had been drawn to the subject, that these materials were finally made available in a declassified form. DOD earlier this year apparently stated that the documents could not be declassified. The fact that these comparisons of United States and Soviet weapon systems and technology were eventually made public is an excellent illustration of the capricious nature of classification practice within DOD.

It would seem that often documents and studies are kept secret primarily as a matter of bureaucratic convenience or inertia. There are occasions when materials remain locked up only because no one ever asks that they be disclosed or because some official does not want to expend the time and effort to declassify. President Nixon's announcement that there are nearly 160 million pages of still-secret documents from World War II is a clear example of the vagaries of Government secrecy. It is much more important, however, to press the case for declassifying materials that have more than history book significance.

It is noteworthy that negotiations between congressional committees and Defense officials often lead to disclosure of information that was previously kept tightly embalmed in the vast wasteland of filing cabinets.

On actual inspection these DOD papers on Soviet and United States military technology turn out to be a rather mixed bag of assorted anecdotal accounts, containing useful and in some cases previously undisclosed data concerning comparative Soviet and American weapon systems, but not really providing a logical or intellectually sound basis for the kinds of explicit statements that DOD has been making about the Soviet technological threat and the size and rate of growth of Soviet military R. & D.

The material may be intended to provide what Dr. John Foster has referred to as "an appreciation of the overall magnitude of the Soviet effort." Propelled by episodic overall impressions, however, only the merely impressionable could make the leap of faith over the chasm that separates catalog listings from rigorous analysis and substantiated conclusions.

The release of these materials, prepared by DOD in 1969, is a step in the right direction: further disclosure of the bases of the Defense Department's assertions that the Soviets are about to seize military technological superiority over the United States. Hopefully DOD and its partners in "the intelligence community" will see fit to share with us additional information. In particular, if details about Soviet and United States weapon systems can be made public, I see no reason why essentially academic analyses of Soviet budgets and the dollar value of space and military R. & D. cannot be also released.

The Defense Department's 1969 comparison of United States and Soviet weapon systems and technology follows:

TACTICAL WARFARE EQUIPMENT

ARMORED VEHICLES (TANKS)

1. General

a. The Soviets avoid fundamental changes in their tank models; changes are made as necessary to lead, in their judgment, the capabilities of Western tanks. Proven components are used on several consecutive tank models; i.e., the diesel engine used in the T–34, T–54, T–55, and T–62 tanks is basically the same V–12 diesel engine with modifications to increase the horsepower wherever necessary. The T–54, T–55 and T–62 tanks use the same torsion bar/flat track suspension system. There is a considerable overlap in Soviet medium tank models; i.e., production of an older model does not automatically stop with the introduction of a new model. Production procedures are designed to keep cost down with a minimum of attention paid to human engineering and maintainability. Maintainability does not, however, equate to reliability. For example, Soviet tanks may include components hard to service or replace in the interest of cheap and rugged design.

b. The United States has generally avoided basic changes in each succeeding tank model until the MBT–70. For example, the M–47 through the M–60 A1 tanks have used the same basic engine and transmission. In each model, and in many of the modifications between tank models, the engine and transmission have been improved; in the M–60 and late-model M–48's a diesel engine has been used. All tanks, up to the MBT–70, have used torsion bars and rubber-tired roadwheels; the medium and heavy tanks also have used a double-pin, rubber-bushed track. A major departure in the design of suspension systems is the MBT–70 use of a hydropneumatic springing medium. Fire control systems have largely been evolutionary up to the advent of MBT–70, highlighted by introduction of the optical rangefinder in the M–47 tank and inclusion of an electromechanical ballistic computer with the M–48. The MBT–70 introduces major changes both in components and in concept, with its laser rangefinder and its sight-referenced main gun stabilization system. The MBT–70 also shows a major departure from conventional tank weapon design in its main gun/launcher which can launch the antitank guided missile already fielded with the Sheridan vehicle and also fire a full spectrum of conventional ammunition equal to or better than those employed by previous US tanks. Generally, when a new model is adopted by the United States, production of the older models is terminated. Major attention is devoted to human engineering factors, rapid replacement of major components, increase of the mean time to failure, and increase of the reliability of the fabrication techniques, such as welding.

c. The US response to the threat of the Soviet T–34/85 medium tank was the M–47 and the M–48 tanks. [Deleted] which had appeared in quantity at about the time the M–48 was first being issued to the US Army. The US response to the T–54 series was the M–60, which is generally [deleted]. Then, the Soviets again introduced a new tank, the T–62, within the time frame in which the M–60 was issued [deleted]. The Soviets do not have a direct counterpart to the US MBT–70 development. Their past reaction to new US medium tanks, however, indicates that within 2 years of the date the MBT–70 is issued to US forces in Europe, they probably will produce a medium tank that they consider to be an effective counterweapon.

2. Protection

a. The Soviets have changed their concept of armor protection in that they have reduced the Brinell hardness until it now closely approaches that of the United States. [Deleted.] Based on equivalent armor thickness only, the US [deleted].

b. The Soviets have no known CBR protection, but they have provided, in all models of the T–55 tank, mechanical filtration and an automatic control unit for defense against a nuclear attack. Late-model T–55 tanks and succeeding vehicles are provided with a protective shielding against a nuclear attack. US tanks are not equipped with special devices or shielding other than that provided by the armor shell.

3. Firepower

a. Over the years, the Soviets have not made significant improvements in optical fire control equipment. Beginning with later-model T–54's, however, and all T–55's, Soviet tank guns have been stabilized in both planes. The United States began using stereotype optical rangefinders, with a ballistic computer, on the M–47. The first US standard stabilization system was fielded in the

Sheridan vehicle, as a minimum capability achieved through use of components already required in the guidance and control system for the Shillelagh missile.

b. Up to the advent of the T-62, the Soviets consistently used a main tank armament of caliber larger than that of the US tanks. With the 115-mm smoothbore, the Soviets apparently put more stress on factors other than gun caliber. Beginning in 1960, the United States devoted more time to range (laser), target acquisition, and the 152-mm gun launcher system.

c. A comparison of basic loads of main armament ammunition carried reveals a distinct advantage of the United States over the Soviet Union. The T-62, with lower silhouette and restricted interior, generally carries ⅓ less ammunition than the M-60A1. Soviet tanks carried 34 main armament rounds in the T-54 and 40 rounds in the T-62. The US present standard M-60A1 tank carries 63 rounds and MBT-70 carries [deleted.]

4. Mobility

a. Comparatively, the maximum road speeds of US and Soviet medium tanks are the same, US tanks, including the early versions of the M-48, used gasoline engines and were grossly inferior to Soviet dieselized tanks, with respect to maximum cruising ranges. This advantage disappeared when the M-48A3 was retrofitted with a diesel engine and the M-60 tank appeared in 1959 with a diesel engine. The Soviet use stiff torsion bars that are not prestressed. In comparison, the United States used prestressed torsion bars, which allow greater roadwheel travel. This improves the cross-country speed of US tanks by as much as a factor of [deleted] (based on a computer study of the T-55 against the M-60A1). The MBT-70, with its hydropneumatic suspension, will have improved cross-country mobility, over the M-60: by a factor of 2. The hydropneumatic system on the MBT-70 is the first major improvement in tank suspension systems since World War II.

b. Soviet tanks, beginning with the T-34/85, have had a deep-fording capability, i.e., snorkeling in up to 18 feet of water. Their light amphibious tank the PT-76, has an inherent swim capability. The United States, on the other hand, began snorkeling with the M-60. The M-551 Sheridan is made amphibious by the installation of a kit.

HEAVY-LIFT HELICOPTERS

1. The Soviets have exhibited considerable technical competence in the development of heavy-lift helicopters. Their first heavy transport helicopter (payload over 10,000 lbs.) was the Horse (Yak-24), demonstrated in 1955 and operational in 1958, which had a maximum take-off weight of 38,600 lbs., a maximum payload of 12,000 and carried 40 troops. This helicopter was developed by utilizing two of the proven engine/rotor combinations of the Hound (MI-4) in a tandem configuration, obviating the necessity for development of new rotors and transmissions. Horse was used effectively in military and civil operations during the early 1960's.

2. In 1960, the Hook (MI-6) twin-turbine transport helicopter which was first flown in 1957 became operational. Hook more than doubled the payload of Horse and has a capability of carrying a 26,400-lb. payload or 65 troops with rolling take-off. It is the largest production transport helicopter in the world. Harke (MI-10), a variant of the Hook, was demonstrated at the Paris Air Show in 1961 and became operational in 1966. Utilizing the same engine/rotor combination as Hook, the Harke is capable, with rolling takeoff, of carrying a large 33,000 lb. payload on a platform suspended from the fuselage. Another variant, the MI-10K, is a short-legged crane-configured heavy lift helicopter with uprated engines which is capable of transporting a [deleted] lb. sling load.

3. Again, by utilizing proven components, the Soviets have developed a very heavy transport helicopter with a payload capability approximately double that of the Hook. On 22 Feb 69, Homer (MI-12) established five new class world records by carrying 68,409 lb. to an altitude of 9678 ft. Homer was developed by laterally displacing two Hook/Harke engines/rotor combinations and upgrading the engines by 1000 shaft horsepower each. No significant new transmission or rotor development was required to achieve this capability. It is estimated that Homer could [deleted] be in service by 1972–73, operationally carry a maximum payload of 45,000 lbs. with vertical takeoff or 70,000 lbs. maximum payload with rolling takeoff.

4. The Soviets place emphasis on lifting capability at the expense of speed or range and achieve these goals by simple, straightforward low risk designs and maximum use of proven components. It is expected that the uprated engines used in Homer will also permit an increased capability for Hook and Harke (MI-10). A comparison of U.S.S.R. and U.S. helicopters for the same mission (radius, temperature, altitude) is at Table 1 and a chart of lift capability versus year developed is at Figure 1.

SUMMARY

U.S.S.R.

The Soviets have exhibited considerable technical competence in the development of their heavy-lift helicopter capability. Soviet emphasis has been on heavier, more rugged, and reliable components with substantially less requirements for maintenance and a greater capability for extended operation in relatively primitive environments. Low Soviet hover-out-of-ground effect efficiencies reflect a Soviet emphasis on rolling take-offs and operations at less stringent temperature/altitude conditions. The two existing fully operational systems, the MI-6 and MI-10 (MI-10K), are much further advanced than U.S. developments and provide the Soviets with heavy-lift capability via internal transport, sling, and crane. The MI-12 under development, while not being more efficient than these systems (in terms of cargo capacity per pound of helicopter and effective range), does provide a very heavy-lift capability [deleted] pounds for either supplies or troops. The future systems, as noted with the modified MI-6 and MI-12 versions, will greatly improve this efficiency and ensure the greater applicability of heavy-lift helicopters in the Soviet Armed Forces.

United States

U.S. helicopter technology reflects the lack of any significant helicopter development starts since 1965 and the lack of any heavy helicopter (over 30,000 lbs. gross) development starts since 1962. This emphasis on production over engineering in the U.S. has resulted in a low rate of helicopter technology advancement. U.S. helicopters display more favorable weight fraction efficiencies than current Soviet heavy helicopters. This reflects more a difference in design philosophy than a basic technology disparity. The present U.S. heavy-lift helicopters are much more efficient but also considerably smaller than the Soviet aircraft. Future designs call for increased lifting capacity, although still much less than that of the Soviet Union. It is likely that U.S. emphasis on efficiency will maintain superiority in lift to weight ratio, but the Soviet designers may begin to emphasize this ability while U.S. engineers are increasing gross weight capability. Weight fraction efficiencies tend to be lower at higher gross weight so that the efficiencies of U.S. systems shown on Table 1 would not be realized at gross weights comparable to the Soviet sytsems. The favorable U.S. weight fractions do reflect in part more efficient U.S. power plants which are representative of the relative U.S./Soviet turbine engine technologies. Recent reviews of U.S. heavy helicopter technology capabilities indicate that the U.S. could produce heavy helicopters with payloads equivalent to the most advanced Soviet systems with somewhat more favorable weight fraction efficiencies. Since Soviet helicopter rotors exhibit figure of merit indices comparable to the best U.S. designs, the more favorable U.S. capability would result from better power plant efficiencies and differing design philosophies.

Free-Flight Rockets

1. Although the Soviets may have lagged initially in the development of large, single rockets, their progress and subsequent achievements speak for themselves. Within and 8-year period, 1957–1965, we have seen the development of four systems which became standard items in the arsenal of the Soviets and their allies. Progress might have been more rapid if the Soviets had not placed emphasis on their short-range multiple systems. The latest known free-flight rockets, or as the systems are generally called, Frog's (free rockets over ground), the latest system (Frog-7), was first seen in 1965, and it has now been produced in quantities sufficient for the Soviets to issue them to the Warsaw Pact nations. Considering their potential and developmental objectives, the Soviets undoubtedly have made significant improvements on their Frog systems in the last 5 years, since the advent of the Frog 7. Throughout the lifespan of the Frog rockets the United States has had the Honest John and Little John systems. [Deleted.] In view of the wide deployment of the various Frog systems, it is worthy of note that a high explosive warhead for a weapon with a large CEP is useless unless it is an area warhead similar to those developed for Honest John and Little John. Previously the Soviets apparently believed that the Frog reaction times were not equal to the U.S. Honest Johns. Obviously, steps have been taken to correct this deficiency. Indications are that considerable progress is being made, especially in command and control procedures, acquisition and handling of firing data, and systems mobility.

TABLE 1.—MISSION COMPARISON: U.S./U.S.S.R. HELICOPTERS

Specification	CH-47C	CH-54B	Harke	Homer
Basic empty weight pounds	20,481	19,620	59,524	120,000
Maximum gross weight pounds	46,000	47,000	98,750	225,000
Hover gross weight pounds [1]	42,600	47,000	72,000	181,690
Installed power (maximum horsepower)	7,500	9,700	11,000	26,000
First production year	1969	1969	1964	[2] 1970
Payload capabilities—Tons delivered at representative ranges: [3]				
Favorable conditions (Sea level, 59 F.):				
25 mile	10.0	11.2	8.5	23.5
50 mile	10.0	10.8	7.2	21.5
100 mile	9.7	10.3	5.3	16.5
Moderate conditions (3,000 feet, 91.5 F.):				
25 mile	8.7	11.0	2.5	21.5
50 mile	8.5	10.5	1.2	19.7
100 mile	8.0	9.7	NC	14.7
Severe conditions (6,000 ft., 95 F.):				
25 mile	6.8	8.1	NC	16.5
50 mile	6.5	7.7	NC	14.7
100 mile	6.0	7.0	NC	11.7

[1] Hover-out-of-ground effect, 3,000 feet, 91.5 F.
[2] Estimated.
[3] Assumes hover-out-of-ground effect start and fuel for mission range plus .20 minutes, mission equipment and crew weight assumed as 3,000 lbs., zero vertical velocity climb, zero wind.

2. During the near term period, Soviet long-range artillery rockets will be replaced with short-range, accurate missiles. On the US side, the Lance, with a [deleted] pound HE warhead and a range of [deleted] meters, should become operational. The multiple artillery rocket system (Mars) should be in the late stages of development. The Soviets currently have multiple Frog systems to fulfill an area saturation requirement with an inherent "shock effect" action. [Deleted.] Mars when developed and deployed will enhance the US capability for area kill and saturation weapon. The Soviets, if they have not done so already, will have produced comparable systems. Both sides will stress essentially the same thing—a highly responsive system to deliver the appropriate ordnance on the total target array of the combat environment of future conflicts.

Tactical Short Range Ballistic Missiles

1. The Soviets currently have two short-range (tactical) ballistic missile (SRBM) systems [deleted].

2. The US Army also has two operational SRBMs; the Pershing (maximum yield [deleted], range 400 nm) and the Sergeant (maximum yield [deleted], range 75 nm) missile systems. While both missiles are mounted on wheel semitrailer TELs which give them good mobility [deleted].

3. The Soviets have fielded and will continue to field SRBMs featuring longer range and greater payload capacity than US counterpart missiles. In addition, currently deployed and future Soviet SRBM systems probably will have a nonnuclear warhead capability.

4. In most areas of missile technology the Soviets probably have at least an equal if not superior technological base which is exploited in a completely different manner than US exploitation; the US predicates a missile system upon an advance in technology while the Soviets take proven technology and apply it.

5. Application of US standards to Soviet missiles is a grave and misleading error; the design philosophies of each country are so different that false conclusions concerning Soviet capabilities have resulted when Soviet missile capabilities were measured by US standards.

Gap-Crossing Equipment

1. For an overall assessment of US and Soviet capabilities for gap-crossing in an assault operation, both the US and the Soviets have tank-launched bridges of similar carrying capacities and span lengths; both have amphibious assault ferries with similar capacities and mobility. At present, however, the US has only limited quantities of amphibious assault ferries, whereas the Soviets have operational quantities deployed. For the crossing of short gaps in the 100-foot range, the US has no counterparts for the Soviet SMM and TMM truck-launched multi-span bridging which can be assembled at a rate of 6 feet per minute. For the crossing of major water barriers, the current US standard floating bridge, M4T6, can be assembled at a rate of 2 feet per minute, compared with 20 feet per minute for the Soviet PMP. The US has no floating railroad bridge for rapid replacement in rear areas.

2. From 1969–1978, the US is expected to develop a 90 foot AVLB. Based upon intelligence concerning the Soviet PMP ribbon bridge, the US is in the process of developing a duplicate. The MAB amphibious bridge will be operational during this period. However, there is no indication of any development of truck-launched multispan dry-gap bridging in the current planning. The US is investigating the UK Medium Girder Bridge which gives a marked increase (as compared to the Bailey Bridge) in dry gap crossing ability.

3. On the other hand, the Soviets will also develop a 100-foot AVLB before 1978. A multipurpose bridge utilizing the TMM scissors-type superstructure mounted on either a tank chassis or an amphibian of the GSP type will also be developed. It is expected that an improved PMP ribbon bridge with self-propelled pontoon units will replace the current model.

4. Should these projected bridge developments materialize, the US will still be short of the multispan capability for dry-gap crossing, but will be even with the Soviets in assault bridge and tactical floating bridge categories.

Ammunition

1. Both the United States and the Soviet Union have made significant advancements in their shaped-charge developments. As a result of precision manufacturing techniques and better fuzing in shaped charge designs, the United States is currently ahead of the Soviet Union in achieving greater penetration against conventional and unconventional armor at longer ranges. [Deleted.]

2. In the area of armor-piercing technology, the United States designed 105 mm APDS projectile, fired at 4650 ft/sec represents the most advanced state of the art for spin stabilized kinetic energy penetrators. The 152 mm. APDS fired at [deleted] ft/sec developed for the MBT–70 represents the most advanced state of the art for fin stabilized kinetic energy penetrators. It is possible that the U.S. is ahead of the USSR at this time. [Deleted.]

3. Research to improve the fragmentation effectiveness of munitions has been pursued vigorously by the US and the USSR. Current steel technologies of both nations provide for comparable effectiveness and should remain the same throughout the near term period; however, the Soviets hold a slight edge in cast-iron technology, as evidenced by greater lethal area per pound of fuzed projectile, and this superiority should continue. Although the Soviets have been conducting research on controlled fragmentation and have a capability for submissiling small individually fuzed bomblets, the United States holds a command lead in improved conventional munitions (ICM's). The use of ICM's by the United States in Vietnam has resulted in some duds, which presumably have been made available to the USSR for reverse engineering, and the USSR is expected to close the gap in this area by the mid-1970's.

4. Unless a significant breakthrough in gun ammunition is made, both the United States and the USSR are expected to accelerate their rocket-assisted projectile (RAP) developments throughout the near term period, with no superiority expected to be held by either country. Currently, the United States and the USSR have fuzing for any tactical role, with both nations striving to improve the deficiencies. The United States fuzing technology however, is considerably advanced, as compared to that of the Soviets, and should continue throughout the near term period.

Naval Warfare Equipment

Submarines

1. 1960 was the beginning of the qualitative phase of the Soviet force improvement program. From 1946 until the late fifties the Soviet built-up construction sites, personnel skills, and an industrial base to support the production of large numbers of efficient diesel submarines. By 1960 they were in the midst of the technical evaluation of their new nuclear powered submarines. It is estimated that today these submarines have greater power than U.S. ships [deleted] because of various tradeoffs in other characteristics.

2. The U.S. Submarine Force, by 1960, had developed a second generation nuclear attack submarine, and had already deployed a Polaris firing strategic submarine on station. World War II submarines were being refurbished, and these made up the majority of the Force.

3. In 1965 the Soviets had utilized the technology developed for the November nuclear attack submarine construction program to produce an Echo class cruise missile launcher, and a Hotel class ballistic missile launcher. The cruise missile and the nuclear submarine were combined to provide a weapon system that is [deleted]. By 1965 the Soviets' submarine force was going to sea and improving their operational techniques by long and arduous patrols in all the areas of the world.

4. The size of the 1965 U.S. active Submarine Force was limited by directives to the same level as 1960. Fifteen new nuclear attack submarines replaced diesel ships in the five year period. In this period the U.S. lead in submarine quieting was maintained. The Soviet operating depth capability is estimated to have kept in step with the U.S. increase from [deleted] ft. to [deleted] ft. in 1962.

5. In 1969 we see in the Soviet submarine force the results of a major Soviet technological buildup. The design teams which produced the older nuclear submarines have produced at least three new classes of attack submarines and a new class of ballistic missile submarines similar to our Polaris. At least two of the attack class submarines are nuclear powered and incorporate significant improvements in hull design, single propeller propulsion systems and improved sonar and weapon systems. They are faster, quieter and dive deeper than their predecessors. One is estimated to carry a new standoff weapons system which, if supported by sonar improvements, could give the Soviets a significant advantage in the ASW role. A third attack class is a small submarine of unknown propulsion. The SSBN carries 16 missiles capable of submerged launch to a range approximating our early Polaris. The Soviet submarine force of 1969 has very efficient nuclear submarines and new construction diesel submarines. The industrial base to build new submarines and to overhaul and repair operational submarines has doubled since 1964 and far exceeds that of the United States. The pool of personnel with the technological background and capabilities to further advance the Soviet submarine force is available, and it is anticipated that the Soviets will continue to improve the quality and effectiveness of their submarine force.

6. Today there are 69 diesel submarines in the U.S. Navy whose average age is 21 years. 300 Soviet diesels have an average age of 10 years. U.S. has 36 nuclear attack submarines with an average age of 4 years compared to 30 Soviet nuclears with an average age of 5 years. It is significant to note that the Soviets are building nuclear submarines at a greater rate (ten in 1968) than the United States, while still building diesel submarines.

Naval surface-to-air missiles

1. The United States Navy has carried out extensive SAM development and deployment. TERRIER, TALOS and TARTAR were all introduced before 1960 when the Soviet navy had no SAM capability. In 1962, the Soviets began deployment of the SA–N–1, an adaptation of the land-based SA–2 which remains the principal Soviet naval SAM. This system is command guided, and its short range (13 nm.) makes it primarily a self-defense system. The United States systems are primarily for the defense of carrier task forces and have long range [deleted].

2. Innovations since 1965 on the United States side include the Standard missiles (modernized TERRIER and TARTAR) and the Point Defense Missile System (adaptation of the Sparrow III missile for close-in self-defense). The Soviets have recently introduced a new SAM in the MOSKVA, but no information is available to characterize this system. [Deleted.] The Soviets SA–N–1 is not expected to have an anti-ship capability.

Naval surface-to-surface missiles

1. In contrast to the preceding resume of U.S. naval tactical surface-to-air capability the Soviet Navy deliberately developed, and is continually improving a tactical surface-

to-surface missile capability [deleted]. The U.S. performed R&D on such tactical missiles, [deleted].

2. Although both the United States and the Soviet navies experimented with the German V–1 missile the United States Navy spent little effort on pulsejets but initiated the Regulus program in 1947 and achieved IOC in 1955. The Soviets apparently deployed VI type missiles on submarines during this period, but their first real operational cruise missile was the SS–N–1 in 1958. By this time, Regulus I was fully operational and Regulus II was in production with deployment scheduled for 1960. In addition to these turbojets, the United States Navy began development of an advanced twin ramjet missile for Mach 3.5 long range penetration which was well defined by 1957 when it was cancelled (Triton). In 1959 the Soviet Navy deployed the short range SS–N–2 (STYX) missile with its liquid rocket sustainer shortly after the United States cancelled the Regulus II. The Soviets deployed their first submarine and surface launched cruise missile, the SS–N–3, in 1961 at which time the United States had Regulus I deployed in four cruisers, four diesel submarines, and one nuclear submarine. Since that time, the Soviets have continued to deploy cruise missiles and the United States has phased them out completely. Regulus I was technically superior to SS–N–1 (which the Soviets are currently phasing out), Regulus II was superior to SS–N–3 and there is no evidence that the Soviets have a capability approaching Triton. The United States Navy has never developed a short range cruise missile of the SS–N–2 class [deleted].

3. In the last two years we have discovered possibly five new naval missile systems of which we believe at least two are new surface-to-surface systems. We have no information on which to base the performance of these systems. It can be said that if they represent any advances over previous surface-to-surface systems [deleted].

4. [Deleted] Soviet [deleted] operational surface-to-surface missile launching ships and submarines for mid-year are shown below:

	1960	1965	1969	Launchers/ship
		SS–N–1		
KILDIN	3 (3)	4 (4)	4 (4)	1
KRUPNY	3 (6)	8 (16)	7 (14)	2
		SS–N–2		
OSA	6 (24)	86 (344)	106 (424)	4
KOMAR		62 (124)	47 (94)	2
		SS–N–3		
W Conversions	0	12 (38)	12 (38)	2, 4
E–I	0	5 (30)	5 (30)	6
E–II	0	11 (88)	28 (224)	8
J	0	12 (48)	16 (64)	4
KYNDA	0	4 (32)	4 (32)	8
KRESTA	0	0	5 (20)	4
Total surface-to-surface units	12 (33)	204 (724)	234 (1, 044)	

Note: Numbers in parentheses indicate total launchers.

U.S. FBM force

The U.S. Navy's strategic force is designated the Fleet Ballistic Missile (FBM) System. It consists of 41 nuclear powered submarines, each carrying a complement of 16 Polaris missiles. The first submarine, the U.S.S. *George Washington* (SSBN–598), deployed in November 1960. The last ship of the series, the U.S.S. *Will Rogers* (SSBN–659) deployed in 1967.

The U.S. FBM program has been an evolutionary process as continuous improvements have been added to the system's capabilities. The first five SSBN's carried the Polaris A–1 missile which had a range of 1200 nautical miles. This missile has been phased out and replaced by two later versions of the Polaris missile, the A–2 and the A–3. The A–2 missile was an improved version of the A–1 with a range of 1500 nautical miles. The A–3, a new design missile, has a range of 2500 nautical miles and carries a three-body warhead. It should be noted that these three RVs on the A–3 are not independently targetable. [deleted]. The table below presents some characteristics of the classes of FBM submarines.

Class	Number of ships	Type of missile	Length (feet)	Displacement (tons)
598	5	A–1 [1] A–3 [2]	300	5, 900
608	5	A–2	410	6, 900
616	3	A–2	425	7, 000
	28	A–3	425	7, 000

[1] Initially.
[2] Refit.

The ships on patrol achieve a state of readiness such that the first missile can be launched within [deleted] from receipt of a firing message. The first 10 SSBN's can sustain a firing rate of [deleted], while the 31 newer ships can fire at a rate of up to [deleted].

Present planning is to convert 31 of the 41 submarines to carry the Poseidon missile, configuring the 10 remaining to carry the Polaris A–3. The structure of these 10 is such that it is not economical to convert them to Poseidon. The Poseidon conversion program began early in CY 1969 when the first SSBN entered the yard for conversion and will be completed in CY 1976. The Poseidon missile will have a MIRV capability, and can carry up to [deleted] RVs. The Initial Operational Capability (IOC) for Poseidon is January 1971.

Soviet SLBM force

Immediately after World War II, the Soviets examined the possibilities of launching missiles from submarines. Their early thinking was directed toward exploiting German technology and resulted in the launching of V–1 missiles from Soviet submarines. Although lagging the U.S. in nuclear submarine development and underwater launch capability, the USSR had a sea-based ballistic missile program underway during the early 1950's.

In 1955, the Soviets began converting a number of "Z" class torpedo attack submarines to fire the surface-launched 350 nautical mile SS–N–4 ballistic missile. Six units were eventually fitted with two sail-mounted missile launching tubes.

In 1958, these first "Z-Conversions" were followed by the "G" class new construction program. This long range diesel submarine was the first to be designed from the keel up as a ballistic missile submarine. The "G" program is believed to have ended in 1962 with the delivery of some twenty-three hulls. The "G" class originally carried SS–N–4 missiles, with a surface launch capability, in three launch tubes located in the aft end of the sail. A conversion program is currently in progress to give "G" class units a submerged firing capability for the 700 n.m. range SS–N–5 ballistic missile. At least three such conversions have been completed to date, and it is estimated that all of the 22 units (one unit of this class was lost at sea in March 68) of the "Golf" class will be so converted by 1973.

The first nuclear SSBN, the "H" class, joined the fleet in 1959. The total deployment included nine units. Like the "G" class, the "H" class SSBN carries three missiles in its sail and was originally designed to fire the SS–N–4. It is estimated that conversion of 8 ships of the "H" class to the SS–N–5 system will be completed in 1969. The ninth unit (designated the "H–III") has been converted to a probable test bed with 6 launch tubes. The first "Y" class SSBN was reported in 1967 and became operational in early 1968. This class is markedly similar to the US Ethan Allen class in size and appearance and is equipped to carry 16 missiles, probably of the 1500 n.m., SS–N–6 type. To date, eight units have been launched; a force level of 35–50 ships is anticipated by the mid-1970's.

The Soviet sea-based missile face is undergoing considerable expansion in size and quality and is in the process of becoming a major component in the total strategic force. Their submarine building capability is impressive, and appears such as to be able to turn out on the order of 12 SLBM submarines per year. By the mid-1970's, the Soviets will probably have a force at least comparable in size to that of the United States. They apparently are building toward a ballistic submarine force that will confront the continental U.S. with a threat comparable to that which the Polaris force presents to the USSR. Whether they intend to provide their SLBM force with a MIRV capability, as we are doing with Poseidon, is an unknown.

In summary, it can be stated that the SSBN situation is a relatively vivid example of one in which the Soviets have started from a position of essentially zero capability and progressed steadily to where, in a few years, they can equal or surpass our own capabilities.

Strategic Warfare Equipment

In considering the total data base of available information concerning Soviet technological capabilities the impression gained is that of a dynamic expanding push by the Soviets in all of the technological areas of aerospace interest. The Soviets have a total national commitment to the evolution of their aerospace industry. This is especially apparent in their ICBM program. These facts have caused us to examine the US and USSR ICBM programs to determine what our relative ICBM posture is and will be if present trends continue.

Similar to the U.S., the Soviets utilized German scientists for the beginning of the development phase. Rapidly developing a native capacity they have continued to expend major resources in this area [deleted].

The U.S. program for the development of ballistic missiles reflected urgency in the initial phase of development of strategic offensive missile program and the later shift in the national defense policy from "massive retaliation" to "flexible response". The U.S. data indicates missile developments for 17 guided ballistic missile systems, and of these 6 were ICBM's that have been developed and placed in the inventory.

The Soviet program has provided the strategic planners with diversity as well as magnitude which enabled them to plan for the majority of contingencies and to investigate with flyable equipment major new concepts in ballistic missile warfare. Indicative of this

is the family of ICBM's which they have developed.

Ranging from the SS–6 [deleted] through the SS–13; you see a major diversity of capability. For example, the SS–9, the largest Soviet ICBM to date, is utilized extensively in varying roles. [Deleted.]

The U.S. currently has a limited number of Titan IIs, which are comparable in size to the SS–9, in the inventory, but the principal ICBM force is the Minuteman.

The decision to bypass the Jupiter submarine deployment and proceed directly with Polaris gave the United States Navy a lead [deleted] over the Soviets, most of which we have retained. The third deployed Soviet SLBM, the SS–N–6, is the first to equal the range of Polaris A1 which was deployed in 1960. It is estimated to have reached IOC in 1968–1969. Since this is a fourth generation missile, it is close to the ultimate performance obtainable for a liquid fueled missile of its size unless exotic fuels are used. The Sawfly parade missile may represent the first step toward a submarine launch solid propellant missile. It has the range of Polaris A3 (IOC 1964), but is too large for the 16 tube Y class submarines. Its IOC is estimated as 1972–1973 while Poseidon will be deployed in 1971. Future United States Navy ballistic missiles are expected to be much larger than Poseidon to allow increased throw weight at ranges up to [deleted] miles for use in ULMS and SLMS.

Operational Testing

United States

Operational tests on the Titan II and on two versions of Minuteman continue from Vandenberg Air Force Base at a rate of about 20–30 per year. Short range launches have been conducted from operational Minuteman sites but no full range launches have been made to date. Planning for full range Minuteman launches from operational sites is underway.

U.S.S.R.

Indicative of the dynamic Soviet ballistic missile program is their ICBM flight test program of over 100 launches per year for the past several years. [Deleted.]

Propulsion

The U.S. emphasized liquid propulsion initially because there was greater confidence in the performance obtainable from liquids than from solids. When the parallel development of solid propulsion was successful, the missile inventory shifted to the solid booster principally because of its maintenance and logistic advantages. [Deleted.]

The liquid/solid decision is forced by guidance computer availability, which in the U.S. is a product of civilian rather than military R&D. The choice is of little importance except in the volume limited situation in the submarine case.

Re-entry vehicles

[Deleted.]

Guidance

The U.S. has placed its reliance completely on self-contained inertial guidance. Because of the decision to use constant thrust, the guidance system capability was increased to provide the necessary control to compensate for lack of thrust control and provide the accuracy required.

[Deleted.]

TABLE 2.—ICBM GUIDANCE SYSTEMS

Basic Technique

United States

All inertial

In-Flight Trajectory Computation

U.S.S.R.

[Deleted.]

United States

Extensive Computer Requirement

Nominal Control System Requirement

Constant Thrust

Variable Burnout State

U.S.S.R.

[Deleted.]

Ballistic coefficients

[Deleted.]

The U.S. trends in ballistic coefficient for the past and currently operational RVs [deleted]. However, for future development, the U.S. is committed to designs having very high ballistic coefficients. The U.S. is concentrating on reducing RV observables and achieving minimum CEPS.

Vulnerability

The current U.S. ICBM force is based exclusively in hardened dispersed silos as the result of phase-out of older systems.

The U.S. has modified operational ICBM sites to decrease vulnerability to electromagnetic pulse effects.

The inertial guidance systems of U.S. ICBMs using complex on-board computers and extensive microcircuitry with solid state components, [deleted].

Although the Soviet systems currently undergoing deployment utilize similar basing concepts, a number of [deleted] open literature indicates a thorough Soviet awareness of the problem and the extent of Soviet nuclear test programs has allowed ample opportunity to study EMP effects and develop protective measures.

[Deleted.]

Aircraft and Space Equipment

Aircraft technology

1960—Aircraft technology and design capability superior in the U.S. in all areas. It is estimated that the U.S.S.R. lagged by about 5 years.

1965—Soviet capabiltiy was rapidly closing the gap. Parity was achieved in areas such as aerodynamics, structure design, fabrication techniques. Soviets still lagged—approximately one to two years in others such a V/STOL, materials wind tunnel testing techniques.

1969—Capability on a par in practically all areas. Soviet wind tunnel testing techniques still lagging slightly as evidenced by their heavy reliance on prototype construction and flight testing.

In the STOL and V/STOL area, four U.S.S.R. types are being explored in flight test with prototype aircraft. One of these is a subsonic VTOL aircraft similar to the UK Harrier. One is an R&D modification of a MIG–21 and the other two are Mach 2 designs which use lift engines to achieve short take-off and landing.

The Free World, and the U.S. in particular, has an extensive V/STOL program that will provide the technological basis for development of an operational aircraft. To date we have not been convinced that the advantages of V/STOL would offset the additional costs—costs in dollars, additional maintenance, and operational capability. We do believe that the technology is nearing that level where the V/STOL penalties will be acceptable and at that time we will embark on developments to obtain operational aircraft. As an indication that the time may be near at hand the Marine Corps is obtaining 12 Harrier V/STOL aircraft and will probably obtain more if the aircraft are successful. The U.S. contributed heavily toward the development of the U.K. P–1127, the initial model of the Harrier. We funded the larger part of the then unique vectored thrust engine development and at a time when the British government was not in the program. We also funded slightly more than one-third of the development and testing of the P–1127 which first flew in 1961. The only VTOL fighter type aircraft the U.S.S.R. has exhibited to date has been the Freehand which appears to be a direct take-off of the P–1127. The Soviets have so far shown nothing that compares with the U.S. XV–5A, the French Mirage III–V or the German VJ–101.

The Soviet have test flown their supersonic transport which appears capable of about Mach 2.0 airspeed and a 2500 n.m. range. The U.S. counterpart has been under study but development is still under consideration. The development of a commercial SST has been and still is a question of economics. On the basis of known information the U.S. has by far the greatest experience in large supersonic aircraft, i.e. the SR–71 and XB–70. In addition we have operated the B–58 bomber for a number of years. In addition we have built by far the bulk and best of the worlds subsonic jet transports. There seems to be little reason to believe that with the experience and background we would not also be able to build a superior SST. Unfortunately current technology only permits a marginally economical SST and with the noise and sonic boom problems largely unsolved. The U.S. has not chosen to push the SST to the degree the Soviets and the U.K.-French have. While those countries do have SST flying there is little evidence that these aircraft will be economically successful, a requirement we have specified for on transport aircraft.

A comparison of U.S. and Soviet fighters as of 1969 is shown in Table 1. Since 1960, the Soviets have shown the ability and intention to develop improved armament and fire-control systems, and most of their latest fighters appear to have an all-weather air-to-air capability. Specifically, the level of technology which the Soviets are putting into operational service with the Foxbat in 1970 [deleted].

Even though the Soviets are ahead of the U.S. in the development of flying hardware (helicopters and supersonic transport), the apparent differences between aircraft and between their component materials, propulsion systems, performance, etc, result from decisions in the allocation of resources rather than differences in technological capability.

Air-breathing engines

1960—U.S. technology superior to the Soviets. U.S. jet engines had better fuel consumption and higher thrust to weight (t/w) ratios. USSR turboprop and turboshaft engine technology equal to U.S.

1965—U.S. superior to USSR in turbofan technology. Turbojet, turboprop and turboshaft knowledge equal although U.S. engines continued to exhibit better fuel consumption and high t/w ratios. This was because the Soviets designed conservatively emphasizing simplicity, and ease of manufacturing and maintenance while the U.S. design trend was to push the state-of-the-art.

1969—Soviet propulsion technology equal to the U.S. except in turbofan development. It is estimated that Soviet technology in this area is [deleted] behind the U.S. Soviet and U.S. design philosophy essentially unchanged.

Since 1947, the Soviets have qualified approximately three air-breathing engines of new design every two years. As the complexity of engine design has increased, so have the developmental testing requirements. The evident ability to sustain the steady rate of new engine developments of increasing complexity and configurations is indicative of intentional, expensive investment growth. By 1960, 23 engines had been qualified. These included a few turboprops, but the majority were turbojets. Changing program emphasis saw the emergence of one turbofan and one turboshaft toward the end of the period. By 1967, emphasis on turbofans and turboshafts resulted in a doubling and trebling of their numbers, respectively. VSTOL engines are now being given prominence while new designs of all types continue. A total of 31 qualifications has been reached in 1967 and eight known development programs were underway for the spawning of more.

TABLE 1.—COMPARISON OF UNITED STATES AND SOVIET FIGHTERS

	F-4E	F-X [1]	F-111A/D	Mig-21 Fishbed F	Mig-(—) Foxbat	Su-(—) Flagon
Takeoff gross weight	[deleted]	[deleted]	[deleted]	20,700	62,200	32,600.
Combat ceiling [2] (feet)		[deleted]		62,600 [3]	70–75,000 [3]	65,000. [3]
Maximum speed (M): [2, 4]						
At sea level		[deleted]		.9 [3]	1.0 [3]	1.0. [3]
At best altitude (feet)		[deleted] (burst)		2.2 at 50K	Abt. 3.0 [3]	2.5 at 50. [3]
Wing loading [5] (pounds per square feet)		[deleted]		72	100	92.
Thrust/weight ratio [10]		[deleted]		.76	.74	84.
Psi specific excess power (feet per second): [2, 4]						
At 10K feet M.9 1g)		[deleted]		530	650	550.
At 10K feet M.9 5g) maximum power		[deleted]		200	320	50.
At 30K feet M.9 5g)		[deleted]		Unable	Unable	Unable.
At 40K feet M.22 1g)		[deleted]		do	do	Do.
Air-to-air armament, missiles, gun	IM–7E–2, –9E M61 20mm. gun.	AIM–7F, –9D, SRM new 25mm. gun.	AIM–9E/–7G, –9E M61 gun.	AA 2 (IR) [3]	AAZ–2 (radar) [3]	AA–3(IR). [3]
Maximum missile range (nose/tail) (nm) [7]	[deleted]	[deleted]	[deleted]	0/5–6 [3]	25/15 [3]	12/10. [3]
Combat radius (nautical miles) (hi-lo-hi [8] with extensive fuel):						
With approximately 6,000 pound payload	[deleted]	[deleted]	[deleted]	Unable	590	Unable.
With maximum payload as indicated in pounds	[deleted]	[deleted]	[deleted]	360/2,200 [2]	500/13,200 [3]	410/1,100.
IOC	Current	1975	Current/1970	1965 [3]	Tac fighter 1969–70 [3]	Interceptor only—1969. [3]

[1] Generalized performance representative of Air Force variable sweep F–X concept.
[2] At combat gross weight (50 to 60 percent internal fuel and air-to-air armament).
[3] [deleted].
[4] Burst or excursion speed not limited by aerodynamic heating.
[5] Full internal fuel and air-to-air armament (missiles, guns, ammo).
[6] Sea level rated maximum (afterburner) thrust (uninstalled).
[7] Ranges for U.S. missiles are versus 2m² radar targets. Target sizes used for Soviet missiles are unknown.
[8] Ground support radius mission in accordance with MIL–C–5011A. The F–X payload/radius of action specifics are planned to be a fall out of the air-to-air performance.
[9] Ps is a measure of aircraft maneuverability expressed as available instantaneous rate of climb.

On the other hand, there has been a decreased frequency of U.S. development programs of air breathing engines. Approximately four engines of new design were qualified every two years from 1950 to 1957, about three engines every two years from 1957 to 1968, and there is a projection for firm programs of about 1.5 engines every two years into the mid 1970s.

In 1960 the U.S. was far ahead of the Soviets in the technology of actual turbine engines qualified for flight. With the emphasis on the U.S. missile and space program in the late 50's and early 60's, the military engine programs had declined and NASA efforts on turbine engine technology had diminished almost to the vanishing point giving the Soviets a breathing spell which they utilized to great advantage. During this period, the Soviets continued to advance their aircraft turbine engine technology at a continuous rate. However, except for some unique design details and the compressor technology used in the MIG–21 engine, the Soviets are not ahead of the U.S. in engine technology. Soviet turbine inlet temperatures and time between overhaul are less than for comparable U.S. engines. There is no great difference in specific weight.

During the late 1950's and early 1960's, the U.S.'s efforts in turbine engines were focused on providing advancement of existing engine and advancing the design and component technology with corresponding improvements in analytical techniques. The small number of new engine developments was a direct result of the lack of new system acquisition. However, during this period we made significant advancements in the technological base.

As a result of this base, our capability in engine component exceeded the Soviets in all areas except for [deleted]. It is in this area that the Soviets have achieved a high efficiency and high loading per stage. Our emphasis has been focused on high cycle operating temperatures which, with the application of advanced materials, have resulted in lighter weight and lower fuel consumption in our propulsion systems.

Starting in 1964 with the GE–TF–39 (C–5A), a new generation of turbine engines were started. This engine and the P&W JT9D (Boeing 747) are excellent examples of our lead in high bypass turbofan area for subsonic transports. These engines operate at high cycle temperatures and use the latest proven light weight materials and design technology.

With regard to a comparison of thrust to weight, the US has a superior advantage. Our lift cruise engine demonstrators achieved a thrust to weight greater than 8:1 in 1966. In addition, direct life engine demonstrators in the US have achieved a thrust to weight greater than 20:1. It is estimated that the Soviet will reach this level of technology in the 1972–73 time period.

The current F–15 and F–14B engine development will result in new engines with thrust to weight greater than [deleted] which operates a high cycle temperature (turbine inlet temperature [deleted]). This is significantly higher than that attributed to the Soviet capability.

In summary, although the Soviets have a lead in [deleted] efficiencies, stage loading, and smoke abatement the U.S. appears to be ahead in technology relating to composite engines, lubricants, fans, and noise suppression.

Rocket Engines

The magnitude of design and development effort for liquid and solid fueled propulsion systems is indicated by the large numbers of rocket weapons that have been publicly displayed by the Soviets. A total of almost 60 engines has been put to use in the various stages of these missiles.

According to recently published information, liquid propellant systems have been used for three tactical surface-to-surface missiles, eight strategic missiles (including three which are multi-stage), three surface to air missile sustainers, several space launch vehicles and their upper stages, and three submarine launched ballistic missiles (SS–N–4, SS–N–5, and SS–N–6). Solid rocket motors have been used to provide main or boost propulsion for seven air defense missiles, main propulsion for seven artillery rockets, four air-to-air rockets, and one possible submarine missile (Sawfly). Solid fuel systems are used for a three-stage ICBM, a two-stage IRBM and two mobile missiles.

Obviously, previous R&D investments produced these current achievements, and their future kinds are being provided for in on-going development programs. These are apparent now for offensive, defensive and space applications. Liquid and solid system efforts are both advancing. Interest in liquid engine development is apparently related to expanding space exploration activities. Further, work is underway on high-energy propellant systems. From past practice, it can be assumed that the latter is in preparation for some pre-planned goal to be deliberately achieved, step-by-step.

The U.S. rocket propulsion industry has also demonstrated a significant capability to engineer and develop liquid propellant and solid propellant motors to meet most any requirement. The U.S. appears to lead in development of solid propellants and the manufacturing of more reliable extremely large composite motors.

Offensive missiles

When the Soviet ballistic missile developments are viewed cumulatively, the same [deleted].

Defensive missiles

The Soviets pursue many expansive development programs at the same time. With total ownership of resources and total control centralized, independent aerodynamic, offensive missile, defensive missile and space programs proceed apparently without resources trade-offs. Action in all such areas have appeared to proceed a pre-programmed levels unaffected by Korea, Vietnam, or the exigencies of any other segment of the economy.

During the periods of heavy investment which preceded the achievement of ICBM's and MRBM's, similar investments must have been made for defensive weapons which have also emerged. Each of the systems (Table 3), from the well-known SA–2 to the canistered Galosh and Tallinn, represents an aggressive development program of its own and, from the Soviet view, a separate counter to some threat. Low-level, medium-level systems and those to counter ballistic missiles are all represented.

Space systems

The recent successful flight of Apollo 11 is a clear indication of the lead the United States now has in space compared to the Soviet Union. However, the United States has not always been ahead of the Soviets, and there is no certainty that the present lead will be maintained.

In July 1955, the United States and the USSR both announced that they planned to orbit satellites as part of the International Geophysical Year (IGY), which commenced in mid-1957. The Soviets then proceeded to surprise most of the world by not only being the first to orbit a satellite, but also by orbiting one that weighed nearly ten times the planned United States satellite (Vanguard). Sputnik 2, which came one month later and carried the dog Laika, was even more dramatic proof that the Soviets had gained an initial lead over the United States in space achievements.

There were three primary reasons why the Soviets gained their early lead in space over the United States. The first was the Soviet development of a first-generation ICBM with greater boost capability than necessary. The SS–6 lift-off thrust is about 850,000 pounds, compared to about 390,000 pounds of lift-off thrust for the Atlas ICBM. Thus, the Soviets had the capability in 1957 to place into earth orbit about 5,000 pounds. Even if the United States had elected to use the Atlas in 1957, it still could only orbit about half of the SS–6 capability.

The second reason for the early Soviet lead in space was their intention from the outset to use their first ICBM as a space booster as well. The SS–6 was first flown as an ICBM in August 1957. Two months later the Soviets used the SS–6 to put Sputnik 1 into orbit. In contrast, the United States elected to develop a new space booster, the Vanguard launch vehicle, which was both modest in lift capability and somewhat unreliable.

TABLE 3.—DEFENSIVE MISSILES

	IOC/ displayed	Gross weight (lbs.)	W/H weight (lbs.)	Length (feet)	Range (nautical miles)
United States:					
Talos	1959		(1)		
Nike Ajax	1953		[Deleted]		
BOMARC	1959		[Deleted]		
Terrier	1956		(1)		
Hawk	1959		[Deleted]		
Nike Hercules	1958		(1)		
Tartar	1961	[Deleted]	(1)	[Deleted]	
Nike Zeus/Spartan	1971		(1)		
Sprint	1971		(1)		
Standard missile:					
MR	1967		(1)		
ER	1967		(1)		
Chapparral	1969		(1)		
Redeye	1966		(1)		
Soviet Union:					
Guild SA–1	1960	7,125	[Deleted]	(1)	18–24
Guideline SA–2	1957	5,460	[Deleted]	(1)	19–27
Goa SA–3	1964	2,200	[Deleted]	(1)	[Deleted]
Ganef SA–4	1964	5,760	[Deleted]	(1)	25–30
Tallinn SA–5	1967	[Deleted]	[Deleted]	(1)	50–100
Griffon (never deployed)	1963	16,760	(1)	(1)	30
Galosh ABM–1	1964	71,200	[Deleted]	(1)	350
Gainful SA–6	1968	1,540–1,640	[Deleted]	(1)	10–20

[1] Not available.

The third reason for the initial Soviet preeminence in space was their planning and emphasis on space activities. In the mid-1950's the Soviet leaders set out to gain national prestige by accomplishing several space "first," and they allocated the resources to their space program that were required. For example, it is now evident that the Soviets embarked on a manned space flight program long before the United States decided in 1958 to proceed with Project Mercury. Sputnik 2, with its biological payload, was a successful Soviet beginning in manned space flight a year in advance of the United States decision on Project Mercury.

By the end of 1958, the United States and the Union of Soviet Socialist Republics space programs compared as follows:

United States

First satellite.
First animal in space.
First geophysical satellite (over 2900 pounds).
Boost capability for 5000 pounds.
Three launches; 3 successes.

U.S.S.R.

Discovered Van Allen belt.
Boost capability for 260 pounds.
18 launches; 5 successes, 2 partial, 11 failures.

In the next two years the United States began to overcome the initial Soviet lead in space activities. While the Soviets still appeared to concentrate on space "firsts," the United States began to adapt missiles as space boosters and develop a diversified space program of exploration, science and applications. The Soviets developed upper stages for their SS–6 ICBM, and were now able to orbit payloads up to 16,000 pounds and send to the moon payloads of 3,500 pounds. In contrast, the United States was still limited to earth-orbit payloads of less than 5,000 pounds and lunar payloads of less than 400 pounds.

By the end of 1960 the United States and the U.S.S.R. space programs compared as follows:

U.S.S.R.

First earth escape payload.
First impact on moon.
First photos of far side of moon.
First recovery of animals from orbit.
Eleven launches to date; 9 successes, 2 failures.
Four orbital tests of spacecraft for manned space flight.

United States

First TV pictures from space.
First weather satellite.
First navigation satellite.
First recovery of a payload.
First active repeator comsat.
66 launches; 34 successes, 32 failures.
Suborbital test of spacecraft for manned space flight.

During the next five years the United States overcame the Soviet lead in space. Although the Soviets were first to orbit a man, conduct extravehicular activity and orbit a multi-man spacecraft, the United States program matured into a reliable, many-faceted effort. The Soviets now possessed a booster to orbit payloads of 30,000 pounds, but the Saturn 1B was available to do the same. The Atlas-Centaur vehicle gave the United States capability to send 2,300 pounds to the moon, and the Titan family of launch vehicles provided a range of payload capabilities including the Gemini spacecraft.

In terms of total payloads orbited, the United States was far ahead of the Soviets by the end of 1965. The United States had orbited or sent on lunar and planetary missions a total of 355 payloads. The Soviets had successfully launched only 166 payloads. The United States had accrued a total of 702 hours of manned space flight (9 flights and 14 astronauts), while the Soviets had acquired 432 hours of flight time (8 flights and 11 astronauts). Although the Soviet Voskhod spacecraft was bigger than Gemini (12,500 pounds and 3 men versus 8,000 pounds and 2 men), the Gemini program produced results and experience of far greater benefit to future manned space flight.

Today, the United States is ahead of the U.S.S.R. in space exploration and applications. In manned space flight the Apollo program is a clear indication of victory in the race to the moon (if there ever was a race). The Saturn V vehicle can boost into earth orbit or to the moon far more than any demonstrated Soviet booster. The United States has a variety of launch vehicles for scientific, communications, navigation, meteorological, planetary, and military payloads. While the early Soviet boosters seem to be highly reliable, their attempts with newer vehicles have not been so successful.

If the Soviets are ahead in some aspects of space activity, it is probably in terms of military oriented vehicles. The Soviets have tested maneuvering and automatic docking spacecraft that may have space defense applications. They are also known to have tested a vehicle in a fractional orbiting bombardment role. The U.S.S.R. also has much greater experience in highly elliptical orbits, although the value of such operations is not totally clear.

In summary, the Soviets gained an early advantage in space by immediately applying military hardware to space activities.

From their first accomplishments in placing payloads in orbit, the Soviets vigorously developed an increasingly potent capacity. The rate of annual space events has increased from three to six in the early sixties to 60 last year. As evidence of capacity, the Proton is now in their family of Space Launch Systems (Figure 3) and its existence indicates a preceding design effort of considerable magnitude.

Boosters and spacecraft of many types are seen associated with a variety of space missions. These range from upper atmosphere exploration and near-earth communication uses to deep space probes; from circumlunar photographic exploits to earth-orbiting manned flights. An extrapolation of the past trend of spacecraft development, the increasing power of their boosters, and the obvious necessity for a prior and expanding technological base indicates that they do have the potential to accomplish all of these objectives. Recent failures in the Soviet space boost program indicate that the U.S. now leads the U.S.S.R. in large space booster application.

Once the United States made the Apollo lunar landing commitment, the United States began to overtake and pass the Soviets. At this point in time the United States has an advantage in almost all areas of space technology, and the kinds and uses of United States space systems are providing benefits to the United States and other countries as well. While comparison with the U.S.S.R. space program is difficult due to the secrecy with which they treat their efforts, there is little doubt that the United States is far ahead in space at this moment.

Quality of output

It has been popular to credit the Russians with the ability to produce in quantity but to discredit the efficiency, effectiveness and sophistication of their creations. Soviet space systems are less efficient and sophisticated when compared with the U.S. Saturn.

As an example, native turbojet engine designs, which were something less than efficient in the late 1940's, evidenced a two-fold improvement in thrust-to-weight ratio by 1954. In this, they benefitted from the use of designs procured from Great Britain and performance has steadily improved with afterburning turbojets and turbofans as well (Figure 5).

Engine life of Soviet designs prior to 1962 was notoriously short, none having a time-before-overhaul in excess of 500 hours. Now, they have set a goal of 5,000 hours for commercial engines and the improvements of several designs, notably the AI–20, would indicate this is not unrealistic. The concerted effort which boosted the Evchenko AI–20 engine from a TBO of 500 hours in 1955 to 4,000 in 1965 has set the pace for all other designs (Figure 6).

The thrust capacity of liquid rocket engines has climbed from near 80,000 pounds in 1948 to that of the Proton now in the three million pound class, and there is evidence that current programs may yield designs of seven to ten million pounds capacity.

In liquid propellants, significant improvements in the delivered specific impulse (lb-sec/lb) are noted. Extensive research effort in fuels has resulted in a change from 208 lb-sec/lb in 1948, using ethyl alcohol and liquid oxygen, to 352 lb-sec/lb of the RD–119, developed between 1958–62 and using unsymmetrical dimethylhydrazine with liquid oxygen. The scope of present research and

development effort include high energy liquid hydrogen, liquid fluorines and fluorine compounds and mixtures.

Fighter aircraft speed has increased from about 500 kph, circa 1952, to 1700 kph today; and in the same period altitude capability rose from 56,000 to 72,000 feet. Soviet success with VTOL and variable geometry aircraft designs was evident at the Domodedovo Air Show in 1967 and the plans, goals and development resources for future improvements can be presumed to persist. The fact that the Soviet E–266 was able to take two world records from the F–12 indicates a level of technology approaching our own.

In regard to their missiles, even without direct evidence beyond the sheer numbers and improving propulsion technology, it would be rational to assume that a major portion of the research effort has been devoted to making these accurate as well as powerful. The association of skills and equipment required to match brute force and finesse are very evident in their space activities.

In summary, the USSR has, in the past decade, improved their output quality in most technological areas. However, the U.S., a decade ago, had a better technological base and that lead has not been lost. The changes noted in USSR capability involve what is produced and deployed, rather than in technological supremacy.

Flight test facilities

The qualification of all the unique designs emerging from the technology base, at the time when these begin to take final shape, requires a compatible investment in flight test resources. Some idea of the test program investment can be realized from the open literature.

A recent article in the French magazine *Air et Cosmos* presents a comprehensive study of the distribution of Cosmos satellite launchings from three complexes: Tyura Tam, Kapustin Yar, and Plesetsk (Figure 7). Some indication of the magnitude of outlay in site preparation and the existence of essential launching and tracking equipment can be gained from looking at the ascending numbers of tests at Tyura Tam between 1962 and 1965. Also, an indication of increasing investments is apparent in the rise of activity at Plesetsk. At Kapustin Yar, activity apparently proceeds at a steady pace, while the drop in TT's activity concurrent with Plesetsk's activation has returned in 1967 to nearly the same peak achieved in 1965.

While these are space-oriented activities, these same locations and, additionally, Sary Shagan, are used for missile testing. Kapustin Yar was identified in this capacity in 1955, Tyura Tam in 1957, Sary Shagan in 1960, and Plesetsk in 1966.

For aerodynamic systems testing, the Flight Test Institute near the village of Ramenskoye (southeast of Moscow) has been mentioned in Soviet literature since 1945. It has the chartered responsibility for development qualification and flight certification of all aviation industry products. To support the impressive output of prototypes previously discussed, the growth of this institute has probably kept pace.

The Central Institute for Aviation Motor Building, known as TsIAM, is responsible for environment testing as well as research for air breathing propulsion. Equating this responsibility with the engine designs known to have been qualified over the years would indicate that human and facilities resources in sufficiently growing quantity have been invested there. The same can be said of a facility (near Moscow) where rocket engines have been tested since 1946. There have been more recent indications of related activity with missile and space design at other locations in the USSR.

Investment in these facilities is reflective of a deliberate emphasis on design refinement and development qualification testing initially at sea level static conditions, then in simulated environments and finally in the real environment. Consonant with the deliberate character of all their R&D effort, this procedure indicates a formal, routine demand for highly comprehensive assessment of design specification success for each industry's product.

The initial growth of U.S. rocket engine test stands, particularly those devoted to liquids, was substantial through 1961. The growth of solid propellant test stands, though later in time, has likewise been significant. The availability of test stands within the USA, though considered to be adequate, has progressed at an annual rate well below that of the Soviets.

Air breathing engine test facilities in the U.S., though substantial, are not capable of providing simulated environmental testing throughout the performance envelope for present and potential high thrust, large mass flow engines.

The USAF major aerospace system flight test facilities at Edwards AFB and at Holloman AFB represent a sizable complex of modern configuration for full-scale flight testing of aircraft and associated systems. The missile and space launch vehicle capability existing at the Air Force Eastern and Western Test Ranges has provided and will continue to provide substantial full-scale ballistic missile and space launch vehicle testing capability.

In summary, the expansion in the U.S. of large ground aerospace test facilities for large-scale environmental simulation throughout the potential flight corridor has been based on known system requirements rather than on projected technology. Also the average number of systems introduced into flight test has been decreasing in the last five years.

Design capacity

We have, so far, been mostly attentive to the returns—completed subsystems and systems—emerging from technological investments. In the other direction, a look at the nature of those prior investments rounds out the picture.

Vehicles put through the wring-out of flight testing display the character designed into them. To accomplish design functions there must be investments in skilled design, manpower and appropriate facilities. The aerospace design bureaus have grown considerably since the mid-1930's in number as well as total personnel. [Deleted.] These bureaus represent a considerable measure of capability for aerospace achievement because they exist to formalize research findings in terms of flight hardware. Each one, also, had to be equipped earlier for the realization of systems now flying.

The U.S. development effort in air breathing propulsion has been characterized by a rather non-universal resource growth investment. New engine developments (MQT) per year have decreased about 65% from 1957 to the projected mid-1970 time period. However, there has been a steady improvement in engine performance, reliability, and maintainability. It is important to note that although there are relatively few (10) MQT development programs from 1967 to 1978, there were and are many demonstrated technology programs which did significantly advance the gas turbine state-of-art, and laid a firm foundation to predicate future engine developments.

The U.S. rocket propulsion industry has demonstrated a significant capability to develop and engineer liquid propellant engines and solid propellant motors to meet most any requirement. Significant improvements in payload capability for the same weight missile or for missiles of the same envelope can be and will be achieved within the next five years.

The U.S. started construction of rocket engine test stands earlier than the Soviets [Deleted.]

The U.S. growth of liquid-propellant rocket engine test facilities from approximately 4.2 million square feet in 1961 to 6.0 million square feet in 1968 represents a 43 percent increase in the resource investment over this 7 year period. [Deleted.]

Similarly, the growth of U.S. solid-propellant test facilities represents an increase from approximately 3.7 million square feet in 1961 to 5.7 million square feet in 1968. The U.S. increase was 54 percent; [deleted].

The U.S. capability for simulated environmental testing of an after-burning Mach 3 engine to 80,000 foot altitude is limited to a 50,000 pound thrust engine. This capability was attained in 1956 and it has not been increased since that time, even though the current supersonic transport is in the 63,000 pound class.

While both the U.S.A. and the U.S.S.R. are pursuing research and development aimed at advancing the state-of-the-art along a broad front, it appears that the U.S.S.R. may be taking a somewhat more aggressive approach, and its potential, due to current and recent past investments in facilities and trained manpower, may exceed that of the U.S. As a second point, it appears that the U.S.S.R. is actively and very aggressively pursuing the translation and adaptation of new technology into engineering prototypes of new systems and equipment. This follow-on development engineering is an important and essential step in providing an effective aerospace capability.

Technology Areas

Lasers

We have no indication that the United States leads the U.S.S.R. in any facet of laser or radar technology. Although the United States has expended a great deal of money in these two areas, almost all of our fundamental technology is unclassified and available in the open literature. Our open society provides the U.S.S.R., with their closed society, a broader technological base from which to work. It is now apparent that the Soviets have solved some, but probably not all, of their materiel problems which are apparent in earlier years. The Soviets have achieved a highly developed laser materials technology wherein a variety of large laser-quality crystals can be readily grown and doped to user specifications. The U.S.S.R. has now built nearly all of the more useful types of lasers that are now available in the U.S.

The Soviets have conducted experiments using intense laser pulses incident on Lithium Deuteride (LiD) for the attempted achievement of controlled thermonuclear reaction.

Nuclear technology

Through 1963, the Soviets stressed testing of high megaton (up to 55 MT) nuclear bombs whereas the U.S. was primarily interested in better yield to weight ratios in small weight nuclear weapons [deleted]. The U.S. emphasis was because of our military requirements which resulted in small delivery boost systems. The U.S. has a demonstrated capability for [deleted] MT, and it is believed that we could with relative ease develop larger megatonnage if thought desirable. [Deleted.] Their detected underground testing program is only about 40% of ours. However, they indicate a dedication to peaceful uses. The use of Soviet nuclear reactors for marine submersible propulsion systems shows that 30,000 shaft horsepower is developed, [deleted]. The new Arktika icebreakers reportedly will have 60,000 shaft horsepower.

Radar technology

Soviet radar technology stresses simplicity, ruggedness, maintainability, and reliability in design but their radars meet the basic operational requirement. Where the requirement exists, the Soviets are technologically capable of developing and producing radars with improved features for antijamming; with increased range target detections, and mobility; with jamming; with decreased size

and weight; and with greater ease of maintenance.

Antenna systems such as those employed in the Dog House, Hen House, etc. radars indicate a trend to more complex designs. Their theoretical knowledge as shown in published articles and the many complex signals intercepted indicate that Soviet signal-processing technology is on a par with that of the U.S. The Soviets may lead the U.S. in application of some advanced signal-processing techniques. The U.S. micro-miniaturization, new synthetic materials, etc. indicate a lead in this technology.

In operational use, the Soviets make more use of standardized equipments in multisitings instead of developing more sophisticated equipment, thus requiring greater manpower but less funds. Recently, however, new, more sophisticated equipment, such as Flap Wheel, and Long Track, has begun to appear at operational sites.

In the naval area the latest USSR ships are equipped with more separate radar equipments than their U.S. counterparts. In current R&D the U.S. Navy is moving toward consolidation and multi-function approaches.

The Soviet Navy does not employ as wide a spectrum of radar technology as the U.S. Navy does. This is considered a matter of choice since there does not appear to be any fundamental reason keeping the USSR from any radar application they consider necessary or advantageous.

IR and night vision

The Soviet Union and Bloc countries have an extensive research effort on active infrared optical materials which is comparable to that of the U.S. The USSR has engaged in a massive effort to develop, produce, and install active infrared sensory devices. The Soviets have a larger quantity of active infrared night vision system deployed on their military vehicles than the U.S. [deleted]. The Soviets could possibly be expected to improve the range of their active systems by replacing the tungsten filament infrared sources with more intense illuminators, such as the xenon lamps that the U.S. has deployed.

In this area, naval activity and application on the part of the USSR versus the U.S. is about equal; in IR, the USSR has a history of capability and interest going back at least to the end of World War II. This effort is reflected presently in a variety of operational and developmental devices.

Computers

In the area of computer technology, the United States maintains a significant superiority in components, systems, and software. Although the USSR continues to increase their level of R&D activities in this area and the high quality of specialists in fields such as semiconductor technology, there appears to be a U.S. superiority of at least 3–5 years.

SOD ME NOT UNDER THE 18TH GREEN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. MAZZOLI. Mr. Speaker, regardless of flared tempers, deflated egos, and bent clubs, golf remains one of our Nation's leading sports.

Surely, much of the popularity can be attributed to the variety of shapes, ages, and skills of the people who play. But, the enthusiasm and stanch devotion of many "duffers" is also an important factor.

I ask the rhetorical question: Of the thousands of golfers extant, who can match the eternal dedication of Edward Faber exhibited in a recent article by my friend Cliff Loeffler in the Mid City Star of July 15, 1971? Mr. Speaker, I would like to insert, at this point in the RECORD, that article entitled "Sod Me Not Under the 18th Green":

SOD ME NOT UNDER THE 18TH GREEN

(By Cliff Loeffler)

A Massachusetts man has been buried beneath the 18th green at his favorite golf course. I guess he was dead.

If I am ever buried on a golf course it will be because I committed suicide there and no one would drag my body away.

Golf is an incredibly stupid game. Hit a ball and then look for it and then hit it again. I don't know why I play. Tennis is really my game but I can never get a court. It has been 24 years since I played tennis which will give you an idea how crowded the courts are—and how hard I've tried to get one.

I often tell people I was once tennis champ of Port Huron. Usually, I tell them after I play golf with them. I want them to understand that golf is too slow a game for an athlete of my vigorous abilities. Any old man can play golf, I tell them with a sneer as I pay what I owe for losing 18 holes, 3 balls and 1 friend who was my partner.

"Yes," the golfers with my money usually say, "but fat old men can't play tennis so it is easy to see why you switched to golf."

That's another thing I've discovered about golf—a lot of wise guys play it. They are always saying things that upset my game and my stomach.

For instance, I slam my usual drive smack down the center, at least 30 feet. "That won't hurt you," says Harvey Hustler. What he means is that lousy drive won't kill me, it will just leave me maimed and limping. It is the lousiest shot he ever saw and 15 more just like it might get me on the green which is that pretty patch of grass with the hole in it in case I've never been there before.

Another thing Harvey often says is, "You had the distance." This means I should have hit the ball 200 yards and, by golly, I did hit it 200 yards. The trouble is I should have hit it north but I hit it south.

The reverse of this comes when Harvey says, "You hit it right on line." This means I pounded that ball stright at the hole, 350 yards away. But the ball went only 20 yards.

And at the end of the game as he takes my money, Harvey explains that I got a lot of tough breaks out there today, while he was lucky, and if a couple of putts had dropped for me it would have been a different story, fella, and my game is getting better all the time and I'm sure to get my money back next week.

Harvey knows it wouldn't help my game if I were Arnold Palmer's little brother. He knows if a long putt had dropped for me I would have got 7 on the hole, instead of 8. He knows I have been playing the stupid game for 15 years and I still address the ball as if I'm afraid it will attack my right foot. He knows all these things but he still mouths the bologna for fear I might quit playing him and he'd have to get his booze money by some more honorable means—such as pawning his mother's wheelchair.

The only time Harvey's language gets precise is when he asks for my score on a hole.

"Let's see." I say, and then I get a faraway look in my eyes and move my lips slowly as my mind backtracks through 2 traps, the right rough, the woods on the left, a rockpile, the freeway, the bushes by the pro shop and that lake where 2 fishermen threatened to sue. "I think I got a 5."

"You got an 11," Harvey says, and writes it down—in ink.

I don't know what bugs me worse, his fountain pen or the money changer he wears on his belt.

But back to the Massachusetts man. I wasn't kidding. His name was Edward Faber and his ashes are buried beneath the 18th green at Stow Acres Country Club in Stow, Mass. Cremation was necessary because the greenskeeper didn't want lumps in the green.

Faber requested the unusual burial site in his will. "He just loved the game so much and this is what he really wanted," his widow explained.

Owners of the club are so enthusiastic about the idea they plan to erect a plaque to mark the grave. The possibilities do appear promising. Why not a grave or two at every green, and perhaps some by the traps and rough? A guy wouldn't mind attending a funeral if he could chip up onto the burying surface. Of course, the undertaker would have to add a few services—such as caddies for pallbearers—but I'm sure all such problems could be solved with a minimum of keening.

Just so long as slow funerals allow faster funerals to play through.

THE WALL STREET JOURNAL LOOKS AT DAVID PRYOR

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. KYROS. Mr. Speaker, it was with the greatest pleasure that I picked up the Wall Street Journal of August 2 to note an extensive feature article by staff reporter Norman C. Miller about my distinguished colleague and good friend, Congressman DAVID PRYOR of Arkansas.

This young man, whom I have come to know and greatly admire in our 5 years together in the Congress, has consistently impressed me with his competence, and his sense of genuine commitment and sincerity. As Mr. Miller's article points out, the attention which Congressman PRYOR is now receiving is due to his hard work here in the House and his deep devotion to the senior citizens of this country. Congressman PRYOR richly deserves this attention, Mr. Speaker, and for that reason I am pleased to insert this article in the RECORD, for the benefit of my colleagues who may have missed it.

The article follows:

IN SEARCH OF FAME: A CONGRESSMAN FINDS IT'S POSSIBLE TO EMERGE FROM FACELESS CROWD

AN ISSUE PROPELS REP. PRYOR, BUT HE TAKES SOME RISKS; BEDPANS AND A BARBECUE—A HAVEN FOR HOWARD HUGHES?

(By Norman C. Miller)

WASHINGTON.—The 435 members of the House of Representatives are a diverse lot, but the vast majority—Democrat or Republican, liberal or conservative—do have one thing in common: Hardly anyone outside their own districts has heard of them.

Amid the capital's swarms of Senators and administration celebrities, most Congressmen find they are merely anonymous faces on the crowded House floor. "Howard Hughes would be delighted to be a Congressman," grumbles Rep. Thomas Rees, a California Democrat.

But anonymity is the bane of ambitious young Congressmen. Being unknown is not the way to influence policy or to become a Governor or a Senator. Their common objective is to somehow make a splash, but that isn't easy. The elderly barons who control the House do not like pushy upstarts taking the play away from them.

Occasionally, without offending House elders, a junior Congressman seizes on a neglected issue and makes a name for himself. Just lately, Connecticut GOP Rep. Robert Steele has won headlines by calling attention to widespread drug use by troops in Vietnam and accusing South Vietnamese officials of drug peddling. All of which brightens the 32-year-old freshman's political prospects.

RISKS IN POPPING OFF

More often, though, a young Congressman must risk the wrath of the House establishment to win notice. Indeed, baiting the establishment is becoming a favorite tactic of some who have no intention of making the House a career. Thus California Rep. Jerome Waldie infuriated House regulars last year by calling on fellow Democrats to oust aging Speaker John McCormack (who subsequently retired). But Mr. Waldie's dump-McCormack campaign helped build him up as a potential 1974 gubernatorial candidate in California.

Those who pop off, however, risk becoming laughing-stocks among other politicians and the press. The colorful antics of New York freshman Democrat Bella Abzug, a women's liberationist, are attracting attention—but also ridicule from some quarters. Displays of overweening ambition tend to antagonize colleagues. Michigan GOP Rep. Donald Reigle has become a pariah to many Republicans partly because of his brash talk of some day becoming President.

Breaking out of the pack in the House, then, is a tricky business. It requires spotting a good issue early, skill in handling the issue, and luck. Being telegenic helps greatly. And it's a fillip if a Congressman can break away from stereotypes; a liberal pushing a liberal cause or a conservative pushing a conservative cause tends to be taken for granted.

Arkansas Democrat David Pryor is among the few who have hit on the right combination. While his name is hardly a household word, the 36-year-old third-termer has lately attracted increasing publicity as a champion of old-folks' interests.

The favorable publicity may help propel this Arkansas moderate into a Senate seat. The handsome, blackhaired Congressman currently is surveying his chances in a possible Democratic primary race next year against 75-year-old Sen. John McClellan. A reputation as a crusader for the elderly would be no small asset for Rep. Pryor if, as seems likely, he decides to challenge the Senator. The Congressman's most recent newsletter to constituents notes pointedly that "Arkansas ranks seventh in the nation in percentage of its population age 65 and over."

Of course, all politicians routinely profess their devotion to old people. In a way, that makes Mr. Pryor's success in establishing himself as a spokesman for the elderly all the more remarkable. He has done it by going beyond rhetoric. Projecting a low-key, sincere concern, he has imaginatively focused attention on the problems of the aging.

ON-THE-SCENE RESEARCH

Mr. Pryor's first House speech 17 months ago about bad conditions in nursing homes contained a surefire attention-grabber: the disclosure that his charges were based on his personal experiences as a volunteer worker on weekends in Washington-area nursing homes. (The nursing-home operators didn't know he was a Congressman.)

"I saw loneliness and despair, I saw filth and anxiety," he told the House, reciting cases ranging from a home's failure to call a doctor when a patient suffered a heart attack to a failure to cut food into bite-sized portions for old people unable to help themselves.

The image of a Congressman carrying bedpans in his off-hours is the sort of thing that attracts press coverage, and Mr. Pryor's speech got plenty. His account of his experiences dramatized the larger issue he raised: that huge expenditures under the medicare and medicaid programs were "luring fast-buck entrepreneurs into this highly subsidized but loosely controlled industry."

Months of research, prompted by the unhappy experiences of an elderly relative in a nursing home, had convinced Rep. Pryor that neither federal agencies nor state and local governments were adequately supervising nursing homes. Any doubts that he had touched an issue of wide concern were erased by the response to his speech. Speaking invitations and mail from all over the country arrived in the office of the once-obscure Congressman. The nursing-home industry reacted angrily to his charges, generating still more publicity.

In time, more than 10,000 letters complaining about nursing homes piled up in Rep. Pryor's office. Responding to invitations, the Congressman held forums on nursing-home problems in a half-dozen cities. He became a sought-after speaker and expanded his topic to the general problems of the elderly. All this so impressed the National Council of Senior Citizens that it cited Mr. Pryor as "Congressman of the year" in 1970.

MORE HEADLINES

But these publicity successes weren't mirrored by progress in Congress, perhaps because Rep. Pryor's legislative ideas weren't very imaginative. He had limited himself to proposing creation of a special House committee on the aging. (The Senate set up such a group years ago.) In a body glutted with committees, the idea of another one was greeted with indifference by many and outright resistance by some powerful members of the 11 panels already claiming partial jurisdiction over programs for the elderly.

For more than a year, Mr. Pryor worked quietly to persuade the Rules Committee to clear his measure for a floor vote. Buttonholing other Congressmen, he signed up 235 cosponsors of his resolution calling for a committee on the aging. Still, House leaders didn't budge; they said there was no room in the three House office buildings to quarter another committee, and they declined to pressure the Rules Committee to clear the Pryor resolution.

(The Rules Committee chairman, 81-year-old William Colmer of Mississippi, perhaps had an extra incentive for denying Mr. Pryor the aging committee, which by House custom the young Congressman, as the chief sponsor, would chair. At the 1968 Democratic presidential convention, the moderate from Arkansas voted against seating the conservative white delegation from Mississippi and in favor of a rival delegation including blacks.)

Stymied by the House establishment, Rep. Pryor fell back on his talent for dramatization. If the House wouldn't establish an aging committee, he announced in June, he would set up a "trailer committee" to work on the problems of the elderly. With that, he borrowed $1,350 from a bank, rented three trailers, installed them on a vacant lot next to Joe's Gulf Station three blocks from the Capitol and put 17 student volunteers to work.

This heretical act produced headlines—such as "Pryor Opens Government in Exile"—and helped to illustrate the Congressman's theme that "older Americans are an abandoned generation."

More publicity was generated a few weeks ago when Rep. Pryor threw an "Arkansas catfish fry" in the lot next to Joe's gas station. Over 2,000 people showed up, mostly old folks and politicians. Tiny Meeker and his Dixieland combo played, one politician sang, "The Impossible Dream," the crowd stuffed itself with catfish, hushpuppies and watermelon, and more than $10,000 was collected to finance the trailer committee (enabling Rep. Pryor to repay his $1,350 loan).

The hoopla, however, didn't sit well with House veterans. "Pryor has blown his chances for getting his (formal) committee by having that barbecue or whatever the hell it was," growls a veteran Rules Committee member. "He's making a circus out of the thing."

But Mr. Pryor's critics find it hard to put him down as just a publicity-seeker. Polite, unassuming and soft-spoken, the young lawyer seems the antithesis of a glib headline-hunter. "I'm convinced Dave Pryor is sincere about this issue," says one House member. "When he was seeking support for an aging committee, he wasn't saying to the members privately, 'come on, climb aboard because this is a good thing politically.' He really is upset about the problems of the old folks."

Mr. Pryor says he decided on the trailer committee in desperation after waiting more than a year for the House to create a committee. "I'm basically one who works within the framework of the system, but I don't like to roll over and play dead when the system doesn't respond," he says.

The publicity attracted by the trailer committee will probably lead to considerable press coverage of legislative recommendations Mr. Pryor has promised when his student volunteers finish their studies in September. One possible recommendation: creation of an Office of the Aging to coordinate various agencies' programs affecting old folks.

Whatever effect such recommendations may have, Mr. Pryor maintains that the publicity already generated has helped the cause of the elderly. "We've demonstrated that the problems of elderly Americans haven't gotten top priority in Congress," he says. "I think we've been able to take this issue at least a few rungs up from the bottom of the ladder."

Undoubtedly he has also helped himself politically. His entire campaign for old folks has been well covered back in Arkansas, though one state newspaper editor contends that all Mr. Pryor is doing is "playing for popularity with a safe issue."

While cultivating old folks, Rep. Pryor also has organized a campaign this summer to register newly enfranchised young people in Arkansas. His moderate politics might well appeal to youth in a primary race against the conservative Sen. McClellan. Observing Mr. Pryor's activity, one Arkansas newspaper recently commented: "We think he'll make the race. . . . The young Congressman might stand a better chance against the Senator than any of us imagine."

Rep. Pryor would have to give up a safe House seat to run for the Senate. He has had no opposition in the two elections since he won his House seat in 1966. Nonetheless, Mr. Pryor sounds ready to gamble on a Senate race.

"It's somewhat frustrating to know that if I stay in the House and survive . . . then sometime around the year 2000 I may become the chairman of the Appropriations Committee," he says. "It's a long time for an impatient man to wait. . . . Security is something that has never interested me."

RYAN FIGHTS FOR FUNDS TO END LEAD PAINT POISONING

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. MIKVA. Mr. Speaker, childhood lead poisoning has been called the silent epidemic. Its symptomatology is diffuse; public awareness is barely more than minimal. Yet the disease is a deadly one.

Annually, it takes the lives of some 200 children. Another 800 children are permanently institutionalized each year because of the gross brain damage they suffer. Moderate to severe brain damage afflicts another 3,200. All told, there are some 400,000 children who annually exhibit elevated blood lead levels, according to the Department of Health, Education, and Welfare.

Last year the Congress passed the Lead-Based Paint Poisoning Prevention Act, Public Law 91–695, and on January 13 of this year the legislation was signed into law. Since then, the struggle has centered around obtaining funds to implement this act, which constitutes the means to mount a concerted federal assault on a disease which is preventable, yet which is today more prevalent than was polio prior to the advent of the Salk vaccine.

A leader in that struggle has been my distinguished colleague from New York (Mr. RYAN), with whom many of us have joined in an effort to overcome the resistance of the administration to properly funding the Lead-Base Paint Poisoning Prevention Act, Public Law 91–695.

The July 23, 1971, issue of Commonweal magazine carries, as its lead editorial, a discussion of childhood lead poisoning and BILL RYAN'S efforts to obtain funds to fight it.

I commend this editorial, entitled "Murder by Neglect," to my colleagues:

"MURDER BY NEGLECT"

In one way the problem of lead poisoning in children is a small one. It is not without genuine pathos for those who come in contact with its victims, but it lacks the sweep and drama of the Vietnam war or the fate of a supersonic transport or even the elimination of a whole species of bird or animal in the ecological squeeze. Yet in some ways the lead poisoning problem offers a more accurate index of our national priorities than any of these things.

The first thing to note, perhaps, is that the lead poisoning question involves not just a child here or there but an estimated four hundred thousand of them. All are endangered by this strange urban "disease," a deadly hazard for those children who eat chips of lead-based paint as it flakes off the walls and woodwork in old apartments. Exactly why children eat these chips is not known, although some speculate that it may reflect some dietary lack, but one point is clear: children do in fact eat the paint chips, and a relative few of these daily over a short period of time can cause death or permanent damage to the brain. Congressman William F. Ryan of New York is quoted in the Times as saying that about 200 children die each year from lead poisoning and that about 800 others suffer such severe brain damage that they must be cared for in institutions for the rest of their lives, at an annual cost of more than $3 million. Another $5.6 million a year is spent to care for the several thousand other children who suffer less severe aftereffects.

The lead poisoning problem is thought to exist in almost every American city, and most have no organized program to deal with it. What is needed is not simple repainting but a scraping away of all the layers of lead-based paint accumulated over the years, then repainting with lead-free paint. The problem is extensive, and it is one that slum landlords have shown themselves unwilling or unable to cope with. It is for this reason that Congressman Ryan introduced a bill last year authorizing a $25 million effort to fight lead poisoning. The Administration was reluctant to spend this kind of money, however, and has now asked Congressional authorization not for $25 million but for $2 million—not even enough for one good fighter-bomber and less than the amount that New York City alone spends just on lead-poisoning case-finding and inspection.

How is one to describe this approach to a problem that condemns hundreds of children to lingering death and others to just-less-than-fatal brain damage and life ever after in a vegetable state? What is one to say about official reluctance to spend what Congress is willing to appropriate for this matter? One doctor who testified in the matter called the Administration's conduct "obscene" and an "act of murder by neglect." This sounds, perhaps, like a harsh judgment, but it is not one we can quarrel with. In the total catalogue of the world's ills, the lead poisoning problem may be relatively small, but it is a problem of manageable size and one on which official reaction may tell us a great deal about ourselves. Are we about to demonstrate that we care no more about thousands of children in American slums than we do about other thousands of children in Vietnamese villages? The decision soon to be made in Congress and the Administration reaction to it will provide the answer.

PLAIN DEALER EDITOR REEVES RETIRES

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. JAMES V. STANTON. Mr. Speaker, Russell H. Reeves, the distinguished day managing editor of the Plain Dealer, retired last week after 44 years with the newspaper.

He played a leading role in helping the paper become Ohio's largest newspaper. Mr. Reeves and his successor, Louis B. Edwards, are probably the two best known editors on Ohio college campuses. For the past several years they have been in charge of recruiting new reporters for the Plain Dealer.

In tribute to Mr. Reeves' many accomplishments, I wish to place the following article in the CONGRESSIONAL RECORD.

PD'S REEVES RETIRES AS MANAGING EDITOR; WITH PAPER 44 YEARS

In a formal report to the Plain Dealer personnel office, terminating his employment, Russell H. Reeves, day managing editor, answered a question, "Would you recommend he be rehired?" this way: "No, I'm tired of seeing this guy around here."

Rus Reeves, a tall, serious and scholarly looking man, who has his moments of humor, is retiring today after 44 years with this newspaper.

No one at The Plain Dealer, of course, is tired of seeing Reeves around. As another of the editors of the newspaper said yesterday: "If there had been no Rus Reeves around here, you would have had to invent one."

This is the tribute: Reeves, loyal, steady, quiet, devoted to The Plain Dealer and to his work. Not for one year, but for 44 years. He began as a reporter, covering police news, and he rose, quietly, steadily, to one of the top posts on the paper.

Reeves always wears a bow tie. People at The Plain Dealer don't remember him ever wearing any other sort of tie. He said: "Well, I've always found it was the simple way of handling things: no dangling tie to get in the soup or the gravy or the machinery."

And his nickname he always has spelled with one "s," not two. Probably again for simplicity. He says he figures over the years he's saved 10 minutes that way.

These little things help explain a man.

Today, his associates on The Plain Dealer will say goodby to Reeves as he leaves his office for the last time. On Aug. 10, at the Downtowner Motor Inn, 1800 Euclid Avenue, at a luncheon, they are giving him formal farewell.

Unlike many people who retire, Reeves and his wife, Dorothy Elizabeth Warner Reeves, will remain in Cleveland. Their home, a condominium town house, is at 27801 Mills Avenue, Euclid. They have three sons.

Reeves, a native Clevelander (born July 17, 1905), went to East Technical High School. He was graduated in January 1923. He went to East Tech because it then had the best journalism training and journalism was going to be his life's work. His father, Clarence R. Reeves, was a job printer and that's how Rus' interest began. While he was at East Tech, in fact, he had a paper he published by mimeograph for young people of Boulevard Presbyterian Church, which is St. Mark's now.

"I was one of the fortunate kids, I guess. I always knew what I wanted to do," he said.

Young Reeves edited the East Tech Scarab. He also, of course, took a lot of technical work there, like applied optics, drafting, pattern making, machine shop, but he said: "I'm sure they thought I was the most inept student they ever had. I remember one teacher said to me: 'Reeves, I'm sure you don't know which end of a nail to pound in, but I'm going to pass you.' "

He went on to Ohio State University, from which he was graduated in 1927. There he edited the Lantern, the student paper. He was campus correspondent in Columbus for the PD in his last two years. He tried to get summer work at the PD in 1924. There was none, but his name was kept on file.

"Then, at the time of the Lorain tornado that summer, the paper used me on the story and I worked a couple of days," he said, but it wasn't until July 1, 1927, that he started his long continuous service, which had him working nights for 36 of those 44 years. He said: "It was a jolt to come to day hours, but I adapted easily."

Reeves worked at the old Champlain Street police station, back in the days when Cleveland's Chinese were engaged in tong wars. Then he did suburbs—he was a one-man suburban department and even handled elections alone. There weren't so many suburbs then, but he had some wild ones, as he said; Linndale, for example, where they used to have gun fights.

Later, he became a copy editor and makeup editor, assistant news editor, news editor, assistant managing editor. He wrote a column for more than 30 years, starting as a review of the news and then moving into interpretation, focusing on national news. He stopped writing the column when he was named managing editor, in 1963.

In his office, Reeves has a sampling of newspaper mats of front pages of great stories he handled in makeup and as an editor, many of them war stories in the 1940s.

He said: "One little triumph, I remember—you know, you have little triumphs and big failures in life—was at the time the Remagen bridge was taken by U.S. forces in Germany during the war and I was night managing editor that night and I remembered that there was a woman, Dr. Sara Watson, an engineer, who was interested in bridges. I called her up to see if she had a picture and, sure enough, she did, and we were probably the only paper in the country to carry a picture of this famous bridge the next morning."

Reeves has long been interested in church life. He met his wife at a meeting at Boulevard Presbyterian Church. Her father, the

late Rev. Thomas H. Warner, was assistant pastor at Boulevard. His last pastorate was at First Presbyterian Church in East Cleveland, where Rus and Dorothy were married.

Reeves and his wife used to live on Speedway Overlook in East Cleveland—there was going to be a fast highway to the lake near there but it never materialized—and they attended the Phillips Avenue Presbyterian Church. They have moved, but they still worship there, in a changed neighborhood, every Sunday, a 10½-mile trip from home. As a lay leader, he has preached there on some summer Sundays.

"People have asked me why sin is so often news and I tell them: 'Well, there's sin mentioned in the Bible, too,' and I point out that news is the unusual and sin is so often news because, fortunately, good things are more common."

Mrs. Reeves has long been active in church affairs. For nine years, she was a member of the Board of National Missions of the Presbyterian Church of the USA, and she has held a number of offices in chuch organizations, national, state and city. One of their sons, Bruce W., 38, was ordained at First Presbyterian Church in East Cleveland and was associate pastor there. He is now director of pastoral counseling at the Pittsburgh Pastoral Institute, an ecumenical organization.

The other sons are Roger A.—he'll be 41 today—who is employe relations coordinator at Standard Oil Co. (Ohio) here, and Thomas C., 32, who works in Kobe, Japan, as marketing administrator of Eli Lilly Co., the pharmaceutical firm. He will leave Japan today to come to Cleveland on home leave. There are eight grandchildren.

In late August, there will be a Reeves family reunion at Kennebunkport, Me., where Mr. and Mrs. Reeves may do some fishing, a new interest. They plan to travel, and Rus, if the chance comes, would like to do some part-time college teaching. He was involved in education as a member, sometime ago, of the East Cleveland Board of Education.

H.R. 10364, TO INCREASE THE PERSONAL INCOME TAX EXEMPTION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. ANDERSON of California. Mr. Speaker, today, I am introducing a bill which would correct a highly inequitable part of our Federal income tax system, by adjusting individual exemptions in relation to the constantly fluctuating cost of living.

The Federal income tax burden has become one of the heaviest loads carried by our Nation's private citizens. Not only does the United States yearly increase its Federal spending, but the situation is aggravated by a fixed allowance for personal exemptions, in the face of a continually rising cost of living.

Statistics indicate how inequitable this situation has become. In 1948, personal exemptions were set at $600. Since that time, the cost of living has risen over 50 percent, while legislation has increased the exemption by only 4 percent. The Tax Reform Act, which instituted the exemption increase, calls for continued increases up to $750 in 1973. However, that is a net change of only 25 percent—half the present cost of living increase since 1948.

With the inflationary trend in our Nation's economy, it hardly seems likely that this unjust situation will automatically stabilize in the near future. For example, the cost of living rose over 6 percent in 1970 alone, requiring $636 to purchase an item costing $600 in 1969. Thus, at the same time that Americans are facing large price increases on almost every item, the Government leaves the taxpayer with a personal exemption which decreases daily in value.

Businesses, you will notice, have already been excluded from this inequitable situation. Most business exemptions, such as depreciation and depletion allowances, are figured on a percentage basis, so that they increase in relation to rising income or costs. While individual income tax receipts in the past 10 years have increased by 120 percent, corporate tax receipts have risen only 57 percent—less than half the personal income tax increase.

It is time to remedy the situation. By tying personal tax exemptions to the cost of living, exemptions would be allowed to fluctuate in accordance with changing price indexes. Through my bill, the adjustment would be instituted in the following way: In 1973, the final exemption increase of $750 will take effect. From that time on, the Internal Revenue Service will multiply that figure by the annual percentage change in the cost of living, thus arriving at an adjusted individual exemption. Using 1970 as an example, the 6 percent cost of living increase would be multiplied by the $750 exemption, thus adding an additional $45 to each personal exemption. In this way, the real value of a personal exemption is maintained.

American taxpayers have long awaited relief of this sort. I urge careful consideration of this legislation.

TO PROTECT THE PUBLIC INTEREST IN TRANSPORTATION LABOR DISPUTES

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. NELSEN. Mr. Speaker, an editorial which recently appeared in the July 28 edition of the Mankato Free Press addresses itself to the need for the Congress to act upon legislation to prevent crippling work stoppages in the transportation industry. While I realize that the recent rail strike has since been settled, the import of the Mankato Free Press editorial is such that I want to bring it to the attention of my colleagues here in the House of Representatives.

I heartily concur in the observation that if it is important for the Federal Government to prevent a single company from going into bankruptcy, then it is at least as important—and in my view infinitely more important—to our Nation's economy that machinery be provided to end crippling strikes in the transportation industry. We on the House Committee on Interstate and Foreign Commerce have on several occasions been called upon to recommend legislation to end work stoppages in the transportation industry, and in this respect we have been called upon to sit as final arbitrators of a labor dispute when machinery should have been available under which the dispute could have been settled through the process of collective bargaining or final arbitration under a legally established standby process.

Early in this session of the Congress, I joined with our minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), and others in the introduction of H.R. 4116, a bill designed to more adequately protect the public interest in labor disputes involving the transportation industry. President Nixon has urged congressional enactment of such a proposal on repeated occasions, and now that the most recent strike in the railroad industry has been settled, it is incumbent upon the Congress to enact legislation in this important area. For some time now it has been evident that we are anchored in the past with outdated labor management laws which do not adequately protect the greater public interest.

The editorial follows:

RAIL STRIKE VERSUS LOCKHEED

While Congress is debating whether it should save Lockheed Aircraft Corp. and other industries whose bankruptcies might threaten the economy of the nation or an area, a spreading rail strike is already harming not only the economy but inconveniencing all citizens.

Congress, however, is not apt to debate that one.

In spite of legislation offered by two administrations—twice by the Nixon administration—Congress steers very clear of considering any legislation that seeks to offer a formula for strikes, work stoppages or shut downs that affect large numbers of people.

If Lockheed goes bankrupt, which it says it will unless the government underwrites $250 million in loans, some unemployment will result, some stockholders and creditors will face losses. But the aircraft company will be reorganized, most of its assets saved and most of its work force maintained.

If the railroads shut down for any length of time, crops will rot or have to be plowed under—as is happening to the lettuce crop in California's Salinas Valley—food prices will go up, factories lacking raw materials will shut down and a great many more people that work for Lockheed will lose wages.

In our very complex and interdependent economy, far more damage can be done by the strike of a strategically located union than be caused by a business failure.

It seems strange that Congress is willing to debate the administration's proposal to bail out an aircraft company and yet, for six years, has turned a deaf ear on proposals to put limitations on strikes which affect the public interest.

But then the unions are an organized political force and Congress, despite its recent agonizing over the usurpation of its power by the executive, can hardly ever bring itself to face an important question with wide political implications. It much prefers the short-run, crossed-fingers approach. It really is quite happy to let the executive have the mess.

The debate on the Lockheed aid bill is important and involves crucial questions concerning our free enterprise system. But the rail (and other strikes affecting so many people) is of far greater importance as it relates to the public well-being.

Many congressmen—a good number of whom want to be presidential candidates—have been orating of late about the need for priorities.

It might be well if they would take their own words seriously.

POWER COMPANIES' NET PROFIT ROSE SHARPLY IN 1970

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, August 4, 1971

Mr. METCALF. Mr. President, inflationary and unjustified rate increases by utilities are one of the biggest burdens in the family budget. Yet the administration encourages utilities to go after more while opposing legislation—S. 607—which would provide the public with information and counsel it needs to offset the misleading, deceptive, customer-financed presentations of strong utility corporations before weak regulatory commissions.

The 100 major power companies' net profit, after taxes, amounted to approximately 15 cents out of every dollar last year. Twenty-seven of the 100 netted more than 17 percent. Montana Power, with 22.67 percent, led the list.

That company, and others in the high-profit category, now have rate increase requests pending before State regulatory commissions. Montana Power last month asked for a 34-percent increase in gas rates and a 17-percent increase in electric rates. Such a request, by a company with profits unparalleled in the Nation, whose executives receive hundreds of thousands of dollars in hidden emoluments through a succession of stock option plans, would not even be entertained by a public-minded regulatory commission, which would have long ago required substantial reduction of overcharges. But my State, and the States represented by most of us here, have weak regulatory commissions and no consumer counsel.

Electric Light & Power, an industry trade publication, recently published 1970 financial data on the 100 largest power companies, as reported by them to the magazine. Let me quote from the editor's accompanying article:

The total net income recorded by the nation's 100 largest electric utilities proved somewhat surprising in light of the financial problems encountered in 1970. The total, $3.3 billion, was a new record, as expected. But the amount of the increase, $250 million, was unexpected. This amounts to an 8.3% gain for the year. It reflects a marked improvement over both 1969 and 1968, when net income gains totaled 3.4% and 2.8% respectively.

I have verified with the editor of the magazine that one of the companies included in its survey, Virginia Electric & Power, has again misinformed the magazine about its earnings. The magazine asks each company to report its net income. Vepco reported its gross income instead, as it did previously.

The effect of this erroneous report is to make Vepco's profit appear even greater than it is. So as not to compound the error, and with the hope that Vepco's management will eventually learn the difference between "net" and "gross", the table below has been corrected. The company netted 19.25 percent out of each revenue dollar in 1970, rather than the 25.88 percent as reported to the magazine.

Mr. President, I ask unanimous consent to insert in the RECORD the 1970 net profit data on the 100 major electric utilities, compiled by Electric Light & Power and appearing in its June 1971 issue.

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

Power company and net, after-tax profit as percent of gross revenue, 1970

Montana Power	22.67
Idaho Power	22.43
Southwestern Public Service	21.77
Tucson Gas & Electric	20.62
Duquesne Light	20.60
El Paso Electric	20.59
Gulf States Utilities	20.04
Florida Power	19.79
Utah Power & Light	19.71
Oklahoma Gas & Electric	19.43
Pacific Power & Light	19.36
Virginia Electric & Power	19.25
Public Service of Indiana	19.10
Texas Utilities	19.09
Houston Lighting & Power	19.05
Union Electric	18.91
Tampa Electric	18.63
Central Louisiana Electric	18.05
Atlantic City Electric	17.88
Public Service of New Mexico	17.81
Ohio Edison	17.77
Southern California Edison	17.69
American Electric Power	17.56
Central & Southwest	17.51
Kentucky Utilities	17.46
Community Public Service	17.35
Illinois Power	17.32
Kansas Power & Light	16.98
Kansas Gas & Electric	16.72
Nevada Power	16.66
Cleveland Electric Illuminating	16.60
Central Maine Power	16.38
South Carolina Electric & Gas	15.82
Toledo Edison	15.77
Baltimore Gas & Electric	15.74
Delmarva Power & Light	15.60
Louisville Gas & Electric	15.59
Savannah Electric & Power	15.57
Portland General Electric	15.56
Washington Water Power	15.55
Sierra Pacific Power	15.51
Central Illinois Public Service	15.43
Indianapolis Power & Light	15.30
Kansas City Power & Light	15.30
Allegheny Power System	15.26
Southern Indiana Gas & Electric	15.18
Commonwealth Edison	15.15
Pacific Gas & Electric	15.07
Puget Sound Power & Light	15.05
Public Service of New Hampshire	14.92
Potomac Electric Power	14.67
Northeast Utilities	14.40
Florida Power & Light	14.24
Columbus & Southern Ohio Electric	14.23
Northern States Power	14.19
Central Illinois Light	14.16
Cincinnati Gas & Electric	14.10
Northern Indiana Public Service	14.08
Long Island Lighting	14.08
Public Service of Colorado	13.82
Pennsylvania Power & Light	13.68
Wisconsin Power & Light	13.65
Southern Company	13.64
Philadelphia Electric	13.56
New York State Electric & Gas	13.49
Middle South Utilities	13.49
San Diego Gas & Electric	13.22
Duke Power	13.17
United Illuminating	13.15
Hawaiian Electric	13.13
Empire District Electric	12.81
Orange & Rockland Utilities	12.74
Arizona Public Service	12.61
Public Service Electric & Gas	12.60
General Public Utilities	12.43
Rochester Gas & Electric	12.42
Dayton Power & Light	12.37
Interstate Power	12.33
Minnesota Power & Light	12.29
Boston Edison	12.26
Carolina Power & Light	12.12
Missouri Public Service	12.09
Consumers Power	11.94
Iowa-Illinois Gas & Electric	11.90
Detroit Edison	11.84
Central Telephone & Utilities	11.78
Consolidated Edison	11.38
Wisconsin Electric Power	11.23
Wisconsin Public Service	11.09
Iowa Public Service	11.03
Central Vermont Public Service	10.55
Niagara Mohawk Power	9.84
Central Hudson Gas & Electric	9.79
Iowa Power & Light	9.22
New England Electric System	8.98
Iowa Electric Light & Power	8.90
Madison Gas & Electric	8.71
Eastern Utilities Associates	7.42
New England Gas & Electric	7.38
Arkansas-Missouri Power	5.59

SPEECH BY GLOBE EDITOR THOMAS WINSHIP

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. HARRINGTON. Mr. Speaker, Thomas Winship, managing editor of the Boston Globe, delivered a speech recently before the American Society of Newspaper Editors on objectivity. After reading Mr. Winship's speech, I can only say that it is the most realistic approach to a very elusive quality. As editor of the Boston Globe, Mr. Winship's guidance emanates throughout the building on Morrissey Boulevard making the Globe one of the best newspapers in the country.

Objectivity, as Mr. Winship points out, is too often a euphemism for not taking a stand.

Mr. Winship said in his speech:

Attracting really bright young people to the business is the most compelling reason why I am so fed up with all this objectivity double talk, for objectivity is the code word that connotes playing it safe, covering up, and superficiality.

Fairness and professionalism should be the guiding hand in the editorial rooms in these times, Mr. Winship says later, because newspapers will find it difficult to stay afloat otherwise.

I find this new trend refreshing. The best newspapers are, and always have been, the ones which have stirred debate. The press best serves when it provokes discussion. Recently, several newspapers, the Globe among them, and the Columbia Broadcasting System, took stands which won compliments as well as disfavor. It is said that you are known by the enemies you create. The newspapers and CBS made enemies last month, but they are to be congratulated for demonstrating what Mr. Winship describes as "Digging out and printing more of the truth."

At this point, I would like to place Mr. Winship's speech in the RECORD:

STATEMENT BY THOMAS WINSHIP

Now I'd like to give my definition of objectivity. Objectivity is what we gave Senator Joe McCarthy before that group of great reporters Murrey Marder, Phil Potter, Don Irwin and a couple of others took their gloves off and before Ed Murrow's famous TV show.

It is what we gave cancer producing cigarettes before the surgeon general's report.

That's our team's working definition of objectivity for this debate. We say it's spinach and to hell with it.

But relax, brother editors, nobody needs to worry about the public even now getting objective news. A recent poll shows that:

99.8% of newspapers and TV are owned by millionaires.

99.5% of millionaires think alike. Everything they believe is objective.

99.7% of newspapers think what their owners think.

99% of us in this room wouldn't be here if we didn't agree with what the owners of our paper think.

So, the American people can always be sure of objective news.

And we know that the reason this debate is on the ASNE dance card this year is that since Agnew yipped at us, many editors have been more objective than ever. (I call it a quiet backslide.)

Let's see how this objective journalism has been serving us.

It let Joe McCarthy ravage the reputations of thousands of Americans for too long without challenge.

It let the most unexplained war in history go on far too long before the challenge came.

It let industrial wastage almost clobber to death the face of America. Ralph Nader and Rachel Carson blew the whistle; not our great newspapers.

Yet, when newspapers do a superb crusading job, they win the Pulitzer prize for it. This is not objective journalism, yet, all the traditionalists think it's great stuff. This shows how utterly ridiculous the term "objectivity" is.

We all know the formula of the objectivity cult:

First—report what the Government official says, no matter what he says. Hell, he should know. He has all the facts, hasn't he?

Second—Give "both sides", even though most stories today are so complicated they can't be reduced to just two sides.

Third—Don't explain too much. That's "advocate" stuff.

Fourth—Quote only official sources. No one ever got in trouble that way.

Fifth—Beware of what the reporter thinks. He might lay open to public question the official line.

Objectivity is such a nice trip for an editor. Every morning he swallows his little objectivity pill. It turns him off from that paranoia over those long-haired kids out in his city room . . . those kids who whisper dirty talk over the water cooler—like "Nader", "Hanoi", "Panther".

I say these brainy kids in our city room are the best thing that ever happened to the newspaper business. They are our salvation. Attracting really bright young people to the business is the most compelling reason why I am so fed up with all this objectivity double talk. For objectivity in today's climate is a code word that connotes playing it safe, covering up and superficiality.

If you gents buy the line of our honorable scaredy cats, you kiss goodbye to the best new recruits to our muscle-bound trade.

The kids send such a strong waft of fresh air through our newsrooms.

They write better than we do.

They know more than we do.

They are more honest than we are.

They want to give the system a good, college try.

They think the newspaper is still one of the most effective instruments for social change. They are not in the business to becomes stenographers. And shouldn't be.

Certainly activist reporters are hard to handle. But what counts in the credibility issue is what gets in the paper. That's what we pay editors for. And, by God, these socially-concerned young men and women are susceptible to good editing. They can be taught to be responsible and fair, if only editors will stay out of the executive dining room and the country club long enough to teach them and keep them interested.

Dump the silly code words—objectivity and advocate journalism. Worry instead about fairness, credibility and professionalism. Worry about digging out and printing more of the truth.

TV and radio have all but liberated newspapers to concentrate upon improving society.

Editors and publishers who dare grab this new mantle will stay in business, increase profits, and best of all, lure to their newspapers the most effective young people of this and future generations.

Editors and publishers who continue to preoccupy themselves with this objectivity jazz and the other code words will have as much luck keeping the establishment press afloat as they will selling Nixon as a folk hero to anyone under 35.

Thank you.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

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

H. RES. 319

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

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

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

"—the question of releasing captured military men."

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

TOM TOUCHES THE MOON

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. CASEY of Texas. Mr. Speaker, one of the most heartbreaking tragedies of life is a crippling disability brought on through illness or accident, which strikes so many of our people.

This is an area of great concern to me, and it is gratifying that so many people have dedicated their lives to working in the vital field of rehabilitation to help the disabled overcome their handicaps.

To me, it is always heartwarming to learn of an individual who has fought and won against the heavy odds that faced him, and who has become a valuable and productive member of our community.

Because I think my colleagues and the American people will appreciate the inspiring story of one of my young constituents, Thomas Garrison, I am pleased to place in the RECORD at this point an article from "Performance," a publication of the President's Committee on Employment of the Handicapped:

TOM TOUCHES THE MOON

A summer job at the National Aeronautics and Space Administration Manned Spacecraft Center in Texas turned into a challenge which shaped a brave young man's aspirations for the future and helped to uncover some hitherto unknown scientific information involving the effects of lunar dust particles on growing plants.

At age 14, Thomas Garrison was accidentally shot in the back while duck hunting early on a foggy, Texas morning. The spine-shattering bullet resulted in several critical, but finally successful, operations. The residual toll was a heavy burden—paralysis from the chest down.

After many months of therapy and training, Tom's determination and the support of his loving family made a new life possible. He became a familiar and popular figure at Clear Creek High School in League City, Texas. Studying diligently, he graduated with high honors.

With a hand-controlled car for transportation, Tom had mobility and independence—he was able to attend the University of Houston and accept the job at NASA's Manned Spacecraft Center.

And what a job! Both Tom and the Center benefited from the experience. A biology student, Tom was assigned to the Lunar Receiving Laboratory, where men and moon materials are impounded after each manned lunar mission.

All kinds of tests and examinations are made on the "moon rocks," or lunar materials retrieved by U.S. Astronauts. While some tests are made to determine the age and makeup of moon formations, others tell whether lunar material might be harmful on earth.

In one experiment, a control group of liverwort plants is grown normally. Another group is sprinkled with "moon dust." Amazingly, plants treated with the lunar material grow faster and fuller than those in the control group.

This experiment is just the beginning of detailed and fascinating research made by NASA scientists. Tom and Dr. Walkinshaw studied the treated plants further. In the lab, Tom learned to dehydrate them, encase them in paraffin or plastic, slice them into minute

thicknesses, and photograph them. He spent many hours examining the sections under a microscope to determine whether the lunar material was harmful to the plants.

He also received intensive training in use of the electron microscope and other laboratory equipment. In addition, Tom assumed full responsibility for maintenance of the photograph bank and associated data. Thousands of photographs are taken each year to document research findings upon which to base future decisions about lunar materials.

The botanical program, a joint effort of NASA and the U.S. Department of Agriculture, has been set up to cooperate with the Nation's scientists. Supervision of Tom's technical work was required, but he got much satisfaction from learning specialized histological and pathological laboratory procedures.

He has learned them well, too. Without any compromise to his handicap. Tom now has first-hand experience preparing him for an exciting scientific career.

RESOLUTION OF KENSINGTON, N.Y.

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. WOLFF. Mr. Speaker, as the weeks pass, and we find ourselves no closer to an end to the fighting in Vietnam, the concern and frustration of the American people increases at an alarming rate. Here in the Congress, I, and many of my colleagues, have worked hard to convince President Nixon that his policies of "Vietnamization" and gradual withdrawal will not suffice if we are to truly bring this tragic war to an end.

We have yet to secure the release of our prisoners of war, and the names of those being held missing in action.

Despite these glaring failures, President Nixon continues to assure the American public that a continued American presence in South Vietnam is vital to the interests of the United States at this time.

More and more, however, the public has chosen to ignore the administration's platitudes and is demanding an end to American involvement. Such an announcement was recently made by my hometown, the Incorporated Village of Kensington, N.Y., in the form of a resolution passed by the Village Board. The Hon. Marvin Florman, mayor of Kensington, writes that—

The Resolution expresses the feeling not only of the members of the Board, but of a substantial number of the residents of our Village, that the withdrawal of military forces from Southeast Asia is a matter of immediate urgency.

Mr. Speaker, I could not agree more, and I therefore submit for inclusion at this point in the RECORD the Village of Kensington resolution:

RESOLUTION

Whereas the Board of Trustees of the Village of Kensington has been presented with a Petition, signed by a number of the Village residents requesting this Board to pass a Resolution urging the President of the United States and the Congress to withdraw United States military forces from Southeast Asia by the end of 1971, and

Whereas it is a matter of public record that military spending represents a substantial portion of the federal budget, and diverts public funds from more urgent needs of this nation including purposes which could benefit municipalities, both large and small, and their residents, and

Whereas recent disclosures in the public press tend to create doubt as to the propriety, morality and legality of United States involvement in Viet Nam, and

Whereas this Board recognizes the right of its residents to petition its governing officers as a form of public expression of grievances,

Now, therefore, at a regular Trustees meeting held at the Village Hall, July 21, 1971, the Board of Trustees has unanimously passed the following Resolution:

Be it resolved that the Board of Trustees of the Village of Kensington, County of Nassau, State of New York, on behalf of its residents, hereby urges President Richard M. Nixon and the Congress of the United States to do all in their power to withdraw United States military forces from Southeast Asia, as soon as possible, and not later than December 31, 1971.

TERRY J. MARTELL

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, 1st Lt. Terry J. Martell, of Clairton, Pa., who was killed in Vietnam on July 3, 1971.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Lieutenant Martell for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

CLAIRTON FLIER KILLED IN VIETNAM

A Clairton serviceman has been killed in an aerial mishap while stationed in Vietnam.

First Lt. Terry J. Martell, 23, an aircraft commander assigned to the 101st Airborne Division based near Hue was killed when the helicopter which he was flying collided in mid-air with another U.S. helicopter. The crews of both aircraft perished in the crash, it was reported.

Lt. Martell was the son of Mr. and Mrs. James E. Martell, of 433 N. Fifth St. Mr. Martell is the principal of the Fifth St. Elementary School in Clairton.

The 1966 graduate of Clairton High School is survived by his wife, Janet, and an eight-month-old son, Russell, who he saw only once. Mrs. Martell is living with her parents at 1943 Dearborn Drive, White Oak.

According to information supplied to Mrs. Martell by the Army, Lt. Martell was killed while flying a night mission July 3. Details as to what caused the two helicopter gunships to collide are not known.

Lt. Martell had been in Vietnam for nine months and his wife said he was "planning to make the service his career."

The young pilot had just been awarded the Distinguished Flying Cross for heroism while participating in aerial combat over Laos.

IRVING BRANT ON THE STATE OF AMERICAN CIVIL LIBERTIES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. EDWARDS of California. Mr. Speaker, on the anniversary of America's day of independence, Mr. Irving Brant, in an interview with Dan Sellard, commented on the state of American civil liberties. Mr. Brant, a leading constitutional expert and author, feels that civil rights and liberties have eroded in this country. He says that as Americans, we must value our basic freedoms or else we stand the chance of losing them altogether. Says Mr. Brant:

There can be no freedom from fear where there is a fear of freedom.

I share Mr. Brant's grave concern over the state of our civil liberties, and I would like to share with you his wise and rational words:

AND WHAT OF THOSE HARD-WON FREEDOMS NOW?

(By Dan Sellard)

This Nation, 195 years after its Declaration of Independence and 183 years after the acceptance of its cherished Constitution, is in danger of losing many of its most-valued freedoms.

That is the thoughtful, worried conviction of Irving Brant, an eminent constitutional scholar and author who lives in Eugene. Asked the question, "Where are we on this Fourth of July, 1971?" Brant's answer is forthright. "We're in real trouble," he says.

Not since 1860, the eve of the Civil War, has America been so "polarized, so disturbed, so sick," he asserts.

Brant, 86, is the celebrated author of "Storm Over the Constitution," the six-volume "Life of James Madison," "Road to Peace and Freedom," "The Bill of Rights, Its Origin and Meaning," "The Fourth President," "Friendly Cove," and "Dollars and Sense." He has recently completed another book for his publisher, the Bobbs-Merrill Co., Inc., that he will not comment on.

Brant does not predict an all-out revolution, as some do, but he fears that the Constitution and the Bill of Rights, as well as many of the precepts of the Declaration of Independence, could be destroyed if Americans allow their individual selfishness and materialism to outweigh their concern for freedoms and if the right-wing political forces use repression to beat down the "left wing radicals."

The whole institution of justice, an institution that has always set America apart and above the rest of the world, is mixed up today, Brant says. "Courts are being abused and manipulated, and judges are themselves often a party to the general disarray of justice."

When a judge recently dismissed Bobby Seale from a charge of murder by declaring it would be impossible to seat a fair and impartial jury, "the judge was really saying he was just sick and tired of the whole thing," Brant says. "Are we to say that in this entire community, we cannot gather a fair and impartial jury for a common murder case? Fiddlesticks!"

The same type of judicial reasoning, he continues, accounts for the several judges who disqualified themselves from presiding over the trial of Angela Davis. "They just

didn't want to get involved, so they abdicated their responsibilities."

None of the judges, he says, wants to preside at a trial that repeats the sheniagans of both the lawyers and the judge in the trial of the Chicago Seven. "In Chicago, Judge Hoffman was as much at fault as the attorneys," he says. "And so America was treated to a farce that set up justice as something to laugh at or squirm about."

Much of the blame for the state of justice in America can be laid at the feet of President Nixon and John Mitchell, his attorney general, Brant says. "Nixon's endeavor to remake the Supreme Court into a creature of his own thinking is a dangerous thing," he declares.

The quality of the President's judgment regarding appointees to the federal judiciary should not be judged merely by his appointments of Warren Burger and Harry Blackmun (who were confirmed by the Senate) but also by his appointment (not confirmed) of G. Harrold Carswell and Clement Haynsworth, says Brant.

Not only are these appointments of ultraconservative justices contrary to the American tradition of justice, Brant says, "but they also represent Nixon's motivation—the same motivation that made him a zealot in Congress, the same motivation that caused him to mount campaigns of vicious slander against Jerry Voorhis, whom he defeated for Congress, and against Helen Gahagan Douglas, the congresswoman he defeated for the Senate."

Nixon, he continues, "has perverted his Quakerism into a political platform."

If the nation's judicial system is as bad off as Brant says it is, where do we go from here?

"I don't know," Brant says, "for it depends on whether the President is re-elected, and he may well be. The trouble is, his thinking so nearly represents that of Middle America, it would probably be damaging to the cause of justice to make an issue of it in a campaign."

So it really is Middle America that worries the scholar? "Oh, you bet," he says. "We have become so fat, so soft and so sick in the head that we turn our backs on what the courts and Congress are doing to our rights.

"We now have a no-knock law that violates the Fourth Amendment; we have seen assemblies such as the Mayday demonstration in Washington put down by police action that violates the First Amendment—and don't kid yourself that Richard Nixon and John Mitchell weren't calling the shots on that one—and we hardly can pick up a newspaper without seeing at least one of the first 10 amendments being tromped on."

When the moderates among the citizens keep quiet about the extremes of the right and left, then freedoms can be lost by simple default, Brant says. "What we have in our charter papers was won by hard work, dedication, worry and wisdom on the part of activists who not only wanted to get away from dominance by a foreign power but who wanted to forge a nation in which all power came from the people," he says.

But that spirit is lacking on this Fourth of July, he says. "We are betraying our inheritance."

In his book "The Bill of Rights," Brant says that Americans fear the very freedom that their forefathers gave them: "Blessed with a form of government that requires universal liberty of thought and expression, blessed with a social and economic system built on that same foundation, the American people have created the danger they fear by denying to themselves the liberties they cherish."

Today, he says, the Bill of Rights is the victim of "prejudice and passion among an active minority, abetted by ignorance and passivity among the majority."

The situation is further exacerbated by the Vietnam war. "The war, essentially, accounts for the unrest among the young," Brant says. "If military conscription had been limited to men over 30, there would have been no such war. Unless the blood drips on your hands you don't care as much."

The feeling of futility (about the Vietnam war) is now extending to older people, Brant says. "And this is resulting in the winding down of the thing. The young have gotten their message through to the old."

But he admits to being a bit puzzled about what else the young want.

"There isn't enough dialogue, except the throwing of rocks and bottles. When I see a parade down 11th Avenue, I try to understand what it is the leaders want. But I just can't hear them. I believe most of it is the anger, the feeling of frustration, the young have about the war and the inability to talk with the government."

It's better, though, that the young voice their dissent than that they sit back and do nothing, he believes. "The people who sit back and make rude remarks are those who allow the government to take a course of repression that eventually will still all voices raised against it."

Most Americans today are very ignorant about their government, their rights and freedoms, Brant says.

"When someone says the government ought to throw all the longhairs in jail, he doesn't know the meaning of what he's saying. He's just sounding off with a mouthful of dangerous words. The man who says something like that has no sense of history, no feeling for justice."

It would be good for the country, says Brant, if "everyone would just sit down and read the Constitution and the first 10 amendments.

"Don't feel bad if you've never read the Constitution—I wrote about it for nearly 20 years before I really read it. That's terrible, isn't it?"

Then, when you've read the Constitution, he suggests you "sit down and think about it . . . you can equate today's disorder and repression with what our founding fathers wanted and wrote. And take a close look at the current New York Times case."

If the government had succeeded in suppressing the printing of the Pentagon study about the evolution of the Vietnam war, freedom of the press would have been set back hundreds of years, he says.

(The Times, in mid-June, started to publish a series of stories written from a secret Pentagon study. The Justice Department immediately obtained a temporary injunction to halt the newspaper's series and a federal appeals court upheld the injunction. The Washington Post and other papers started their own stories on the Pentagon papers and additional court actions followed. This past Wednesday, the Supreme Court of the United States, acting with extraordinary speed, upheld the right of the newspapers to publish the stories. With Chief Justice Burger and Justices Blackmun and Harlan dissenting, the court said the government had not met the burden of showing justification for restraining the newspapers, and the papers therefore could proceed with their reporting.)

To Brant the question was whether the Nixon administration would be allowed to interpret the First Amendment (freedom of speech, press, assembly and religion) according to old English law, which decreed the death penalty for anyone printing a document not first approved or licensed by the government, or whether the U.S. Constitution's protection of the press against the government is to be the national policy.

He explains that until the late 1600s, English publishers were brought to court and accused of "constructive treason." Constructive treason is an act the defendant believes to be in the best interest of his country but which his government defines as treasonable.

"The Justice Department, carrying out the orders of the President, is trying to stifle the press in these cases today," says Brant, "and a decision for the government would have meant a backward jump of 400 years.

"If the injunction had been upheld, the U.S. would have been plunged back into the 16th century when the restrictions on printing reflected the apprehension of ruling powers over the political consequences of Gutenberg's discovery of the art of movable type."

Perhaps the person who disseminated the papers with their top secret label should be prosecuted, says Brant, but the newspapers are only "doing their duty" in printing them.

"The mere statement by the government that the disclosure of the information in the papers poses a threat to national security is in itself a threat to national security, because it is verification of the the truth of everything that is charged against it," he says.

It is absurd for the government to build the disclosure into a "threat against national security," says Brant. "It's also a colossal political blunder. Nixon and Mitchell should have had sense enough to leave the thing alone rather than magnifying its importance."

There is considerable paranoia in the federal government today, Brant says. "Look, our government is more fearful of Communism than Italy is, and about 40 percent of the Italian population is Communist. We're much too jumpy."

All this has resulted in a "resurrection of the days of Joe McCarthy," he says, "only now it's worse, because the executive department is pushing the repression."

The old scholar, with his mane of white hair and his firm voice, is at times discouraged, other times resigned. As he thinks through what he wants to say, his wisdom battles with his emotions. It's obvious that he's genuinely concerned about the future of America.

In his book on the Bill of Rights, he wrote:

"There can be no freedom of thought without freedom of fear; no freedom from fear when there is fear of freedom.

"The form of government so cherished by the American people would not be worth preserving if it could be blown over by the spoken or written words of any political minority. Still less would it be worth saving if nothing but forcible repression could maintain it. Time and again in history, proof has been given of American strength and stability founded on freedom and democracy. But again and again, irrational fears have swept the people and the government into destructive assaults on the very liberties to which we pin our existence as a self-governing republic and our happiness and dignity as individuals.

"To be worthy of the American heritage, the people must live up to it; create a climate in which no political storm can become an irresistible whirlwind.

"Then government and people will be one, in a nation free of fear and dedicated to freedom."

But Irving Brant, on this Independence Day thinks that the age of freedom may be a long time coming.